

AUSTRALIAN LABOR PARTY  
VICTORIAN BRANCH

# RULES

Authorised version incorporating amendments as at 2 August 2025

Victorian  
**Labor**

# ALP VICTORIAN BRANCH RULES

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## **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, including a living wage; 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, including a living wage, 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 and the conduct of an ethical workplace. Where eligible, I will actively participate in my relevant trade union and will seek to uphold the values of trade unionism in my workplace.

## 2.6. Values Statement

The Values Statement of the Party is stated hereunder:

Victorian Labor values achieving social justice, fairness, inclusion and equality. We value honesty and integrity, and seek to ensure that the Party is a safe, inclusive and respectful environment.

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, fairness and equity.

Our members, volunteers and supporters are our greatest assets.

Prejudice and discrimination - including sexism, racism, ableism, homophobia and transphobia- 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 Constitution:

### 3.2. Definitions

- 3.2.1.** In this rule:

- 3.2.1.1.** “**minimum percentage**” means 50% of positions. 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.
- 3.3.4. Complying with Rules 3.3.1 and 3.3.2 will not contravene the Code and/or Associated Policies.

### 3.4. Union Delegations

- 3.4.1. 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.
- 3.4.2. Complying with Rules 3.4.1 will not contravene the Code and/or Associated Policies.

### 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. Interaction with the Code and Associated Policies**

- 3.8.1.** Compliance with this Rule 3 does not breach the Code or the Associated Policies.

## **4. DEFINITIONS**

- 4.1.** “**Associated Policies**” means following policies of the Party which are incorporated into these Rules:
- 4.1.1.** The Policy on Sexual Harassment Prevention and Response (Schedule J);
- 4.1.2.** The Policy on Harassment and Bullying Prevention and Response (Schedule K); and
- 4.1.3.** The Victorian Labor Complaints Handling Policy (Schedule L).
- 4.2.** “**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, Young Labor Conference, each Committee of State Conference and the State Parliamentary Labor Party.
- 4.3.** “**Code**” means the Victorian General Labor Code of Conduct contained at Schedule I.
- 4.4.** “**Code and Associated Policies**” means the Code and/or each of the Associated Policies, together and separately.
- 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;
- 4.8.1.** a trade union or other organisation of employees solely constituted within the State of

Victoria and registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) or any successor legislation; or

- 4.8.2.** a Victorian Branch or Division of a Federal trade union or other organisation of employees registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) or any successor legislation; or
- 4.8.3.** a Federal trade union or other organisation of employees that:
- 4.8.3.1.** has no Victorian Branch or Division; and
  - 4.8.3.2.** has at least one member residing within the State of Victoria; and
  - 4.8.3.3.** is registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) or any successor legislation.
- 4.9.** “**Victorian Labor General Code of Conduct and Associated Policies**” means the Code and Associated Policies referred to at Rule 6.1 and contained in Schedules I, J, K and L.
- 4.10.** Except in those Rules regarding Affirmative Action, words importing a gender include every other gender.
- 4.11.** “**Complaints Handling Policy**” means the Victorian Labor Complaints Handling Policy.
- 4.12.** Time standards
- 4.12.1.** 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.
  - 4.12.2.** 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.
  - 4.12.3.** 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.
  - 4.12.4.** A reference to “month” or “months” in these rules means a calendar month or months.
- 4.13.** “**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.
- 4.14.** “**Leader**” means the Leader of the State Parliamentary Labor Party, elected in accordance with Rule 25.3 and Schedule G.
- 4.15.** “**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.
- 4.16.** “**Aboriginal or Torres Strait Islander**” means, a member who:
- 4.16.1.** is a person of Aboriginal and/or Torres Strait Islander descent;
  - 4.16.2.** identifies as being of Aboriginal and/or Torres Strait islander descent; and
  - 4.16.3.** is accepted as such as by the community with which the person associates; and

- 4.16.4. has indicated to State Office that they identify as an Aboriginal or Torres Strait Islander.
- 4.17. **“Indicated to State Office that they identify as an Aboriginal or Torres Strait Islander”** means, the member has:
- 4.17.1. indicated on their most recent membership application form or membership renewal that they identify as an Aboriginal and/or Torres Strait Islander; or
- 4.17.2. indicated in writing to State Office that they identify as an Aboriginal and/or Torres Strait islander.
- 4.18. **“Non Aboriginal or Torres Strait Islander”** means a member who does not fall within the definition of “Aboriginal or Torres Strait Islander” in Rule 4.16.
- 4.19. **“Serious criminal offence”** means an indictable offence that is punishable by imprisonment for 5 years or more.
- 4.20. If a weekend starts in one calendar month and ends in a different calendar month, the weekend shall be the last weekend of the calendar month in which it starts and not the first weekend of the calendar month in which it ends.

## 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 7.3.4, 7.3.5 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 they will actively encourage union membership.
- 5.3.5.** Any person who is not a member of any union at the time of their application who is eligible to belong to a Union which is affiliated with the Party must belong to such a Union before they can be admitted to membership of the Party.
- 5.3.6.** If a member is charged with an offence under Rule 21.5.1 but ceases to be a member before the Disputes Tribunal has decided on the charge, the member shall forfeit the right to rejoin the Party for five years after they cease to be a member. This forfeiture can only be reversed by a resolution passed by no less than 14 members of the Administrative Committee.
- 5.3.7.** A member who is charged with an offence under Rule 21.5.1 and seeks to resign from the Party must be notified by State Office of the effect of Rule 5.3.6 and given two weeks from the date the notice was sent to rescind their resignation before their resignation can be accepted.

### **5.4. Membership Protocols and fees**

- 5.4.1.** The Administrative Committee shall establish Membership Protocols which are not inconsistent with these Rules. The Protocols shall include:
  - 5.4.1.1.** The requirement that prospective members and members provide their residential address, including their email address and phone number, keep their address details updated and provide evidence that the prospective member or member resides at that address.
  - 5.4.1.2.** The making of applications online;
  - 5.4.1.3.** The making of applications by telephone;
  - 5.4.1.4.** The making of applications in hardcopy form;
  - 5.4.1.5.** The prescription of application forms;
  - 5.4.1.6.** The making of applications for interstate or international membership;
  - 5.4.1.7.** The provision of photo identification for membership applications;
  - 5.4.1.8.** The provision of photo identification for internal ballots;



- 5.4.11.** A member can change the schedule of their membership payment by contacting State Office or by using the system provided for by State Office. The schedule of their membership payment will be changed at the end of that current membership payment period. If a member changes from paying on a quarterly or monthly basis to paying on an annual basis, the first annual payment will be due at the end of the most recent membership payment period. Each subsequent annual payment will be due every 12 months on the day of the month that corresponds with their join date. If in the month where a payment is due there is no date that corresponds with the join date, the payment will be due on the last day of that month.
- 5.4.12.** For the purposes of this Rule, “join date” will mean the date a person most recently applied for membership of the Party under Rule 5.5
- 5.4.13.** 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 14 members of the Administrative Committee).
- 5.4.14.** ALP Members of Parliament and full time Officials shall pay a membership fee of 5% of their fortnightly income and shall be payable in advance by annual, quarterly or monthly instalments.
- 5.4.15.** Any Party Member who holds the office of Councillor in a municipality, and received access to Party resources under Rule 13.9, shall pay a membership fee of 5% of the fortnightly income they receive as a Councillor and shall make that payment in advance by annual, quarterly or monthly instalments.
- 5.4.16.** 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.

## **5.5. Applications for membership**

- 5.5.1.** A prospective member may apply for membership of the Party by:
  - 5.5.1.1.** making an online application either via completing the application process on the Party website or by emailing a completed scanned hard copy application to State Office; or
  - 5.5.1.2.** making a telephone application; or
  - 5.5.1.3.** completing a hardcopy membership application form.
- 5.5.2.** A prospective member, on applying for membership, must provide an authority to debit their personal bank account or their credit card for the prescribed membership fee if they choose to pay their membership fees by direct debit payments.
- 5.5.3.** Should a person apply for membership via Rule 5.5.1.2 or 5.5.1.3, the State Office staff member shall write, date and sign their name on the hardcopy application form and provide the completed form to the Operations Manager.
- 5.5.4.** The Operations Manager, or nominee, will on receipt, time and date stamp the form, and provide the form to the membership staff to await the arrival of a copy of the applicant’s photographic identification, before processing in the normal manner.

- 5.5.5.** An applicant who pays a concessional membership fee must also:
- 5.5.5.1.** complete the declaration on the application form stating that they are entitled to the concessional rate; and
  - 5.5.5.2.** indicate the basis on which the entitlement is claimed; and
  - 5.5.5.3.** provide proof of eligibility for the entitlement.
- 5.5.6.** For each membership application that is received, the State Secretary must open a permanent membership record for the new member.

**5.6. Steps to be taken by State office**

- 5.6.1.** On receipt of an application, the State Secretary shall, in the order of receipt of that application, cause the application to be checked to ensure that the application complies with the Rules and membership protocols, ensure that the application has been accompanied by direct debit authorisation or, where a prospective member is unable to make a direct debit payment, a cheque that can be identified as being drawn on the prospective member's own personal bank account for the membership fee and that photographic identification has been provided.
- 5.6.2.** In the event that an application does not meet the requirements of the Rules or the membership protocols or is not accompanied by a direct debit authorisation or a cheque that can be identified as being drawn on the prospective member's own personal bank account or photographic identification, the prospective member must be contacted in writing and afforded an opportunity to remedy any such defect
- 5.6.3.** The State Secretary shall, in respect of all applications, including applications which are defective, cause a membership application report to be prepared for the Membership Sub-Committee as soon as possible after the application has been received or, if the prospective member has been given an opportunity to remedy a defect, as soon as possible after the prospective has remedied the defect or, if the prospective member has not remedied the defect. If the prospective member has not remedied the defect within 3 months of being sent written notification the application will lapse and membership application report to this effect will be provided to the Membership Sub-Committee.

**5.7. Role of Membership Sub-Committee**

- 5.7.1.** The Membership Sub-Committee will, in the order that applications have been received, examine each application and the membership application report and, by consensus, make a recommendation to the Administrative Committee to accept or reject the application or propose that the application be deferred pending the provision of further information from the applicant. The Membership Sub-Committee will only consider membership applications and membership reports if they have been provided to members 7 days before the scheduled meeting.

**5.8. Consideration by Administrative Committee**

- 5.8.1.** The Administrative Committee, on receipt of a recommendation from the Membership Sub-Committee, shall, in its absolute discretion, decide whether to accept or reject each application. The Administrative Committee must make a decision to accept or reject an application for membership within three months of receiving a recommendation from the Membership Sub-Committee.
- 5.8.2.** The State Secretary shall, within 4 weeks of the Administrative Committee accepting a

membership application, cause the following to occur:

- 5.8.2.1.** the member to be allocated to the local branch in the state electorate in which they reside or, if there is more than one branch, to the closest branch having regard to the member's place of residence;
  - 5.8.2.2.** the creation of a membership record for the member;
  - 5.8.2.3.** a letter to be sent to the member welcoming them to the Party, notifying them of the branch they have been allocated to and providing the member with access to a copy of the Rules, Code and Associated Policies, the Values Statement and relevant information in relation to the branch; and
  - 5.8.2.4.** the relevant branch secretary to be notified of the member's membership.
- 5.8.3.** Once the Administrative Committee has accepted a membership application, that member's membership of the Party and the local branch they are allocated under Rule 5.8.2.1 shall take effect retrospectively from the date they applied for membership of the Party under Rule 5.5
- 5.8.4.** If the Administrative Committee rejects an application for membership, the State Secretary shall write to the prospective member advising them of the reasons for the decision to reject their application and shall, on receiving a request from the prospective member, refund any fees received from that prospective member.
- 5.8.5.** The membership record for each member will record the date the member applied for membership and that date will be deemed to be the date when the member's membership commenced.
- 5.8.6.** Members may obtain a copy of these Rules, the Code, the Associated Policies, the Membership Protocols and the Values Statement from the Party website, or on request from State Office.
- 5.8.7.** 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.

## **5.9. Accrual of voting rights**

- 5.9.1.** A member or an applicant for Party membership who has lodged their application in compliance with Rule 5.5.1.1 shall obtain voting rights 24 months from the date they attended a meeting of a Local Branch of which they are, or are eligible to be, a member and had their attendance photo identification verified in accordance with Rule 5.9.6, except as provided in Rule 5.9.4. Once they have commenced their voting eligibility qualifying period, the member must maintain continuity of membership during the period of 24 months to obtain voting rights. The member will obtain voting rights after the period of 24 months even if they transfer to a different Local Branch during this period. Attendance at a sub branch meeting will not satisfy this requirement.
- 5.9.2.** To maintain voting rights, a member must maintain continuity of membership. If a member fails to maintain continuity of membership, they will lose their voting rights. To reobtain voting rights, they will have to re-join the party and attend another meeting of a Local Branch of which they are a member and wait another period of 24 months.
- 5.9.3.** In a single calendar month, no more than 10 members without voting rights from the same State Electorate can begin their period of 24 months towards obtaining voting rights.

- 5.9.4.** If more than 10 members and/or applicants who have not begun their period of 24 months attend a Local Branch meeting, only the first 10 of those members or applicants to sign the attendance book may begin their period of 24 months from the date of that meeting. The next 10 members to sign may begin their period of 24 months from the date of the next Branch meeting without having to attend the next Branch meeting. The remaining members and/or applicants to sign (if any) will not be able to begin their period of 24 months and will have to attend another Branch meeting in the future to begin their period of 24 months.
- 5.9.5.** Where there is more than one Local Branch in a State Electorate, the number of members and/or applicants who can begin their period of 24 months will be split evenly across the branches, such that no more than 10 can begin this process in any State Electorate in any month. This rule will also apply to those to those seeking to begin their period of 24 months in the subsequent month pursuant to Rule 5.9.4.
- 5.9.6.** A member or applicant must sign the attendance book at any Local Branch meeting they attend. A member or applicant wishing to obtain voting rights must also provide photo identification to the Branch Secretary and Branch Executive members upon signing. The Branch Secretary and at least one other Branch Executive member must mark on the attendance book the type of photo identification that the member or applicant provided and their initials to confirm that they have sighted the photo identification. All other members of the Local Branch Executive present at the meeting must be provided the opportunity to inspect the member's or applicant's photo identification, and they may mark their initials on the attendance book to confirm that they have also sighted the photo identification. The photo identification must conform with the form of photographic identification specified in the Membership Protocols. Failure by the Branch Secretary to comply with this Rule will not prevent the obtaining of voting rights by attendees.
- 5.9.7.** Within two hours of the close of a Local Branch meeting in which an attendee is wishing to obtain voting rights, the Branch Secretary must notify the State Secretary and all other members of the Branch Executive of the name of the member attending, the date of the meeting and provide a copy of the attendance book pages confirming that the member or applicant attended the meeting and presented photo identification. Failure by the Branch Secretary to comply with this Rule will not prevent the obtaining of voting rights by attendees.
- 5.9.8.** The State Secretary shall cause the member's membership record to be amended to include the date on which the member started to accrue time for the purposes of gaining voting rights (if they are eligible to start accruing time for gaining voting rights under this Rule) and cause the member to be informed of the date on which they will gain their voting rights within four weeks of the branch meeting they attended.
- 5.9.9.** If a Branch Secretary fails to comply with Rules 5.9.6 and/or 5.9.7 on more than two occasions in a calendar year, they will forfeit their position as Branch Secretary and be precluded from running for the Branch Executive in the subsequent year. Failure by the Branch Secretary to meet the two-hour deadline in Rule 5.9.7 will not prevent the obtaining of voting rights by the attendees.
- 5.9.10.** Notwithstanding Rule 5.9.1, any member who was a member of a Local Branch on 31 January 2021 will have obtained voting rights on 31 January 2021 and will maintain voting rights so long as they maintain continuity of membership.
- 5.9.11.** The State Secretary shall annually identify and write to every member, and their corresponding branch secretary, who has not begun to accrue time for the purpose of obtaining voting rights under Rule 5.9.1 and notify them of the process for obtaining voting rights under Rule 5.9.

- 5.9.12.** When a new member application is received through the website, notification of a new member application must be sent to the local branch to inform the branch executive that a new member has been registered so that the local branch can get in touch and invite the new member to attend the next meeting.

**5.10. Continuity of membership**

- 5.10.1.** Members will retain continuity of membership unless they:

**5.10.1.1.** resign their membership;

**5.10.1.2.** forfeit their membership under these Rules or are expelled; or

**5.10.1.3.** fail to personally rectify a default on a membership fee payment by 12 noon on the date six months after the date the payment was due.

- 5.10.2.** The Administrative Committee may grant membership continuity, but not voting rights, to a member who has failed to rectify a default on a membership payment within six months upon receipt of a personally written application of that member detailing the reasons for the default.

- 5.10.3.** The State Secretary shall, on each anniversary of a member becoming a member, cause a notice to be sent to that member setting out the details contained in the member's membership record with a request that the member notify the State office of any changes in those details.

- 5.10.4.** A member receiving a notice in accordance with the previous sub-rule must notify the State Office within 15 days of any changes to their details by:

**5.10.4.1.** making an online notification; or

**5.10.4.2.** providing the changes in writing to the State Office.

- 5.10.5.** On receipt of a notification of changes to a member's details, the State Secretary shall cause those changes to be recorded in the member's membership record.

- 5.10.6.** Notwithstanding the requirements of Rule 5.10.4 a member must ensure that the State Office is notified of any change in their residential address, including any change in their phone number or email address, and the date of the change within 15 days of the change taking place.

- 5.10.7.** For the purposes of these Rules, a change in address does not take effect until one month after the member has notified the State office of the change in address.

**5.11. Ceasing to be a member – resignation/a failure to pay membership subscriptions**

- 5.11.1.** A member may resign their membership by:

**5.11.1.1.** completing an online resignation; or

**5.11.1.2.** by giving a notice in writing to the State Secretary.

- 5.11.2.** In the event that a member's membership fees remain unpaid for two months, the State Secretary shall as soon as practicable cause a written notice to be sent to the member

requiring the member to pay any arrears.

- 5.11.3.** On and from 12 noon on the date a member's membership fees remain unpaid for three months, the member will be unfinancial and the member's voting rights will be suspended until they have paid any arrears, and State Office has confirmed receipt of the payment.
- 5.11.4.** In the event that a member's membership fees remain unpaid for five months, the State Secretary shall as soon as practicable cause another written notice to be sent to the member requiring the member to pay any arrears.
- 5.11.5.** At 12 noon on the date six months after the last day the member's memberships fees were due, if the member remains in default of their obligation to pay their fees, their membership will cease.

#### **5.12. Branch to Branch Transfer**

- 5.12.1.** A member may transfer to another local branch, including a local branch in the same State electorate, by making an online transfer application or submitting a hard copy transfer application form. The state office staff member shall write, date and sign their name on the hard copy transfer form and provide the completed form to the Operations Manager. The Operations Manager, or their nominee, will on receipt, time and date stamp the form, and provide the form to the membership staff to be processed.
- 5.12.2.** On receipt by the State Office of an online transfer application or hard copy application form, the State Secretary shall cause the details included in the application to be examined to determine whether the address provided corresponds with the address in the AEC electoral roll or, if that member is not on the AEC electoral roll, that address can be verified.
- 5.12.3.** On verifying that the online or hard copy transfer application correctly nominates a local branch in the state electorate in which the member resides, the State Secretary shall cause the member's membership records to be amended and advice of the transfer to be sent to the member and the branch secretaries of the member's former branch and new branch
- 5.12.4.** In the event that a transfer application is rejected, the State Secretary shall cause the member to be notified in writing of the reasons for the rejection.
- 5.12.5.** In the event that a member advises the State Office of a change of address, and that address is in a different state electorate, the State Secretary shall cause the member to be allocated to a local branch in the correct state electorate.
- 5.12.6.** Where a member has been transferred to a new local branch in accordance with the previous sub-rule, the State Secretary will cause the member, and the relevant branch secretaries to be notified of the transfer.
- 5.12.7.** In the event that the member has moved to an address in a state electorate with more than one branch, the member may nominate the branch they wish to be allocated to, or in the absence of a nomination, the member will be allocated to the local branch closest to their place of residence.
- 5.12.8.** A member who transfers to a new local branch in accordance with this Rule will not be entitled to vote in elections conducted by and from members of the new local branch for a period of six weeks commencing on the date on which the State Secretary notifies the branch secretary of the transfer.

### **5.13. Member address and Aboriginal and/or Torres Strait Islander status**

#### **5.13.1. Party Address**

- 5.13.1.1.** A member must give the address at which they live when completing a membership application form. For the purposes of these Rules, a reference to where a person lives means the principal place of residence of that person.
- 5.13.1.2.** If a member wishes mail from the Party to be sent to a post office box, the member may indicate this on the membership application, but must still give the address at which they live.

#### **5.13.2. AEC Enrolment**

- 5.13.2.1.** All members who are eligible must be enrolled to vote in Federal and State elections at the same address the member has given to the Party in 5.14.1.1. 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.
- 5.13.2.2.** Members who are not enrolled to vote must indicate why they are not eligible on their membership application form.
- 5.13.2.3.** State Office must conduct a review of the Party membership every twelve months to confirm that the Party address of each member matches their AEC address. If State Office identifies any members whose Party address does not match their AEC address, State Office must write to these members to inform them of the disparity between their two addresses. Upon the completion of this review, a report must be submitted to the Administrative Committee.

#### **5.13.3. Aboriginal and/or Torres Strait Islander**

- 5.13.3.1.** The State Secretary shall maintain a contact list of all members who have indicated to State Office 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.
- 5.13.3.2.** State Office must conduct a review of the Aboriginal and/or Torres Strait Islander contact list every twelve months to ensure that the list is accurate. State Office must write to the contact list outlining the definition of “Aboriginal or Torres Strait Islander” in Rule 4.16 and invite the membership to declare if there are any discrepancies. Upon the completion of this review, a report must be submitted to the Administrative Committee.

### **5.14. Breach of Membership Pledge**

- 5.14.1.** If a member breaches the membership pledge by nominating against an endorsed Labor candidate, their membership will be forfeited and they shall not be able to reapply for membership for a period of seven years provided that State Conference by an absolute majority of delegates entitled to attend the relevant meeting of State Conference 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, they shall forfeit the right to rejoin the Party until a date 7 years after they left the Party or 2 years after the date they so nominated whichever is the later date. State Conference by an absolute majority of delegates entitled to attend the relevant meeting of State Conference 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.** The Administrative Committee shall advise Conference when it is satisfied that an individual has met the requirements of Rule 5.15.1

**5.15.4.** State Office shall provide recognition to members of the Party with at least 20 and 30 years of uninterrupted membership.

#### **5.16. Interstate / International membership**

**5.16.1.** A person may apply to be an interstate or international member by making an application in accordance with Rule 5.5.

**5.16.2.** A member of the Party who ceases to be a resident in Victoria will automatically become an interstate or international member as the case may be.

**5.16.3.** An interstate / international member cannot vote in internal Party elections and cannot stand for elected positions.

**5.16.4.** 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.

**5.16.5.** 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.

### **6. STANDARDS AND CODE OF CONDUCT**

#### **6.1. Standards of Conduct**

**6.1.1.** The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity.

**6.1.2.** To ensure that the Party is a safe, inclusive and respectful environment, and to ensure members meet the standards expected of them, the Party has:

**6.1.2.1.** The Code, which is incorporated into these Rules through Schedule I;

- 6.1.2.2. Disciplinary offences, which are set out in Rule 21.5;
- 6.1.2.3. A Code of Membership Recruitment and Democratic Participation, which is set out at Rule 6.8
- 6.1.2.4. Standards of General Conduct, which are set out at Rule 6.9; and
- 6.1.2.5. Additional standards of conduct for Party Officials, which are set out in Rule 6.10.

## **6.2. The Code and Associated Policies**

- 6.2.1. The Code at Schedule I is to be read alongside the following Associated Policies, each of which are incorporated into these Rules:
- 6.2.2. Victorian Labor Policy for the Prevention of Sexual Harassment (Schedule J).
- 6.2.3. Victorian Labor Policy for the Prevention of Bullying and Harassment (Schedule K).
- 6.2.4. Victorian Labor Complaint Handling Policy (Schedule L).

## **6.3. Review of the Code and Associated Policies**

- 6.3.1. A review of the Code and Associated Policies should be undertaken by the Party no later than two years after formal adoption.

## **6.4. Application of the Code and Associated Policies**

- 6.4.1. Complaints under, or in relation to, the Code will be handled in accordance with the Complaints Handling Policy in Schedule L.
- 6.4.2. Breaches of the Code and Associates Policies may result in disciplinary action.
- 6.4.3. Complaints in relation to disciplinary offences will be handled in accordance with Rule 21.8 and not under the Complaints Handling Policy.
- 6.4.4. The State Secretary, the President, Respect Contact Officers and Complaints Managers have the powers and responsibilities set out in the Complaints Handling Policy.
- 6.4.5. The Code and Associated Policies are subject to, and do not detract from, Rule 24.

## **6.5. Sexual Harassment**

- 6.5.1. The ALP believes in an organisation, and a community, that is safe for everyone; and that it is imperative to take positive action to prevent sexual harassment. ALP recognises that sexual harassment is a form of gendered violence.
- 6.5.2. The ALP recognises sexual harassment can constitute serious misconduct. Further details about what conduct is considered sexual harassment and how ALP handles this are outlined in the Policy on Sexual Harassment Prevention and Response (Schedule J).

## **6.6. Bullying and Harassment**

- 6.6.1. The ALP takes a strong stance against bullying and harassment, including harassment on the ground of sex of any person by any individual covered by the Code.
- 6.6.2. The ALP recognises that bullying and harassment can constitute serious misconduct. Further details about what conduct is considered bullying and harassment and how ALP handles this are outlined in the Policy on Bullying and Harassment Prevention and Response (Schedule K).

**6.7. Procedure for complaints under the Code and Associated Policies**

- 6.7.1. The Party takes seriously complaints involving alleged breaches of the Code and Associated Policies.
- 6.7.2. Pathways to make, handle and resolve complaints, either formally or informally, are outlined in the Complaints Handling Policy at Schedule L.
- 6.7.3. Complaints under, or in relation to, the Code and Associates Policies will be handled in accordance with the Complaints Handling Policy.
- 6.7.4. In the event that a matter could constitute a disciplinary offence and a breach of the Code or an Associated Policy, it will be handled in accordance with the Complaints Handling Policy.

**6.8. Code of Conduct relating to Membership Recruitment and Democratic Participation**

**6.8.1. Branch Stacking**

- 6.8.1.1. In this Rule, “genuine member” means a member who:
  - 6.8.1.1.1. agrees by their own affirmative act to become and remain a member of the Party;
  - 6.8.1.1.2. complies with the membership pledge stated in Rule 2.5; and
  - 6.8.1.1.3. pays their own membership fee other than where the membership fee is paid by an immediate family member in accordance with Rule 5.4.4.
- 6.8.1.2. Branch stacking is conduct unacceptable to the Party. Branch stacking means any activity relating to enrolling members, renewing memberships or transferring members between branches:
  - 6.8.1.2.1. Engaged in for the predominant purpose of influencing the outcome of ballots of members within the Party; or
  - 6.8.1.2.2. 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.
- 6.8.1.3. 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:
  - 6.8.1.3.1. To pay the membership fee of a person as an inducement for that person to join the Party; or
  - 6.8.1.3.2. To pay the membership fee of a person who is unwilling to pay their own membership fee; or
  - 6.8.1.3.3. To pay the membership fees for any person unaware that membership has been taken out on their behalf; or
  - 6.8.1.3.4. 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
  - 6.8.1.3.5. To pay for another’s membership in an attempt to influence the outcome of any ballot of members within the Party; or
  - 6.8.1.3.6. 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

**6.8.1.3.7.** 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

**6.8.1.3.8.** 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

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

**6.8.2. Onus to pay own membership**

**6.8.2.1.** 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 6.8.1 shall be in breach of Rule 21.5.1.1.1.

**6.8.3. Responsibility of elected Party Officials and Office Holders**

**6.8.3.1.** 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. Any Party Official or office holder who engages in, promotes or assists in Branch stacking activities will be subject to Rule 21.6.5.5.

**6.8.4. Branch Stacking – Party Monitor Responsibilities.**

**6.8.4.1.** The Party Monitor will investigate allegations of Branch stacking activities, as described in Rules 6.8.1, 6.8.2 and 6.8.3, 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).

**6.8.4.2.** A written report of any investigation under this Rule shall be provided to the Administrative Committee.

**6.8.4.3.** Where a report provided under Rule 6.8.4.2 identifies conduct which, in the opinion of the Party Monitor, may constitute a breach of Rules 6.8.1, 6.8.2 and 6.8.3, and which is sufficient to justify charges being brought in respect of the conduct, the Party Monitor will lay charges against members alleged to be involved in such breaches under Rule 21.5.

**6.8.4.4.** The Party Monitor may also investigate branch stacking of its own volition.

**6.9. Standards of General Conduct**

**6.9.1.** Members, staff and volunteers will:

**6.9.1.1.** Cooperate with other Party members, staff and volunteers;

**6.9.1.2.** Seek to advance the interests of the Party

**6.9.2.** Members, staff and volunteers must promptly advise the State Secretary, the Party Monitor, the President, the Senior Vice President or the Junior Vice President about any matter that may bring the Party into disrepute.

**6.10. Additional Standards of Conduct for Party Officials**

**6.10.1.** 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:

**6.10.1.1.** It is the responsibility of all Party Officials to uphold the Rules of the Party; and

- 6.10.1.2. It is the responsibility of all Officials to assist all Party members in a positive manner; and
- 6.10.1.3. Party Officials are expected not to play an active role in intra Party factional activity.

## **7. STATE CONFERENCE**

### **7.1. Meetings**

- 7.1.1. 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 the second last weekend in May.

### **7.1.2. Special State Conferences**

- 7.1.2.1. 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:
  - 7.1.2.1.1. A decision of State Conference made by a simple majority of delegates present and voting; or
  - 7.1.2.1.2. A decision of the Administrative Committee made by the affirmative vote of 11 members of that Committee; or
  - 7.1.2.1.3. A petition signed by twenty per cent of the delegates entitled to attend State Conference; or
  - 7.1.2.1.4. A petition signed by an absolute majority of the members of the State Parliamentary Labor Party.
- 7.1.3. A decision to convene or any petition requiring the convening of a Special State Conference shall state the business to be transacted thereat.
- 7.1.4. 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.
- 7.1.5. Any Special Conference shall be limited in its powers to dealing with specific matters in respect of which it is convened.

### **7.2. Powers**

- 7.2.1. State Conference shall be the supreme policy-making and governing body of the Party.
- 7.2.2. State Conference shall have the power to determine all matters affecting the Party including the following:
  - 7.2.2.1. Subject to the National Constitution, to make and interpret Platform and Policy and to amend and interpret the Rules of the Party; and
  - 7.2.2.2. 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, the Municipal Coordination Committee and such other Committees as it may determine from time to time; and

- 7.2.2.3. To receive and consider reports from the Officers, the National delegates, the Administrative Committee and any other Committee of the Party; and
- 7.2.2.4. To review, amend or revoke any decision or action of the Officers or of the Administrative Committee or any other Committee; and
- 7.2.2.5. To receive and consider reports from the Victorian members of the Federal Parliamentary Labor Party, the State Parliamentary Labor Party and Municipal Caucuses; and
- 7.2.2.6. To determine agenda items put before it; and
- 7.2.2.7. 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
- 7.2.2.8. To determine any question and deal with any matter in respect of which the Rules are silent.

### 7.3. Composition

- 7.3.1. State Conference shall consist of:
  - 7.3.1.1. Delegates elected by and from members of each Federal Electorate Assembly (“**membership delegates**”); and
  - 7.3.1.2. Delegates appointed by affiliated unions (“**union delegates**”); and
  - 7.3.1.3. The Leader and Deputy Leader of the Labor Party in the two Houses of the Victorian Parliament; and
  - 7.3.1.4. Two persons elected by and from the Victorian members of the Federal Parliamentary Labor Party.
- 7.3.2. There shall be 300 membership and 300 union delegates to State Conference, in accordance with the formula provided in Schedule A1.
- 7.3.3. 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 10.3.8.1. The number of delegates to which each FEA is entitled shall be determined in accordance with the formula provided in Schedule A1.
- 7.3.4. Union delegates shall be appointed by affiliated unions in accordance with the procedures determined from time to time by such organisations, provided that:
  - 7.3.4.1. A union delegate must be a member of the Party and a member of that union; and
  - 7.3.4.2. 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
  - 7.3.4.3. 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.
- 7.3.5. 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).

- 7.3.6.** 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.
- 7.3.7.** 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.
- 7.3.8.** 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 9.1.2.2.
- 7.3.9.** 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.

#### **7.4. Conduct of Business**

- 7.4.1.** Subject to the Rules, the Agenda Committee shall propose to each meeting of Conference and Conference shall determine an order of business.
- 7.4.2.** The business of Conference shall be conducted in accordance with the Standing Orders contained in these Rules.
- 7.4.3.** 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.
- 7.4.4.** 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 7.4.6.
- 7.4.5.** All motions shall be presented to Conference in one or other of the following forms:
  - 7.4.5.1.** That the Rules be amended by ...
  - 7.4.5.2.** That it be the Platform of the Victorian Branch that ...
  - 7.4.5.3.** That it be the Policy of the Victorian Branch that...
  - 7.4.5.4.** That State Conference recommends to National Conference/Executive that ...
  - 7.4.5.5.** That State Conference resolves that ...

#### **7.4.6. Changing these Rules**

- 7.4.6.1.** Subject to Rule 22.2.6, 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.

- 7.4.6.2.** 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.
- 7.4.6.3.** Amendments to proposed rules changes circulated under Rule 7.4.6.2 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.
- 7.4.6.4.** State Office must send all amendments to proposed rules changes submitted under Rule 7.4.6.3 to all affiliated unions, constituent bodies and Conference delegates at least one week prior to the Conference.
- 7.4.6.5.** Amendments to proposed rule changes and amendments circulated under Rule 7.4.6.4 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.
- 7.4.6.6.** State Office must send all amendments to proposed rule changes submitted under Rule 7.4.6.5 to all Conference delegates at least twenty four hours prior to the time set for the commencement of the Conference.
- 7.4.6.7.** Any change to the Rules shall require an absolute majority of delegates entitled to attend the relevant meeting of State Conference.
- 7.4.6.8.** 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.
- 7.4.7.** 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.
- 7.4.8.** 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.
- 7.4.9.** 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.
- 7.4.10.** 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 ..."
- 7.4.11.** 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 9am on the Monday before the commencement of the scheduled Conference, has a mover and a seconder and is deemed to be genuinely urgent by the Agenda Committee. The Agenda Committee must circulate any urgency resolutions and/or motions to State Conference delegates as soon as practicable after the submission deadline.

## **8. ELECTIONS BY STATE CONFERENCE**

### **8.1. General**

- 8.1.1.** The Administrative Committee, the Party Officers, the Agenda Committee and the Rules Revision Committee shall be elected by the delegates to the annual meeting of State Conference in each even numbered year.
- 8.1.2.** The Public Office Selection Committee shall be elected by the delegates to the annual meeting of State Conference in each odd numbered year.
- 8.1.3.** The Policy Committees shall be elected by the delegates to the first State Conference held after each Victorian State Election.
- 8.1.4.** The Municipal Coordination Committee shall be elected by the delegates to the first State Conference held after each Victorian Municipal Election Round.
- 8.1.5.** Not later than two months before a State Conference the Chief Returning Officer shall call for nominations.
- 8.1.6.** 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.
- 8.1.7.** 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. An alternate member of the Administrative Committee can be a proxy for a member of the Public Office Selection Committee.
- 8.1.8.** 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.
- 8.1.9.** 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.
- 8.1.10.** Any member of the Party shall be eligible to stand for election to any Committee elected by State Conference, except only members who have at least two years continuity of membership at the close of nominations shall be eligible to stand for election to the Administrative Committee and the Agenda Committee.
- 8.1.11.** If a rule change made under Rule 7.4.6 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.

**8.1.12.** Elections by State Conference (except for the election of the POSC under Rule 9.4) shall be conducted in accordance with the following procedures:

**8.1.12.1.** Voting will be conducted in person at the State Conference; and

**8.1.12.2.** Ballot papers will only be issued to delegates; and

**8.1.12.3.** When collecting their ballot papers, a delegate must produce photographic identification that conforms with the form of photographic identification specified in the Membership Protocols, pursuant to Rule 20.5; and

**8.1.12.4.** To ensure the option of voting secrecy the Chief Returning Officer shall ensure that a voting compartment or private place is set aside so as to screen delegates 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 delegates. Delegates are not required to mark their ballot papers in this voting compartment or private place and are permitted to remove their ballot paper from the voting compartment or private place and mark their ballot paper in a different location; and

**8.1.12.5.** For the purposes of this Rule, “delegate” will also mean a proxy appointed by the delegate to attend all or part of the relevant meeting of State Conference on behalf of the delegate.

**8.1.13.** An election by State Conference that complies with the procedures set out in Rule 8.1.12 shall be deemed to have been conducted by secret ballot for the purposes of the Rules.

## **8.2. Officers**

**8.2.1.** There shall be three Officers of the Party.

**8.2.2.** No person shall serve as an Officer for more than two successive terms.

**8.2.3.** Subject to Rule 10.4.5, the Officer who is first elected and who is eligible under Rule 8.2.2 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.

**8.2.4.** The President shall preside over all meetings of State Conference and the Administrative Committee. In their 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.

**8.2.5.** 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.

### **8.2.6. Party Officers Committee**

**8.2.6.1.** 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.

**8.2.6.2.** The Party Officers Committee may

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

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

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

### **8.3. National Delegates**

**8.3.1.** There shall be such delegates and proxy delegates to the National Conference as are provided for in the National Constitution. The national delegates and proxy delegates shall be elected in the 12 months immediately preceding the National Conference. Any Member shall be eligible to stand for election to National Conference delegate.

**8.3.2.** Half of the National Conference delegates shall be elected by a single postal ballot of members who have had the period of continuous membership required by Rule 5.9 and not have had their voting rights suspended in accorded with Rule 5.12. 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. The timeline for the election shall be determined by the Administrative Committee by an affirmative vote of at least 11 members.

**8.3.2.1.** At least two of the National Conference delegates elected under Rule 8.3.2 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.

**8.3.2.2.** For the purposes of Rule 8.3.2.1 and Schedule B, "**non-metropolitan candidate**" means a member who has nominated for the ballot in Rule 8.3.2 and is residing in one of the following Legislative Council Regions:

**8.3.2.2.1.** Northern Victoria Region; or

**8.3.2.2.2.** Western Victoria Region; or

**8.3.2.2.3.** Eastern Victoria Region.

**8.3.2.3.** For the purposes of Rule 8.3.2.1 and Schedule B, "**metropolitan candidate**" means a member who has nominated for the ballot in Rule 8.3.2 and who does not fall within the definition of "non-metropolitan candidate" under Rule 8.3.2.2.

**8.3.3.** Half of the National Conference 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.

**8.3.4.** In the event that the total number of National Conference delegates to be elected is an odd number, the ballot for National Conference 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.

**8.3.5.** The Chief Returning Officer shall call for a set of nominations for each ballot of National Conference delegates. Candidates shall submit a nomination form signed by themselves 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, if the candidate is subsequently elected as a National Conference delegate in the other ballot then they will vacate their position as a delegate in the first ballot and this casual vacancy will be

filled in accordance with these Rules.

- 8.3.6.** The ballots shall be conducted by the Chief Returning Officer and the required number of delegates elected under Schedule B. Following the declaration of both ballots for National Conference delegates, the National Conference proxy delegates shall be elected by a single postal ballot of the newly elected National Conference delegates. The candidates in the ballot for proxy delegates will comprise of the unsuccessful candidates for both National Conference delegate ballots.

## **9. COMMITTEES OF STATE CONFERENCE**

### **9.1. Administrative Committee**

**9.1.1.** The Administrative Committee consists of:

- 9.1.1.1.** The Officers of the Party and 17 other members elected by State Conference as voting members; and
- 9.1.1.2.** The President and Vice-Presidents of Victorian Young Labor as non-voting members; and
- 9.1.1.3.** The Co-Convenors of the Victorian Labor Women's Network as non-voting members.

**9.1.2.** The powers and duties of the Administrative Committee shall be:

- 9.1.2.1.** To carry out the decisions of State Conference; and
- 9.1.2.2.** 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
- 9.1.2.3.** To determine the procedures for re-opening nominations in electorates for which no nomination has been received; and
- 9.1.2.4.** To convene meetings of State Conference in accordance with Rule 7.1; and
- 9.1.2.5.** To notify all delegates and constituent units of the date, place and duration of Conference; and
- 9.1.2.6.** To convene Special State Conferences in accordance with Rule 7.1; and
- 9.1.2.7.** To convene Country Conferences in accordance with these Rules; and
- 9.1.2.8.** To determine that any ballot for a Committee of State Conference shall be held by postal ballot; and
- 9.1.2.9.** To determine the Party's participation in municipal elections, pursuant to Rule 13.4; and
- 9.1.2.10.** 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
- 9.1.2.11.** To conduct a review of all State and Federal election campaigns within 3 months of the election; and
- 9.1.2.12.** To establish a Campaign Committee, and direct any resources as it deems

necessary in conducting campaigns, as provided in Rule 9.1.2.10; and

- 9.1.2.13.** To promote and encourage membership of the Party. To provide for appropriate membership development and training for Party members. To approve and reject applications to begin accrual of voting rights and all applications for membership of the Party; and
- 9.1.2.14.** To suspend and refer members alleged to have been engaged in branch stacking with no less than 17 affirmative votes to the Disputes Tribunal. No imposition of suspension shall exceed 2 months in duration without resolution; and
- 9.1.2.15.** To ensure the active operation of all constituent units of the Party, subject to the Rules; and
- 9.1.2.16.** Subject to the Rules, to approve the establishment of additional Local Branches under Rule 11; and
- 9.1.2.17.** In addition to the Standing Sub-Committees established by these Rules, to appoint Sub-Committees as it shall from time to time determine, and to delegate such powers to those Sub-Committees as it thinks fit, provided that such delegated powers cannot be further delegated. Sub-Committees shall report to the Administrative Committee on a monthly basis; and
- 9.1.2.18.** To be responsible for publicity including Party publications and journals; and
- 9.1.2.19.** 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 they belong, 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
- 9.1.2.20.** 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
- 9.1.2.21.** 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
- 9.1.2.22.** 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
- 9.1.2.23.** 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
- 9.1.2.24.** 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
- 9.1.2.25.** 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 eleven members of the Administrative Committee, and to refer such matters to the Rules Revision Committee for a report to the next Conference; and

- 9.1.2.26.** To exercise such other powers and duties as are conferred upon it by the Rules; and
- 9.1.2.27.** 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 eleven 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
- 9.1.2.28.** To consider reports from the Party Monitor regarding disputes dealt with under Rules 27.2.1.2 and 28.2.1.2; and
- 9.1.2.29.** 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
- 9.1.2.30.** 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 eleven 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
- 9.1.2.31.** 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
- 9.1.2.32.** To approve amendments to membership forms, and report any amendments to the next Conference; and
- 9.1.2.33.** To revoke the membership of any member that it is satisfied was not eligible to become a member, subject to Rule 9.1.8; and
- 9.1.2.34.** 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:
  - 9.1.2.34.1.** the State Secretary must notify the member in writing of the proposed revocation; and
  - 9.1.2.34.2.** the member must be given an opportunity to make a written submission to the Administrative Committee as to why their membership should not be revoked.
- 9.1.2.35.** 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.
- 9.1.3.** 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.
- 9.1.4.** 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 their intention to convene a special meeting.

**9.1.5.** 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.

**9.1.6.** 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.

**9.1.7. Alternate members**

**9.1.7.1.** A member of the Administrative Committee (including an Officer of the Party) may, not later than five days before the first Administrative Committee meeting after their election, nominate a maximum of two alternate members to attend meetings of the Administrative Committee when they are unable to attend and exercise their vote as a proxy.

**9.1.7.2.** A nomination of an alternate member must be in writing and be given to the State Secretary and tabled at the first meeting of the Administrative Committee.

**9.1.7.3.** An alternate member must be a member of the Party with at least two years continuity of membership. A woman member of the Administrative Committee may only nominate a woman Party member as an alternate member.

**9.1.7.4.** A member appointed as an alternate member of the Administrative Committee will hold that position until the next election for members of the Administrative Committee or they cease to be eligible to be an alternate member.

**9.1.7.5.** Where an alternate member ceases to be eligible to be an alternate member or resigns from being an alternate member, the member of the Administrative Committee in question may nominate a replacement alternate member.

**9.1.7.6.** A nomination of a replacement alternate member must be in writing and be given to the State Secretary and tabled at the first meeting of the Administrative Committee after the nomination is made.

**9.1.7.7.** A person nominated as a replacement alternate member must meet the eligibility requirements in sub-rule 9.1.7.3 and will hold the position in accordance with sub-rule 9.1.7.4.

**9.1.7.8.** 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 they shall notify in writing the State Secretary of the name of the alternate member that they appoint as a proxy for that meeting of the Administrative Committee they would otherwise be eligible to attend. Proxies may only be appointed from the eligible alternate members appointed under Rules 9.1.7.1 or 9.1.7.5, but members can appoint any of the eligible alternate members and are not limited to the alternate members they nominated under Rules 9.1.7.1 or 9.1.7.5. A woman member of the Administrative Committee may only nominate a woman Party member as her proxy.

**9.1.8.** A quorum for meetings of the Administrative Committee is 10 voting members but the Administrative Committee may only exercise its powers under Rules 5.4.2, 5.4.6, 5.4.13, 9.1.2.2, 9.1.2.34, 10.3.8.5, 11.1, 11.11.1.2, 13.4.3, 13.6.3.2, 13.10.1.2, 19.4, 19.8.6, 22.3.3, 22.3.5, 22.3.6, 27.1.1 and 27.1.4 if such a resolution is carried by an affirmative vote of at least 14 members.

**9.1.9. Quorum and voting at meetings of the Administrative Committee**

**9.1.9.1.** A quorum for a meeting of the Administrative Committee shall be not less than half the members, provided that at least one Party Officer is in attendance. The State Secretary and the Assistant State Secretaries will attend the Administrative Committee as non-voting members.

**9.1.9.2.** Subject to Rule 9.1.9.3, a resolution of the Administrative Committee, to be adopted, must receive 11 votes.

**9.1.9.3.** The following decisions of the Administrative Committee must receive 15 votes:

**9.1.9.3.1.** The appointment of the State Secretary and Assistant State Secretaries;

**9.1.9.3.2.** The appointment of members to the standing sub-committees under Rule 9.1.14.6;

**9.1.9.3.3.** Rule change recommendations;

**9.1.9.3.4.** The approval or amendment of key strategic documents including annual organisational plans and budgets and internal policies;

**9.1.9.3.5.** The making or amendment of membership protocols;

**9.1.9.3.6.** The establishment of an additional local branch in a state electorate; and

**9.1.9.3.7.** The appointment of or removal of the Party Monitor.

**9.1.10.** 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.

**9.1.11.** 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 eleven members of the Administrative Committee and received by the State Secretary at least 48 hours prior to the Administrative Committee meeting.

**9.1.12. Overarching obligations of members of the Administrative Committee**

**9.1.12.1.** A member and an alternate member of the Administrative Committee, in performing their duties and responsibilities, must:

**9.1.12.1.1.** act in the best interests of the Party; and

**9.1.12.1.2.** ensure the integrity of the membership roll; and

**9.1.12.1.3.** ensure that systems are in place to ensure that a member's address is the same as their AEC address if they are enrolled to vote or, if they are not on the AEC electoral roll, that the members address is in the relevant State electorate.

**9.1.12.2.** A member of the Administrative Committee may request the State Secretary to provide any further information reasonably available and necessary to perform

their obligations under this Rule.

**9.1.13. Annual report of the Administrative Committee**

**9.1.13.1.** The Administrative Committee will, not later than 30 September in each year, prepare an annual report for the 12 month period ending 30 June. The annual report of the Administrative Committee will include:

**9.1.13.1.1.** a summary of the financial position of the Branch

**9.1.13.1.2.** a report on Branch membership; and

**9.1.13.1.3.** set out, in summary form, the membership integrity report of the Party Monitor and actions taken by the Administrative Committee in response to that report.

**9.1.13.2.** The Administrative Committee shall provide a report on the integrity of the membership roll to the State Conference.

**9.1.14. Standing Sub-Committees of the Administrative Committee**

**9.1.14.1.** The Administrative Committee must establish and maintain the following three standing sub-committees:

**9.1.14.1.1.** the Membership Sub-Committee; and

**9.1.14.1.2.** the Finance, Risk & Audit Sub-Committee; and

**9.1.14.1.3.** the Governance Sub-Committee.

**9.1.14.2.** The Membership Sub-Committee will be responsible for:

**9.1.14.2.1.** Coordinating the Administrative Committee's consideration of applications for membership; and

**9.1.14.2.2.** Making recommendations to the Administrative Committee in relation to applications for membership; and

**9.1.14.2.3.** Making recommendations to the Administrative Committee in relation to changes to the Membership Protocols; and

**9.1.14.2.4.** Making recommendations to the Administrative committee in relation to recruitment and membership services; and

**9.1.14.2.5.** Receiving annually, and as updated, a list of all members or previous members suspended or expelled from the Party to guide recommendations.

**9.1.14.3.** The Finance, Risk & Audit Sub-Committee will be responsible for overseeing the Party's finances, risk-management and audit functions.

**9.1.14.4.** The Governance Sub-Committee will be responsible for:

**9.1.14.4.1.** making recommendations relating to the appointment of sub-committees and party officials; and

**9.1.14.4.2.** ensuring that the Party's and the Administrative Committee's arrangements and operation reflect good governance practice.

- 9.1.14.5.** Each standing sub-committee shall consist of:
- 9.1.14.5.1.** at least three members of the Administrative Committee as voting members; and
  - 9.1.14.5.2.** no more than three externally-appointed members as voting members; and
  - 9.1.14.5.3.** party officials as non-voting members.
- 9.1.14.6.** At its first meeting after a new Administrative Committee has been elected, the Administrative Committee must:
- 9.1.14.6.1.** establish the three standing sub-committees; and
  - 9.1.14.6.2.** determine the powers of each standing sub-committee (other than those powers already outlined in the Rules); and
  - 9.1.14.6.3.** appoint voting members to each standing sub-committee; and
  - 9.1.14.6.4.** appoint from amongst the voting members of each standing-subcommittee a President and Secretary.
- 9.1.14.7.** The powers, voting members, President and Secretary of each sub-committee must be determined at the same time in the same resolution passed by an affirmative vote of at least 15 members of the Administrative Committee.
- 9.1.14.8.** If for any reason a member must resign their position on a sub-committee, their vacancy will be reappointed pursuant to Rule 9.1.14.7.
- 9.1.14.9.** Decisions and recommendations of each standing sub-committee will only take effect where there is a consensus of voting members.
- 9.1.14.10.** Meetings of standing sub-committees shall be convened and conducted in accordance with the following procedures:
- 9.1.14.10.1.** Meetings of each standing sub-committee shall be convened by the Secretary after consultation with the President.
  - 9.1.14.10.2.** Members of each standing sub-committee must be given at least four days' written notice of any meeting of that sub-committee, unless every voting member of the sub-committee gives written consent to waive the notice period.
  - 9.1.14.10.3.** The State Secretary shall ensure that agenda items and papers for a sub-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 a consensus of voting members at a quorate meeting of the sub-committee.
  - 9.1.14.10.4.** In the event of any member of a standing sub-committee being unable to attend a meeting of the sub-committee they shall notify in writing the Secretary of the name of any member that they appoint as proxy for that meeting of the sub-committee they 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 sub-committee.
- 9.1.14.11.** The Finance, Risk and Audit Sub-committee and the Governance Sub-Committee will meet at least four times each year. The Membership Sub-Committee will meet at least 10 times each year.

**9.1.14.12.** Each standing sub-committee shall report to the Administrative Committee on a monthly basis.

## **9.2. Agenda Committee**

**9.2.1.** The Agenda Committee shall consist of the nine members and shall elect from among its members a President and a Secretary.

**9.2.2.** The powers and duties of the Agenda Committee shall be:

**9.2.2.1.** To credential delegates to State Conference; and

**9.2.2.2.** 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

**9.2.2.3.** To perform such other duties as are required by the Rules; and

**9.2.2.4.** 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

**9.2.2.5.** To make recommendations to State Conference through the Administrative Committee, with respect to the creation, disbanding and naming of Policy Committees; and

**9.2.2.6.** To assist in preparation of Labor Party policy documents; and

**9.2.2.7.** 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

**9.2.2.8.** 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

**9.2.2.9.** 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

**9.2.2.10.** 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

**9.2.2.11.** 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

**9.2.2.12.** 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

- 9.2.2.13. To co-ordinate and support the work of FEA Policy Development Officers and Community Activities Officers.
- 9.2.3. 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:
  - 9.2.3.1. development of the Party Platform in consultation with the Policy Committees; and
  - 9.2.3.2. recommending the Platform to State Conference.
- 9.2.4. 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.
- 9.2.5. 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.
- 9.2.6. A quorum for meetings of the Agenda Committee shall be five members.

### 9.3. Rules Revision Committee

- 9.3.1. The Rules Revision Committee shall consist of nine members and shall elect from amongst its members a President and a Secretary.
- 9.3.2. The powers and duties of the Rules Revision Committee shall be:
  - 9.3.2.1. To consider and make recommendations on all Rules changes to Conference; and
  - 9.3.2.2. By its own motion propose amendments to the Rules for consideration by State Conference subject to the requirements of Rule 7.4.6; and
  - 9.3.2.3. To make a recommendation as to how proposed Rule changes are to be debated at State Conference; and
  - 9.3.2.4. To assist State Office with the compilation of proposed Rule changes and amendments for circulation under Rule 7.4.6, including adding or amending titles and/or written descriptions for proposed Rule changes and amendments; and
  - 9.3.2.5. 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.
- 9.3.3. In the event of any member of the Rules Revision Committee being unable to attend a meeting of the Rules Revision Committee, they shall notify in writing the President or Secretary of the Rules Revision Committee of the name of any member that they appoint as proxy for that meeting of the Rules Revision Committee they 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.
- 9.3.4. 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.

#### **9.4. Public Office Selection Committee**

- 9.4.1.** State Conference shall elect a Public Office Selection Committee of 100 members.
- 9.4.2.** 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.
- 9.4.3.** 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.
- 9.4.4.** It shall be the duty of the Executive:
  - 9.4.4.1.** 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
  - 9.4.4.2.** To arrange in accordance with the directions of State Conference for the selection of candidates throughout Victoria.
- 9.4.5.** A quorum for the Executive of the Public Office Selection Committee shall be three (3) members.

#### **9.5. Policy Committees**

- 9.5.1.** State Conference shall elect the following Policy Committees:
  - 9.5.1.1.** Aboriginal & Torres Strait Islanders Affairs; and
  - 9.5.1.2.** Conservation, Environment & Resources; and
  - 9.5.1.3.** Culture, Sport & Tourism; and
  - 9.5.1.4.** Economics, Innovation, Employment & Industry Development; and
  - 9.5.1.5.** Education & Youth Affairs; and
  - 9.5.1.6.** Commonwealth Affairs & Federal Relations; and
  - 9.5.1.7.** Health, Community Services & Senior Victorians; and
  - 9.5.1.8.** Urban Affairs, Housing, Local Government & Infrastructure; and
  - 9.5.1.9.** Industrial Affairs; and
  - 9.5.1.10.** Justice & Democracy; and
  - 9.5.1.11.** Multicultural Affairs & Population; and
  - 9.5.1.12.** Transport; and
  - 9.5.1.13.** Women's Affairs; and
  - 9.5.1.14.** LGBTI Affairs.

- 9.5.2.** Unless specified to the contrary in these Rules, Ordinary Policy Committees will consist of:
- 9.5.2.1.** Twenty members elected by State Conference; and
  - 9.5.2.2.** Parliamentary members elected by Parliamentary Labor Parties (“**PLPs**”).
- 9.5.3.** 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.
- 9.5.4.** Any member of the Party shall be eligible to stand for election to any Policy Committee.
- 9.5.5.** 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.
- 9.5.6.** The State Secretary will request the PLPs to elect the number of Parliamentary members as determined under Rule 9.5.1. 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.
- 9.5.7.** 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.
- 9.5.8.** Meetings of Policy Committees shall be convened and conducted in accordance with the following procedures:
- 9.5.8.1.** 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.
  - 9.5.8.2.** Decisions of Policy Committees shall be made by a majority of those members present and voting.
  - 9.5.8.3.** 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.
  - 9.5.8.4.** Any member of any Policy Committee who is absent from three consecutive meetings shall have their 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.
  - 9.5.8.5.** In the event of any member of a Policy Committee being unable to attend a meeting of the Policy Committee they shall notify in writing the Policy Committee Secretary of the name of any member that they appoint as proxy for that meeting of the Policy Committee they would otherwise be eligible to attend, provided such proxy is a current member of the Party. Only women Party members can be a proxy for women members of a Policy Committee.
- 9.5.9.** 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.

**9.5.10.** The powers and duties of each Policy Committee shall be:

- 9.5.10.1.** 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
- 9.5.10.2.** To convene policy forums as it considers appropriate, to which all Party members are invited; and
- 9.5.10.3.** To report to each meeting of State Conference in accordance with the Rules; and
- 9.5.10.4.** To acknowledge and reply to all correspondence received; and
- 9.5.10.5.** To perform such other tasks as may be requested or directed by State Conference, the Agenda Committee or the Administrative Committee; and
- 9.5.10.6.** To conduct campaigns with the approval of the Administrative Committee on policy matters within the terms of reference of the Committee.

**9.5.11.** Each Policy Committee shall submit a report to the Annual meetings of State Conference containing the following:

- 9.5.11.1.** 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
- 9.5.11.2.** Resolutions forwarded to it by constituent units of the Party which have been incorporated in or instrumental in formulating such recommendations; and
- 9.5.11.3.** Such amendments or additional recommendations as may have been resolved by a Policy Assembly; and
- 9.5.11.4.** 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 9.5.11.1; and
- 9.5.11.5.** 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
- 9.5.11.6.** Resolutions received from constituent units of the Party which have not yet been considered; and
- 9.5.11.7.** A report on projects under way; and
- 9.5.11.8.** A report to on the activities of the Government in the policy area relevant to the Committee.

**9.5.12.** 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 7.1.2. The Agenda Committee may only reschedule Policy Committee debate if this Special State Conference is scheduled through any of the methods listed in Rule 7.1.2.1 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.

- 9.5.13.** Only woman Party members can be elected to the Women’s Affairs Policy Committee.
- 9.5.14.** The Aboriginal & Torres Strait Islander Affairs Policy Committee shall be elected in the same manner as other policy committees (as set out in Rule 9.5, 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.
- 9.5.15.** 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 9.5.6) 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.
- 9.5.16.** The LGBTI Affairs Policy Committee shall be elected in the same manner as other policy committees (as set out in Rule 9.5, including provision for filling vacancies) except that candidates for the LGBTI Affairs Policy Committee should identify as lesbian, gay, bisexual, transgender, intersex or queer.
- 9.5.17.** 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.

## **9.6. Municipal Coordination Committee**

- 9.6.1.** State Conference shall elect a Municipal Coordination Committee of nine members, who shall elect from amongst themselves a President and Secretary.
- 9.6.2.** The Powers and Duties of the Municipal Coordination Committee shall be:
  - 9.6.2.1.** Work towards effective participation of the Party in Municipal Elections and during the term of each council; and
  - 9.6.2.2.** Provide advice to the Administrative Committee and the Campaign Committee on the conduct of campaigns and candidate activities; and
  - 9.6.2.3.** Subject to Administrative Committee co-ordination, to communicate with and provide support to Municipal candidates during elections, and Party Members elected to Council; and
  - 9.6.2.4.** To act as a liaison point for Party Members elected across all Victorian Local Councils; and
  - 9.6.2.5.** To convene at least two events per year which serve to improve the Party’s participation in Municipal councils, as determined by the committee; and
  - 9.6.2.6.** Subject to Administrative Committee co-ordination, develop and implement both training programs for municipal candidates and Party members elected to council; and
  - 9.6.2.7.** Develop recommendations to the Rules Revision Committee on rules and processes relating to ALP involvement in municipal elections and conduct of councillors; and

- 9.6.2.8. Subject to Administrative Committee co-ordination, assist in the facilitation of municipal forums and any other process relating to municipal elections or governance, and provide advice to the Administrative committee on these matters.

## **10. FEDERAL ELECTORATE ASSEMBLIES (FEA'S)**

### **10.1. Powers and Duties**

- 10.1.1. There shall be established in each Federal electorate a Federal Electorate Assembly which shall consist of all members residing within the Federal electorate concerned.
- 10.1.2. The powers and duties of the Federal Electorate Assembly shall be:
  - 10.1.2.1. Subject to the Rules, to organise Branches and to recommend to the Administrative Committee the formation of new Branches within its area; and
  - 10.1.2.2. To promote and encourage membership of the Party and membership development and training within the Party; and
  - 10.1.2.3. To conduct Federal elections campaigns and to campaign on an ongoing basis between Federal elections; and
  - 10.1.2.4. 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
  - 10.1.2.5. To elect a Returning Officer, a Deputy Returning Officer, an Executive and delegates to State Conference in accordance with the Rules; and
  - 10.1.2.6. To appoint voluntary organisers to assist in the organisation and campaigns of the Party; and
  - 10.1.2.7. To pass resolutions on all matters affecting the Party for consideration by State Conference and the Administrative Committee, in accordance with the Rules; and
  - 10.1.2.8. To further the interests and extend the influence of the Party within this area; and
  - 10.1.2.9. To request and consider reports on the work of the Federal Parliamentary Labor Party; and
  - 10.1.2.10. To raise and disburse funds for the above purposes; and
  - 10.1.2.11. 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.
- 10.1.3. The powers and duties of the Executive of the Federal Electorate Assembly shall be:
  - 10.1.3.1. To implement the decisions of the Assembly; and
  - 10.1.3.2. To conduct such campaigns and other activities as are directed by State Conference or the Administrative Committee; and
  - 10.1.3.3. To convene meetings of the Assembly additional to the biennial meeting; and
  - 10.1.3.4. To prepare the agenda for all meetings of the Assembly; and

- 10.1.3.5.** To submit proposals for consideration by the Assembly; and
  - 10.1.3.6.** At least once a year to present a written report to the Branches within the Federal Electorate concerned; and
  - 10.1.3.7.** 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
  - 10.1.3.8.** 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.
- 10.1.4.** 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.

## **10.2. Meetings**

- 10.2.1.** 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.
- 10.2.2.** 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.
- 10.2.3.** 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 them of a resolution of at least three Branches within the electorate concerned, or 25% of Branches, whichever is the lesser.
- 10.2.4.** 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.
- 10.2.5.** A quorum for any meeting of the Executive of a Federal Electorate Assembly shall be three members.
- 10.2.6.** 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.

- 10.2.7.** At each biennial meeting the following business shall be conducted:
- 10.2.7.1.** The consideration and determination of all resolutions submitted to the Assembly by members within the electorate; and
  - 10.2.7.2.** The consideration of reports from all officers and Committees of the Assembly and from the Federal Parliamentary Labor Party.
- 10.2.8.** 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.
- 10.2.9.** 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.

### **10.3. Elections**

- 10.3.1.** 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 9.1.2.2) for the following offices and positions:
- 10.3.1.1.** 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
  - 10.3.1.2.** Five FEA Executive officers, not being elected members of State or Federal Parliament, who shall appoint from among themselves a President, Vice-President, Secretary, Assistant Secretary and Treasurer; and
  - 10.3.1.3.** Delegates to State Conference.
- 10.3.2.** 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 10.3.1 (including the email address to which candidates can lodge their nominations and the requirement that a member must produce photographic identification in order to vote) 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 and the requirement that a member must produce photographic identification in order to vote) at least five days before nominations close, and again before the first day of voting if:
- 10.3.2.1.** the potential voter has not provided the Party with an email address; or
  - 10.3.2.2.** 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.
- 10.3.3.** 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.
- 10.3.4.** 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.

- 10.3.5.** The Chief Returning Officer and the four Deputy Chief Returning Officers are not eligible to be FEA Returning Officers.
- 10.3.6.** 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.
- 10.3.7.** All persons elected to any office or position by a Federal Electorate Assembly (including State Conference delegates) shall subject to Rules 10.3.8 and 21.6 take such office at the declaration of the poll and shall hold such office or position until the conclusion of the next election.
- 10.3.8.** All elections for FEA Returning Officers, Executive Members and delegates to State Conference shall be conducted in accordance with the following procedures:
- 10.3.8.1.** Members are eligible to vote if:
- 10.3.8.1.1.** they are members of a Local Branch in the electorate at the close of nominations; and
- 10.3.8.1.2.** they have had the period of continuous membership required by Rule 5.9 and not have had their voting rights suspended in accordance with Rule 5.10.
- 10.3.8.2.** Only members eligible to vote are eligible to nominate for election as State Conference delegates, FEA Returning Officers and FEA Executive members.
- 10.3.8.3.** Before the FEA Returning Officer or FEA Deputy Returning Officer issue a ballot paper, the voter must produce photographic identification in accordance with Rule 20.5.
- 10.3.8.4.** 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, including any challenges to the eligibility to nominate or vote on the basis of address. The State Secretary must consider the corrections submitted, refer any challenges on the basis of address to the Chief Returning Officer 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.
- 10.3.8.5.** The Administrative Committee by the affirmative vote of 14 members may abridge the time for preparation and distribution of the roll under Rule 10.3.8.4 in special cases requiring urgent elections (for example, by-elections).
- 10.3.8.6.** 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 challenge must be made to the relevant Returning Officer. 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 5.13.2.1. If the relevant Returning Officer determines that the challenger cannot establish a prima facie case, the relevant Returning Officer must dismiss the challenge. If the relevant Returning Officer determines that the challenger has established a prima facie case, the relevant Returning Officer must notify the challenged member of the challenge and provide them with a

reasonable opportunity to respond. The challenged member bears the onus of proving that their Party address at the close of nominations did comply with Rule 5.13.2.1. The relevant Returning Officer must then rule on the eligibility of the challenged member. For the purposes of this Rule, the “relevant Returning Officer” means:

- 9.3.8.6.1.** prior to the closure of the voters roll under Rule 10.3.8.4, the Chief Returning Officer; and
  - 9.3.8.6.2.** after the closure of the voters roll under Rule 10.3.8.4, the FEA Returning Officer.
- 10.3.8.7.** 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 10.3.8.6 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.
- 10.3.8.8.** 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.
- 10.3.8.9.** 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.
- 10.3.8.10.** 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 on the Monday immediately after the second last Sunday in August open the ballot at 6:00pm and close the ballot at 8:00pm. 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.

- 10.3.8.11.** 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.
- 10.3.8.12.** 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.
- 10.3.8.13.** 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.

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

**10.3.9.** 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.

#### **10.4. Miscellaneous**

**10.4.1.** 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 their 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.

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

**10.4.2.1.** 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

**10.4.2.2.** 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.

**10.4.3.** In the event that an elected office holder ceases to be a member, the State Secretary will declare the office vacant and instruct the relevant Returning Officer to take steps to fill the casual vacancy in accordance with the Rules.

**10.4.4.** In the event of any delegate elected to State Conference being unable to attend all or part of a meeting of Conference, they shall notify the State Secretary in writing of the name of a member of their FEA that they appoint 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.

**10.4.5.** 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:

**10.4.5.1.** 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

**10.4.5.2.** 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.

- 10.4.6.** At any stage in the recount process under Rule 10.4.5, 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 Party By-Laws (Schedule E) for further information on the conduct of internal Party ballots.***

## **11. LOCAL BRANCHES AND SUB-BRANCHES**

### **11.1. Establishment of Local Branches**

- 11.1.1.** Subject to this Rule, there will be at least one local branch for each State electorate.
- 11.1.2.** The Administrative Committee may establish additional local branches in a State electorate:
- 11.1.2.1.** if an existing branch in a State electorate has more than 300 members;
  - 11.1.2.2.** if a State electorate exceeds 1,350sq kilometres in size; or
  - 11.1.2.3.** where the relevant FEA includes five or more state electorates.
- 11.1.3.** In determining whether to establish an additional local branch in a State electorate in accordance with Rule 11.1.2, the Administrative Committee must have regard to evidence of the number of members who regularly attend local branch meetings.
- 11.1.4.** In establishing additional local branches, the Administrative Committee will:
- 11.1.4.1.** identify a location within the state electorate which will be used to determine the branch closest to the place of residence of a member;
  - 11.1.4.2.** make arrangements to facilitate the transition of members, the election of new executives and the transfer of the property under the control of existing branches, including monies held in bank accounts to the new branch.

### **11.2. The objectives of Local Branches are:**

- 11.2.1.** to promote and encourage membership of the Party and membership development and training within the Party; and
  - 11.2.2.** to develop strong links with the community through participation in community activities; and
  - 11.2.3.** to develop and promote the Policies and Platform of the Party; and
  - 11.2.4.** to encourage members to participate in all Party forums; and
  - 11.2.5.** to assist in the organisation of all electoral campaigns
- 11.3.** 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.
- 11.4.** Branches in the metropolitan area shall meet at least ten 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 be referred to the Administrative Committee for action,

which could include but is not limited to declaring the branch executive vacant and holding an election for a new executive, provision of support from State Office, or declaring the branch defunct and redistributing its assets as the Administrative Committee sees fit. 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. The Branch Executive shall provide to State Office a contact email for the local branch which State Office shall include on a list of contact information for all local branches on the Victorian Labor website. A member seeking to obtain voting rights under Rule 5.9 must attend the Local Branch meeting during the first two hours after the commencement time for the monthly meeting scheduled in accordance with Rule 11.11.1 in order to begin obtaining voting rights from that meeting. A member will only be counted towards quorum if they have voting rights under Rule 5.9 or they have been informed of the date on which they will gain their voting rights pursuant to Rule 5.9.8.

- 11.4.1.** Branches in State Electorates that exceed 1,350sq kilometres in size shall allow teleconference or video conference attendance at all branch meetings for members who live in a postcode district outside the postcode district of the meeting venue subject to Rule 11.4.2. The branch meeting must acknowledge by motion any members attending by electronic means and authorises the secretary to notate the members' attendance in the official branch attendance book.
- 11.4.2.** Notwithstanding Rule 11.4.1, a member of a Branch in a State electorate that exceeds 1,350sq kilometres who is seeking to obtain voting rights must physically attend the Branch meeting and comply with the requirements of Rule 5.9.6 and there must be a quorum of branch members physically attending the branch meeting.
- 11.5.** 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.
- 11.6.** The Branch shall select by proportional representation five members, not being elected members of State or Federal Parliament, who shall constitute the Executive and who shall appoint from among themselves a President, Vice-President, Secretary, Assistant Secretary and a Treasurer.
- 11.7.** 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.
- 11.8.** 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 their 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.
- 11.9.** 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. Members who have not yet obtained voting rights under Rule 5.9 but have begun the process described in Rule 5.9 and received confirmation from State Office as per Rule 5.9.8 will still be eligible to move and second motions and vote on matters discussed at Local Branch meetings, including the election of the Local Branch Executive.
- 11.10.** 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.
- 11.11.** The Secretary shall:

**11.11.1.** 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:

**11.11.1.1.** they are received by the State Secretary in writing at least one week prior to the scheduled meeting or at least one week prior to the new meeting date, whichever is earlier; or

**11.11.1.2.** the Administrative Committee resolves to make an exception.

**11.11.2.** 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.

**11.12.** 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.

**11.13.** It is a requirement of these Rules that MPs, the State Office, Party Committees and Party Officials respond promptly to correspondence from Local Branches.

**11.14.** The provisions of this Rule 11 apply to member forums, in so far as they are applicable and with any changes that are necessary.

**11.15. Sub-Branches**

**11.15.1.** A Local Branch may have a sub-branch to represent the interests of a language group, a cultural group or a group with a particular community of interest.

**11.15.2.** A sub-branch may be established with the approval of the Administrative Committee upon the provision of a petition signed by ten members of the Local Branch.

**11.15.3.** Attendance at a sub-branch meeting will not count as attending a Local Branch meeting for the purposes of obtaining voting rights. In all other respects, sub-branches will be treated as Local Branches under these Rules.

**11.15.4.** Members who live outside of the electorate of that sub-branch will be permitted to attend meetings of the sub-branch if they share the branch's language, cultural or community of interest.

**11.15.5.** The establishment and operation of a sub-branch in accordance with this rule 11.15 will not offend the Code and Associated Policies.

**11.16. Local Branch Membership in the event of a State Electorate Redistribution**

**11.16.1.** In the event of there being a redistribution of State Electorates that results in the creation of a new State Electorate, the Administrative Committee shall as soon as practicable establish a Local Branch in the new State Electorate and call a meeting of the members residing within the new State Electorate to elect an inaugural Local Branch Executive. The Administrative Committee shall appoint from among the existing Returning Officers an appropriate person to preside over the conduct of the ballots at the inaugural meeting of the new Local Branch. The provisions of Rule 11 concerning the election of the Local Branch Executive shall apply to the election of the inaugural Local

Branch Executive, except the new Branch Returning Officer and Branch Executive shall take office at the conclusion of the election.

**11.16.2.** In the event of there being a redistribution of State Electorates that results in the abolishment of a State Electorate, the Administrative Committee shall as soon as practicable dissolve the Local Branches in the abolished State Electorate and State Office shall reallocate the affected members to the local branch in their new State Electorate, or if there is more than one local branch in their new State Electorate, the local branch closest to their place of residence in the new State Electorate. The assets of each Local Branch dissolved under this Rule will be transferred to State Office and then disbursed to the surrounding Local Branches as evenly as possible based on the proportion each of the surrounding branches has of the members of the dissolved branch to which the assets previously belonged.

**11.16.3.** For the purposes of Rule 11.16.1 and 11.16.2, the renaming of a State Electorate does not constitute the creation or abolishment of a State Electorate.

**11.17.** The executive of a local branch shall be permitted to distribute correspondence with their members by mail or other means as deemed appropriate. State Office shall, upon request, provide the relevant member information to local branch executives.

## **12. STATE ELECTORATES**

**12.1.** In each State Legislative Assembly electorate there shall be established a State Electorate Assembly of all the current members of the Party in that electorate.

**12.2.** 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.

**12.3.** The Administrative Committee shall convene within six months of State preselections a meeting of the State Electorate Assembly for the purposes of:

**12.3.1.** Selecting the SECC; and

**12.3.2.** Electing a Legislative Returning Officer and a Legislative Assembly Deputy Returning Officer by proportional representation; and

**12.3.3.** Considering a report from the State Parliamentary Labor Party.

**12.4.** The SECC has the power to co-opt further members, and to fill casual vacancies.

**12.5.** 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.

**12.6.** The SECC members shall appoint from amongst themselves a President, Vice-President, Secretary, Assistant Secretary and Treasurer.

**12.7.** The powers and duties of the SECC shall be:

**12.7.1.** To conduct State election campaigns within the State electorate concerned and to campaign on an ongoing basis between State elections; and

**12.7.2.** To raise and disburse funds for the above purpose; and

**12.7.3.** At least once a year to meet and subsequently present a written report to the Branches within the State electorate concerned.

- 12.8.** A quorum of the SECC shall be one-third of the members.
- 12.9.** 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.
- 12.10.** The Administrative Committee will authorise a timetable for SECC meetings.
- 12.11.** 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.

### **13. MUNICIPAL ELECTORATES**

#### **13.1. Overarching Objective**

- 13.1.1.** The Party will actively engage in local government to:
  - 13.1.1.1.** improve, shape, influence and contribute to effective decision-making at the local level; and
  - 13.1.1.2.** pursue Labor values and relevant policies at the local level; and
  - 13.1.1.3.** develop a Labor team approach that is tailored to specific local areas; and
  - 13.1.1.4.** support Labor MPs and candidates in each local area.

#### **13.2. Municipal Forum Executive**

- 13.2.1.** In each municipality there shall be established a Municipal Forum Executive which shall consist of:
  - 13.2.1.1.** Any Party member who holds the office of councillor in the municipality; and
  - 13.2.1.2.** Any Party member who is a member of an FEA executive and is a resident in the municipality; and
  - 13.2.1.3.** Any Party member who is endorsed as a Party candidate for election in the municipality; and
  - 13.2.1.4.** Any Party Member who is a Member of Parliament (or their representative) whose electorate includes any part of the municipality; and
  - 13.2.1.5.** Any other member who is co-opted by the Municipal Forum Executive from time to time.
- 13.2.2.** The power and duties of the Municipal Forum Executive shall be:
  - 13.2.2.1.** To convene Municipal Forums; and
  - 13.2.2.2.** To provide recommendations for consideration by members at Municipal Forums; and
  - 13.2.2.3.** To establish a campaign committee to organise municipal election campaigns; and

**13.2.2.4.** To assist in facilitating and maintaining a Labor team approach outside of municipal election campaigns.

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

### **13.3. Municipal Forum**

**13.3.1.** In each municipality there shall be established a Municipal Forum which shall consist of all the current members of the Party in that municipality.

**13.3.2.** 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.

**13.3.3.** 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:

**13.3.3.1.** Whether the Party should formally endorse candidates to contest the local municipal election as Party candidates; and

**13.3.3.2.** If the Party should formally endorse candidates, how many candidates should be endorsed in each electoral contest or ward; and

**13.3.3.3.** 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.

**13.3.4.** In making its recommendations to the Administrative Committee under Rules 13.3.3.1–13.3.3.3, the Municipal Forum Committee must consider the presumption in favour of endorsing candidates to contest local municipal elections as Party candidates.

**13.3.5.** Eligibility to vote in the Municipal Forum shall be restricted to members who have had the period of continuous membership required by Rule 5.9 and not have had their voting rights suspended in accorded with Rule 5.11 on the date of the Municipal Forum.

**13.3.6.** Where it exists the municipal caucus shall be obliged to formally report to the Municipal Forum on its performance.

### **13.4. Administrative Committee determining participation in Municipal Elections**

**13.4.1.** In May or June in the year prior to a municipal election, the Administrative Committee must determine in relation to each municipality:

**13.4.1.1.** Whether the Party should formally endorse candidates to contest the local municipal election as Party candidates; and

**13.4.1.2.** If the Party should formally endorse candidates, how many candidates should be endorsed in each electoral contest or ward; and

**13.4.1.3.** 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.

**13.4.2.** In making its determination under Rule 13.4.1, the Administrative Committee must consider:

**13.4.2.1.** any recommendations made by the relevant Municipal Forum under Rule 13.3.3;

and

**13.4.2.2.** the presumption in favour of endorsing candidates to contest local municipal elections as Party candidates.

**13.4.3.** If a Municipal Forum has made recommendations to the Administrative Committee under Rule 13.3.3, the Administrative Committee can make a determination under Rule 13.4.1 that is inconsistent with these recommendations but only if such a resolution is carried by an affirmative vote of at least 14 members.

### **13.5. Candidate Selection**

**13.5.1.** Selection for Party endorsed candidates shall be in accordance with Rules 19.8.4, 19.8.5 and 19.8.6.

**13.5.2.** The selection for Party endorsed candidates for Municipal Electorates shall be conducted by the Municipal Returning Officer elected under Rule 13.3.3.

### **13.6. Preferencing Requirement**

**13.6.1.** 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, on the date nominations close, the period of continuous membership required by Rule 5.9 and their voting rights have not been suspended in accordance with Rule 5.11) standing for the same vacancy before any other candidate.

**13.6.2.** A Party member must comply with Rule 13.6.1 regardless of whether or not they have, on the date nominations close, the period of continuous membership required by Rule 5.9 and their voting rights have not been suspended in accordance with Rule 5.11.

**13.6.3.** The preferencing requirement under Rule 13.6.1 may be waived if:

**13.6.3.1.** all Party 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

**13.6.3.2.** upon application by one of the candidates the Administrative Committee so determines by a vote of at least 14 members of the Administrative Committee.

### **13.7. Obligations of Non Endorsed Supported Candidates**

**13.7.1.** 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 their 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.

**13.7.2.** Within 48 hours after the close of nominations, State Office must advise all Party members who notified State Office of their nomination under Rule 13.7.1:

**13.7.2.1.** of the names of any other Party members who have, on the date nominations closed, the period of continuous membership required by Rule 5.9 and their voting rights have not been suspended in accordance with Rule 5.11; and

**13.7.2.2.** of the preferencing requirement under Rule 13.6.1.

**13.7.3.** A Party member who notified State Office of their nomination under Rule 13.7.1 will not be in breach of the preferencing requirement under Rule 13.6.1 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 13.7.2.1.

**13.7.4.** A Party member who is a non endorsed candidate elected to office shall not be obliged to caucus with Party endorsed councillors except in regard to the election or appointment of councillors to official positions and delegations, including mayor. A Party member who is elected to council as a non endorsed candidate is also required to loyally work for the party platform and comply with the Municipal Rules.

**13.7.5.** A Party member who is a non endorsed candidate elected to office may join a Party Caucus within the municipality but in doing so shall be bound to remain in that Caucus and abide by Party Caucus Rules for the duration of their term of office.

### **13.8. Municipal Caucus Rules**

**13.8.1.** In each municipality there shall be established a Municipal Caucus which shall consist of:

**13.8.1.2.** the Party endorsed candidates elected to the office of councillor in the municipality; and

**13.8.1.3.** any non endorsed candidates elected to the office of councillor in the municipality that elect to join the Municipal Caucus under Rule 13.7.5.

**13.8.2.** If there are no Party 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.

**13.8.3.** The Municipal Caucus shall meet as a caucus:

**13.8.3.2.** 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

**13.8.3.3.** from time to time, as determined by the caucus.

**13.8.4.** 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 13.7.4 insofar as the vote relates to the election or appointment of councillors to official positions and delegations, including mayor.

### **13.9. Access to Party resources**

**13.9.1.** State Office shall provide Party endorsed candidates with access to Party resources to assist with their municipal election campaign.

**13.9.2.** 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.

**13.9.3.** Any Party member standing for election to a municipal vacancy that receives access to Party resources under Rule 13.9.1 or 13.9.2 must pay a candidate levy to the Party. The Campaign Committee will determine the amount of the levy and when it must be paid.

### **13.10. Special Municipal Election**

**13.10.1.** A Special Municipal Election is a municipal election held in any of the following municipalities:

**13.10.1.1.** City of Melbourne; and

**13.10.1.2.** Any other municipality nominated by the Administrative Committee, but only if such a nomination is carried by an affirmative vote of at least 14 members.

**13.10.2.** The preferencing requirement under Rule 13.6.1 does not apply to any Party member standing in a Special Municipal Election.

**13.10.3.** 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.

#### **14. COUNTRY LABOR – COUNTRY LABOR EXECUTIVE POLICY COMMITTEE**

##### **14.1. Membership**

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

##### **14.2. Country Labor Executive**

**14.2.1.** Country Labor Executive (CLX) is charged with policy development and advocacy for Rural and Regional Victoria.

**14.2.2.** Country Labor Executive (CLX) consists of 20 members elected from and by Country Labor members, by a single remote ballot held in conjunction with FEA elections.

##### **14.3. Regional Forums**

**14.3.1.** Three forums for rural and regional Party 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.

**14.3.2.** The regional forums of Country Labor may propose policy to the State Conference on State and National issues that affect rural and regional areas.

##### **14.4. Meetings of the Country Labor Executive**

**14.4.1.** Meetings of the Country Labor Executive shall be held on the third Sunday of every month.

**14.4.2.** Decisions of the Country Labor Executive shall be made by a majority of those members present and voting.

**14.4.3.** 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.

**14.4.4.** 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.

- 14.4.5.** 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.

## **15. YOUNG LABOR**

### **15.1. Membership**

- 15.1.1.** 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.
- 15.1.2.** Despite Rule 15.1.1, financial members of the Victorian Branch remain VYL members whilst they:
- 15.1.2.1.** Are delegates to AYL National Conference; or
- 15.1.3.** All Party members who are under the age of 26 on 1 January are members of Victorian Young Labor and are eligible to vote in the election of the VYL Executive, VYL Officers and Delegates and Alternate Delegates to AYL Conference.

### **15.2. Aims**

- 15.2.1.** The aims of Victorian Young Labor are:
- 15.2.1.1.** To support the objectives and platform of the Australian Labor Party; and
- 15.2.1.2.** To provide a forum for young people across the state to debate progressive issues and Party policies within the labour movement; and
- 15.2.1.3.** To develop campaign skills and support endorsed Party candidates; and
- 15.2.1.4.** To encourage young people to join the Party; and
- 15.2.1.5.** To engage with Party Branches and support young members involvement in party structures; and
- 15.2.1.6.** To engage with young people, and encourage young people to join the Party in rural and regional Victoria; and
- 15.2.1.7.** To advise the Australian Labor Party and the Victorian and Federal Parliamentary Caucuses on matters concerning young people; and
- 15.2.1.8.** To involve young Party members in the Party Policy development process, and provide an independent forum to debate and develop policy across a wide range of issues; and
- 15.2.1.9.** To advocate the policy adopted at VYL Conferences; and
- 15.2.1.10.** To foster youth involvement with Trade Unions and the general community; and
- 15.2.1.11.** To increase the profile and act as a lobby group for youth issues in the community; and
- 15.2.1.12.** To organise social events and regular meetings.

### **15.3. Annual Young Labor Conference**

- 15.3.1.** 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.
- 15.3.2.** The Administrative Committee may convene additional Young Labor Conferences as required.
- 15.3.3.** The Young Labor Conference is the principal policy making and governing body of Young Labor in Victoria.
- 15.3.4.** The President shall chair the Young Labor Conference, subject to the decision of the conference.
- 15.3.5.** Subject to these rules and State Conference, the Young Labor Conference shall have the power to determine all matters affecting Victorian Young Labor, including:
  - 15.3.5.1.** 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, VYL People of Colour Co-Convenors; and
  - 15.3.5.2.** To receive and consider reports from the VYL President, Vice Presidents, Executive and any other committee of Victorian Young Labor; and
  - 15.3.5.3.** To review, amend or revoke any decision or action of the VYL Officers or the Executive; and
  - 15.3.5.4.** To determine agenda items put before it; and
  - 15.3.5.5.** To formulate policy for Victorian Young Labor, in accordance with the aims of the organisation.
- 15.3.6.** The business of the Young Labor Conference shall be conducted in accordance with the standing orders contained in these Rules.
- 15.3.7.** 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.
- 15.3.8.** A simple majority shall carry all resolutions moved at the Young Labor Conference.

#### **15.4. Composition of Young Labor Conference**

- 15.4.1.** The Young Labor Conference shall consist of all VYL members who are registered delegates.
- 15.4.2.** 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 15.4.4.
- 15.4.3.** A VYL member must have at least three months continuous membership at the date set under Rule 15.3.1 to be entitled to register as a delegate.
- 15.4.4.** 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.
- 15.4.5.** The State Secretary must notify all VYL members of the opportunity to register for the conference.

## **15.5. VYL Conference Agenda Committee**

- 15.5.1.** A Young Labor Conference Agenda Committee ("**Agenda Committee**") of five (5) members shall be appointed by the VYL Executive prior to VYL conference.
- 15.5.2.** The Agenda Committee shall comprise of the President, Secretary, Assistant Secretary/Treasurer and three other members elected by VYL Executive by proportional representation.
- 15.5.3.** The President shall be a non-voting ex-officio member of the committee.
- 15.5.4.** The Secretary shall convene these meetings in accordance with Rules 15.7.7 and 15.7.8.
- 15.5.5.** The power and duties of the VYL Agenda Committee shall be:
  - 15.5.5.1.** To prepare an agenda for Young Labor Conference including time allocations for discussions; and
  - 15.5.5.2.** To distribute a current version of the VYL policy volume to all participants; and
  - 15.5.5.3.** Accept and collate policy proposals and motions (from any constituent unit, affiliated union or participant) for debate at the upcoming conference; and
  - 15.5.5.4.** Circulate VYL Officer reports; and
  - 15.5.5.5.** Perform other duties as required by these rules.
- 15.5.6.** Policy proposals or motions that are not debated at any Young Labor Conference shall be considered lapsed at the conclusion of the conference.
- 15.5.7.** All agenda items must be received by the Secretary at least 10 days before the Victorian Young Labor Conference.
- 15.5.8.** The VYL Agenda Committee will set the agenda for the Young Labor Conference, subject to VYL Conference.

## **15.6. Election of Victorian Young Labor Executive and Officers**

- 15.6.1.** The Young Labor Conference must elect a VYL Executive consisting of:
  - 15.6.1.1.** A VYL President, Senior Vice-President and Junior Vice-President elected by and from the registered delegates to Young Labor Conference in one ballot by proportional representation; and
  - 15.6.1.2.** 15 other members elected by and from the registered delegates to Young Labor Conference in one ballot by proportional representation; and
  - 15.6.1.3.** Two People of Colour Co-Convenors elected by and from the registered delegates to Young Labor Conference who are members of the VYL PoC Caucus in one ballot by proportional representation.
- 15.6.2.** 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.
- 15.6.3.** 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.
- 15.6.4.** Any registered delegate of Young Labor Conference as determined by Rule 15.4 who is

under the age of 26 by the 1 January in the calendar year following the conference shall be eligible to nominate for any VYL position.

- 15.6.5.** 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.

## **15.7. Victorian Young Labor Executive**

- 15.7.1.** The Victorian Young Labor Executive (“**the Executive**”) consists of 15 members elected in accordance with Rule 15.6, and the VYL President, Senior Vice President, Junior Vice President and VYL People of Colour Co-Convenors as non-voting members.

- 15.7.2.** The powers and duties of the Executive shall be:

- 15.7.2.1.** To carry out all decisions of the Young Labor Conference; and
- 15.7.2.2.** To convene VYL General meetings by a 2/3 majority; and
- 15.7.2.3.** To ensure notification of all members and constituent units of the date, place and duration of the conference; and
- 15.7.2.4.** 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
- 15.7.2.5.** To be responsible for publicity, including publications and journals; and
- 15.7.2.6.** To ensure accurate record of VYL policy and minutes is maintained; and
- 15.7.2.7.** To appoint an Agenda Committee in accordance with Rule 15.7; and
- 15.7.2.8.** 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.

- 15.7.3.** The VYL Executive must elect from its members at the first meeting;

- 15.7.3.1.** A VYL Secretary and Assistant Secretary/Treasurer elected in one ballot by proportional representation; and
- 15.7.3.2.** A VYL Women’s Officer, who must be a female member of VYL Executive, elected by optional preferential ballot; and
- 15.7.3.3.** An LGBTI officer elected in one ballot by optional preferential voting. Candidates must identify as LGBTI; and
- 15.7.3.4.** A Regional Officer elected in one ballot by optional preferential voting.

- 15.7.4.** 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.

- 15.7.5.** 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.

**15.7.6. Proxies to VYL Executive**

**15.7.6.1.** 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.

**15.7.6.2.** In the event of any member of the Executive (including an Officer of VYL) being unable to attend a meeting of the VYL Executive they shall notify in writing the VYL Secretary (by letter, email or facsimile) of the name of any VYL member that they appoint as proxy for that meeting of the VYL Executive they 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.

**15.7.6.3.** Only female members of VYL can hold a proxy for female members of the VYL executive.

**15.7.7.** 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.

**15.7.8.** 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.

**15.8. VYL General meetings**

**15.8.1.** A General Meeting of the VYL membership must take place at least once every two months.

**15.8.2.** The General Meeting has the power to formulate policy for Victorian Young Labor.

**15.8.3.** The VYL Secretary and President must provide notice to VYL members via email at least 10 days in advance.

**15.8.4.** Agenda items for General meetings must be submitted in writing to the Secretary at least five (5) days prior to the meeting.

**15.9. Women's Forum**

**15.9.1.** All female members of VYL under Rule 15.1 are members of the VYL Women's Forum.

**15.9.2.** The VYL Women's Forum must convene at least 3 times per year.

**15.9.3.** 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.

**15.9.4.** The VYL Women's Forum will work in conjunction with the VYL Women's Officer to implement the policy of VYL.

**15.10. Australian Young Labor ("AYL")**

**15.10.1.** The VYL delegates to the AYL National Conference must be elected at the Young Labor Conference.

**15.11. Application of Affirmative Action**

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

- 15.11.1.1. The affirmative action model for Victorian Young Labor is that a minimum 45% of relevant positions be held by women. No less than 45% 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
- 15.11.1.2. All elections for more than one position shall comply with the VYL affirmative action model; and
- 15.11.1.3. 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.

#### 15.12. VYL People of Colour Caucus and Co-Convenors

- 15.12.1. Victorian Young Labor shall contain a VYL People of Colour Caucus ("**VYL PoC Caucus**").
- 15.12.2. Membership of the VYL PoC Caucus shall comprise of any VYL member who identifies as a Person of Colour.
- 15.12.3. The main objectives of the VYL PoC Caucus are:
  - 15.12.3.1. To attract and support People of Colour who want to get involved in progressive politics through VYL; and
  - 15.12.3.2. Find new avenues and areas in which to bring more people of diverse backgrounds into politics through VYL; and
  - 15.12.3.3. Increase awareness of issues that People of Colour are facing in VYL and the wider party; and
  - 15.12.3.4. Work collaboratively with other VYL members to achieve greater representation of cultural minority groups across VYL; and
  - 15.12.3.5. Advocate for improvements to state and federal government policy on areas of interest to People of Colour through VYL's policy platform.
- 15.12.4. The VYL PoC Caucus shall be led by two People of Colour Co-Convenors.
- 15.12.5. The primary responsibilities of the VYL People of Colour Co-Convenors are to:
  - 15.12.5.1. Organise, maintain, and support a VYL PoC Caucus; and
  - 15.12.5.2. Coordinate and ensure that the voices of People of Colour within VYL are being heard and supported; and
  - 15.12.5.3. Work collaboratively with the VYL Executive, Young Labor groups and the Victorian Multicultural Labor Network to achieve greater representation of People of Colour across VYL; and
  - 15.12.5.4. With the support of the VYL Executive, plan and organise meetings and events of the PoC Caucus; and
  - 15.12.5.5. Regularly report to the VYL Executive on their ideas, plans, progress and challenges so that they can be fully supported by the party in their activities.
- 15.12.6. The People of Colour Co-Convenors must convene the VYL PoC caucus (whether that be

through a meeting or an event) at least three times a year.

**15.12.7.** The People of Colour Co-Convenors shall be non-voting members of the Victorian Young Labor Executive and the Victorian Multicultural Labor Network Executive. The Co-Convenors shall report back to the VYL Executive and the Victorian Multicultural Labor Network Executive on their work at each meeting of these bodies.

**15.12.8.** Only members of Victorian Young Labor who identify as a Person of Colour shall be able to nominate for the position and/or participate in the ballot for these positions.

## **16. VICTORIAN LABOR WOMEN'S NETWORK**

### **16.1. Aims**

**16.1.1.** The aims of the Victorian Labor Women's Network ("VLWN") are:

- 16.1.1.1.** to encourage women to join and participate in the Australian Labor Party; and
- 16.1.1.2.** to increase the number of women in the Party; and
- 16.1.1.3.** to maintain and expand e-communication between Labor women; and
- 16.1.1.4.** to devise and promote training programs to improve skills, confidence and participation of Labor women throughout the Party; and
- 16.1.1.5.** to organise social and networking activities for women Party members; and
- 16.1.1.6.** to encourage women to participate in political education programs; and
- 16.1.1.7.** to develop support systems for elected women, especially at the local government level; and
- 16.1.1.8.** to alert women to career opportunities within the Party; and
- 16.1.1.9.** to co-ordinate a State based women's conference; and
- 16.1.1.10.** 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
- 16.1.1.11.** to promote contact between the Party and women's organisations in the community; and
- 16.1.1.12.** to be responsible for determining a proposal for the introduction of local Labor Women's Networks in consultation with FEA Women's Officers.

### **16.2. Membership**

**16.2.1.** Every woman member of the Party is automatically a member of the VLWN.

**16.2.2.** There is no membership fee.

### **16.3. Executive**

**16.3.1.** The Executive consists of 15 voting members.

**16.3.2.** The Executive must be elected from and by women members of the Party by a single

remote ballot held in conjunction with the FEA elections.

- 16.3.3.** The Executive must elect 2 Co-Convenors, a Secretary and a Communications Officer at its first meeting after the FEA elections.
- 16.3.4.** The Executive must co-opt 2 members of the Women’s Policy Committee as non- voting members.
- 16.3.5.** The Women’s Policy Committee must co-opt 2 members of the Executive as non- voting members.
- 16.3.6.** The Executive must provide an annual report on its activities to the Annual meeting of State Conference.
- 16.3.7.** The Co-Convenors are to represent the Victorian Labor Women’s Network as non- voting members of the Administrative Committee.

## **17. VICTORIAN LABOR ADVISORY COUNCIL**

- 17.1.** 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.
- 17.2.** The role of VLAC will be to provide a formal consultative mechanism between the Party and the union movement in Victoria.

## **18. VICTORIAN INDIGENOUS LABOR NETWORK**

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

## **19. SELECTIONS FOR PUBLIC OFFICE**

- 19.1.** 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.
- 19.2.** An FEA Executive or SECC may at any time request in writing that the Administrative Committee arrange for the selection of a Party candidate for the relevant State or Federal seat, provided that the seat is not currently held by the Party. The State Secretary must give the relevant FEA Executive or SECC a written response to the request within 30 days.
- 19.3.** No person shall be eligible as a candidate for endorsement for Federal or State Parliament or Municipal Council:
  - 19.3.1.** Unless they have, at the date of the closing of the nominations, the period of continuous membership required by Rule 5.9 and their voting rights have not been suspended in accordance with Rule 5.11, and have been a member of an affiliated union, if eligible, for at least three months prior to the date of closing of nominations; and
  - 19.3.2.** If they already hold any Public Office(s) as an endorsed Party candidate, unless they

undertake in writing to relinquish such existing office(s) within twelve months of being elected to the office for which they now seek endorsement.

- 19.4.** The Administrative Committee may waive any one or more of the provisions of Rule 19.3, pursuant to Rule 9.1.8.
- 19.5.** An applicant for selection shall submit a nomination form (Schedule C) signed by themselves 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.
- 19.6.** 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 themselves 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.
- 19.7.** The provisions of Rules 10.3.8.1 and 10.3.8.4 - 10.3.8.7 (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.
- 19.8.** The selection of candidates for Public Offices shall be made by the following:
  - 19.8.1.** 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.
  - 19.8.2.** 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 19.1. The process for selection of Legislative Council Candidates must commence before July in the year prior to a State election.
  - 19.8.3.** For the Senate, the Public Office Selection Committee.
  - 19.8.4.** 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.
  - 19.8.5.** 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 19.8.4, 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.
  - 19.8.6.** 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 14 members.
- 19.9.** 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.

- 19.10.** In the event of any member of the Public Office Selection Committee being unable to attend a Selection Panel they shall notify in writing the POSC President of the name of any member that they appoint as proxy for all or any particular Selection Panels they 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.
- 19.11.** 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.
- 19.12.** 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.
- 19.13.** 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 19.15.
- 19.14.** 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.
- 19.15.** 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 their 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.
- 19.16.** 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.
- 19.17.** 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.
- 19.18.** 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.
- 19.19.** Any Party member contesting an election for Public Office without Party endorsement shall not:
- 19.19.1.** have access to financial assistance from the Party (subject to Rule 13.9.2); and
  - 19.19.2.** use the Party's name or logo; and
  - 19.19.3.** in any way give the impression that they are an endorsed candidate or supported by the

Party.

- 19.20.** POSC ballots shall be conducted by the POSC Returning Officer elected under Rule 9.4.3.
- 19.21.** 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 10.3.1.1.
- 19.22.** 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 12.3.2.
- 19.23.** 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 12.11.
- 19.24.** The State Secretary will inform members within the electorate of the outcome of a preselection via email.

## **20. ELECTIONS GENERALLY**

### **20.1. The Chief Returning Officer and Deputy Returning Officers**

- 20.1.1.** The Administrative Committee shall appoint in December of each year a Chief Returning Officer and a panel of four Deputy Returning Officers.
- 20.1.2.** The powers and duties of the Chief Returning Officer and four Deputy Returning Officers shall be as follows:
  - 20.1.2.1.** To conduct all elections for Committees of State Conference, Officers, Trustees and Federal Executive and National Conference delegates; and
  - 20.1.2.2.** To conduct or supervise the conduct of all elections at Policy Assemblies; and
  - 20.1.2.3.** To generally advise Federal Electorate Assemblies and other units of the Party on the conduct of elections; and
  - 20.1.2.4.** To report to State Conference on any matters relating to the conduct of elections; and
  - 20.1.2.5.** 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 National Constitution. (See By-Laws of the Chief Returning Officer, Schedule E)

### **20.2. Casual vacancies**

- 20.2.1.** Where any casual vacancy occurs in any elected position then the following procedure shall be observed:
  - 20.2.1.1.** 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.
  - 20.2.1.2.** 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 or conducting a recount would result in the minimum percentage of positions not being filled by women as required by Rule 3.3.1, 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.

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

**20.2.2.1.** The Committee shall report the vacancy to State Office within 10 days of becoming aware of a vacancy.

**20.2.2.2.** State Office shall notify the relevant Returning Officer within 5 days of receiving notification of a vacancy.

**20.2.2.3.** 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.

**20.2.2.4.** 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 or conducting a recount would result in the minimum percentage of positions not being filled by women as required by Rule 3.3.1, then the relevant Returning Officer shall call for fresh nominations and conduct a new election if necessary as soon as practicable.

### **20.3. Secret ballot**

**20.3.1.** 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.

### **20.4. Counting of ballots and election appeals and disputes**

**20.4.1.** The counting of ballots and procedures for dealing with election appeals and disputes as outlined in Rules 10.3.8.12, 10.3.8.13 and 10.3.8.14 shall apply to other internal elections unless otherwise stated.

### **20.5. Provision of photographic identification**

**20.5.1.** For the purposes of ballots conducted in accordance with this Rule, other than a postal or remote ballot, a voter must produce photographic identification that conforms with the form of photographic identification specified in the Membership Protocols.

### **20.6. Postal ballots**

**20.6.1.** For all elections by postal ballot under these Rules, State Office must post the postal ballot papers to the eligible voters and include a prepaid return mail envelope.

**20.6.2.** A voter must return a postal ballot by:

**20.6.2.1.** posting it back to State Office or the relevant returning officer; or

**20.6.2.2.** returning it to State Office or the relevant returning officer in person; or

**20.6.2.3.** authorising, in writing, another member to return it to State Office in person, provided they:

**20.6.2.3.1.** are an immediate family member; and

**20.6.2.3.2.** were registered with State Office as residing at the same address as the member at the time nominations for that postal ballot closed; and

**20.6.2.3.3.** have authorisation from the member in the form of:

**20.6.2.3.3.1.** a letter signed by the member; or

**20.6.2.3.3.2.** an email from the member's email address that was registered with State Office at the time nominations for that postal ballot closed.

**20.6.3.** The member returning a postal ballot in person under Rule 20.6.2.2 or 20.6.2.3 must produce photographic identification that conforms with the form of photographic identification specified in the Membership Protocols.

**20.6.4.** When returning a postal ballot, the voter shall place their printed name, their Branch and their signature on the declaration envelope.

**20.6.5.** A member eligible to vote in an election by postal ballot under these Rules who have not yet voted in that election may:

**20.6.5.1.** request that State Office post them a new postal ballot; or

**20.6.5.2.** collect a re-issued postal ballot from State Office in person; or

**20.6.5.3.** authorise, in writing, another member to collect a re-issued postal ballot from State Office, provided they:

**20.6.5.3.1.** are an immediate family member; and

**20.6.5.3.2.** were registered with State Office as residing at the same address as the member at the time nominations for that postal ballot closed; and

**20.6.5.3.3.** have authorisation from the member in the form of:

**20.6.5.3.3.1.** a letter signed by the member; or

**20.6.5.3.3.2.** an email from the member's email address that was registered with State Office at the time nominations for that postal ballot closed.

**20.6.6.** The member collecting a re-issued postal ballot under Rule 20.6.5.2 or 20.6.5.3 must produce photographic identification that conforms with the form of photographic identification specified in the Membership Protocols.

## **20.7. Elections by State Conference conducted by postal ballot**

**20.7.1.** All elections by State Conference conducted by postal ballot will be conducted pursuant to Rule 20.7.

**20.7.2.** For all elections conducted pursuant to Rule 20.7, State Office must:

**20.7.2.1.** post the ballot papers to all membership delegates, the Leader and Deputy Leader of the Labor Party in the two Houses of the Victorian Parliament, and the two persons elected by and from the Victorian members of the Federal Parliamentary Labor Party; and

**20.7.2.2.** provide the ballot papers for union delegates to the affiliated union in the manner requested by the affiliated union. This may be, but is not required to be, by post.

**20.7.3.** Delegates may elect to have their ballot issued, either in-person or by post, to another

member of the party provided they reside in the same FEA as the delegate. The member nominated by the delegate pursuant to this rule may sign, seal and return the ballot paper under their own name, consistent with Rule 20.7.7.

- 20.7.4.** Upon the request of an affiliated union, a ballot paper for a union delegate will be issued to another member of the party, provided that the member is a member of that union. The member nominated by the affiliated union pursuant to this rule may sign, seal and return the ballot paper under their own name, consistent with Rule 20.7.7.
- 20.7.5.** The Leader and Deputy Leader of the Labor Party in the two Houses of the Victorian Parliament, and the two persons elected by and from the Victorian members of the Federal Parliamentary Labor Party, may elect to have their ballot issued, either in-person or by post, to another member of the party. The member nominated by the delegate pursuant to this rule may sign, seal and return the ballot paper under their own name, consistent with Rule 20.7.7.
- 20.7.6.** The ballots must be returned to State Office by the deadline set by the Administrative Committee.
- 20.7.7.** Ballots must be returned by:
  - 20.7.7.1.** posting it back to State Office; or
  - 20.7.7.2.** returning it to State Office in person; or
  - 20.7.7.3.** having another party member return the ballot on a delegate's behalf.
- 20.7.8.** When returning a postal ballot, the voter shall place their printed name, their signature, their membership number, and their FEA or affiliated union (whichever is applicable) on the declaration envelope.
- 20.7.9.** A delegate eligible to vote in an election by State Conference which is conducted by post pursuant to Rule 20.7, who has not yet voted in that election, may:
  - 20.7.9.1.** request that State Office post them a new ballot; or
  - 20.7.9.2.** collect a re-issued ballot from State Office in person; or
  - 20.7.9.3.** authorise, in writing, another member to collect a re-issued postal ballot from State Office provided they have authorisation from the delegate in the form of:
    - 20.7.9.3.1.** a letter signed by the delegate; or
    - 20.7.9.3.2.** an email from the delegate's email address that was registered with State Office at the time of the conference from which the positions are being elected.
- 20.7.10.** Affiliated unions may appoint, by email or by signed letter, a member of the party to collect re-issued postal ballots on behalf of union delegates from State Office, provided the delegates for whom the request is made have not yet voted in that election.
- 20.7.11.** The member collecting a re-issued postal ballot under Rule 20.7.9.2 or 20.7.9.3 must produce photographic identification that conforms with the form of photographic identification specified in the Membership Protocols.
- 20.8. Remote ballots**
  - 20.8.1.** If provided for in the Rules, an election may be conducted by a remote ballot.
  - 20.8.2.** Any remote ballot must comply with Schedule O. If a remote ballot fails to comply with

Schedule O, this may be grounds for a member to dispute the declared results of an election under Rule 21.6.

**20.8.3.** Any online voting platform used for a remote ballot must be approved by an affirmative vote of at least 14 members of the Administrative Committee. When approving an online voting platform, the Administrative Committee must be satisfied that it meets the Standards under Schedule O. Once an online voting platform has been approved, that approval will be ongoing unless Administrative Committee decides otherwise.

**20.8.4.** For the purposes of Rule 20.8.3, “online voting platform” means a program or system used to facilitate online voting.

## **21. DISPUTES TRIBUNAL**

### **21.1. Appointment of Panel**

**21.1.1.** The Administrative Committee must, at its first meeting after a new Administrative Committee has been elected, by resolution passed with at least 15 members in favour appoint six persons to form the panel for the Disputes Tribunal, one of whom the Administrative Committee must designate as the President, also by resolution with at least 15 members in favour.

**21.1.2.** 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 15 members in favour appoint a replacement to fill that vacancy.

**21.1.3.** All members of the panel must:

**21.1.3.1.** be members of the Party; and

**21.1.3.2.** be experienced in participating in tribunal or disciplinary hearings or similar dispute resolution processes; and

**21.1.3.3.** have a good understanding of the rules of procedural fairness; and

**21.1.3.4.** not be a current member of an Australian Parliament; and

**21.1.3.5.** have:

**21.1.3.5.1.** obtained trauma informed advocacy experience within a legal environment or legal practice; and/or

**21.1.3.5.2.** undertaken trauma informed advocacy training; and

**21.1.3.6.** have been:

**21.1.3.6.1.** admitted to practice as a barrister and solicitor of the Supreme Court of Victoria for at least 10 years; or

**21.1.3.6.2.** an Office Holder within an Australian Parliament (for example Minister, Speaker or President); or

**21.1.3.6.3.** a former Secretary or Assistant Secretary of an affiliated trade union.

**21.1.4.** A member of the panel may only be removed by the affirmative vote of at least 15 members of the Administrative Committee.

## **21.2. Constitution of Tribunal**

**21.2.1.** Pursuant to Rule 21.1.1, the Administrative Committee must designate one member of the Disputes Tribunal Panel as the President of the Tribunal by resolution with at least 15 members voting in favour.

**21.2.2.** In respect of each matter, the Disputes Tribunal is constituted as follows:

**21.2.2.1.** a member of the panel nominated by the President of the Tribunal, or

**21.2.2.2.** at the discretion of the President of the Tribunal – three members of the panel;

**21.2.2.3.** for matters relating to breaches of the Code, pursuant to the Complaints Handling Policy:

**21.2.2.3.1.** a member chosen by the President of the Tribunal in accordance with the Complaints Handling Policy; or

**21.2.2.3.2.** in cases of appeals under the Complaints Handling Policy, three members chosen by the President of the Tribunal in accordance with the Complaints Handling Policy.

## **21.3. Responsibilities**

**21.3.1.** Subject to Rule 21.13, the Disputes Tribunal is responsible for hearing and deciding all complaints by members, affiliated unions and constituent units of the Party that relate to:

**21.3.1.1.** compliance with these Rules; or

**21.3.1.2.** enforcement of the rights and obligations of members, affiliated unions and constituent units under these Rules.

**21.3.2.** Without limiting Rule 21.3.1, the Disputes Tribunal is specifically responsible for hearing and deciding:

**21.3.2.1.** under Rule 21.5 – charges in relation to disciplinary offences; and

**21.3.2.2.** under Rule 21.6 – disputes as to the results of elections;

**21.3.2.3.** under Rule 21.7 – challenges to the credentials of delegates to State Conference; and

**21.3.2.4.** under Rules 21.5, 29 and 30 – charges brought or complaints made by the Party Monitor or Inaugural Party Monitor, including charges in relation to breaches of previous versions of the Rules.

**21.3.3.** In addition to Rules 21.3 and 21.4, the Disputes Tribunal has the roles, powers and responsibilities set out in Rule 21.13 and those contained in the Complaints Handling Policy. These additional roles, powers and responsibility relate to complaints made under the Code.

## **21.4. Powers**

**21.4.1.** In addition to its specific powers under Rules 21.5.6, 21.6.4, 21.7.3 and 21.7.4, the Disputes Tribunal may:

**21.4.1.1.** make declarations and give directions for compliance with, and the enforcement of these Rules; and

- 21.4.1.2.** subject to these Rules:
  - 21.4.1.2.1.** regulate its own procedure; and
  - 21.4.1.2.2.** make regulations for that purpose, including the form of complaints and responses; and
- 21.4.1.3.** without limiting Rule 21.4.1.2:
  - 21.4.1.3.1.** conciliate disputes, if it thinks appropriate; and
  - 21.4.1.3.2.** require any member to attend to give evidence; and
  - 21.4.1.3.3.** summarily dismiss any complaint that it finds is frivolous, vexatious or made without reasonable grounds; and
  - 21.4.1.3.4.** do everything necessary or desirable to give effect to this Rule 21; and
  - 21.4.1.3.5.** hear appeals in relation to breaches of the Code in accordance with the Complaints Handling Policy; and
  - 21.4.1.3.6.** impose sanctions or disciplinary action in relation to breaches of the Code in accordance with the Complaints Handling Policy;
- 21.4.1.4.** make recommendations to State Conference and the Administrative Committee for the prevention and resolution of disputes, including amendments to these Rules.

## **21.5. Disciplinary Offences**

- 21.5.1.** The following are offences under these Rules:
  - 21.5.1.1.** failure to comply with:
    - 21.5.1.1.1.** these Rules, with the exception of breaches of the Code; or
    - 21.5.1.3.2.** the National Constitution; or
    - 21.5.1.3.3.** the State Platform or Policy; or
    - 21.5.1.3.4.** the National Platform or Policy; or
    - 21.5.1.3.5.** a decision of State Conference; or
    - 21.5.1.3.6.** a resolution of the Administrative Committee passed by the affirmative vote of at least 11 members; or
  - 21.5.1.2.** breaching the Code of Membership Recruitment and Democratic Participation, including by branch stacking, as defined in Rule 6.8.1; or
  - 21.5.1.3.** disloyalty to the Party; or
  - 21.5.1.4.** publicly attacking:
    - 21.5.1.4.1.** the Party; or
    - 21.5.1.4.2.** Any member of the Party.

- 21.5.2.** A member may charge another member with an offence under Rule 21.5.1 by making a complaint in accordance with Rule 21.8.
- 21.5.3.** With the exception of charges brought or referrals made by the Party Monitor (including the Inaugural Party Monitor), 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 or the member/s who committed the offence have resigned from the Party within 6 months of the offence being committed.
- 21.5.4.** The member charged is the respondent to the complaint.
- 21.5.5.** If a member is charged with an offence under Rule 21.5.1 but ceases to be a member before the Disputes Tribunal has decided on the charge, the Disputes Tribunal's consideration of the charge shall be adjourned. If the member later rejoins the Party, the Disputes Tribunal will readjourn to consider the charge and the member will be automatically suspended from the Party until the Disputes Tribunal has decided on the charge. If when the Disputes Tribunal readjourns the member who initially made the complaint is no longer able to pursue the complaint, the Party Monitor will assume carriage of the complaint.
- 21.5.6.** If the Disputes Tribunal is satisfied that the member charged has committed an offence under Rule 21.5.1, it may impose the following penalties:
  - 21.5.6.1.** a reprimand; or/and
  - 21.5.6.2.** a disqualification from holding any party officer and from endorsement for public office for a period of 5 years; or/and
  - 21.5.6.3.** suspension for a specified period of not more than 12 months of all or some rights of membership; or/and
  - 21.5.6.4.** expulsion from the Party indefinitely or for a specified period of at least 12 months; or/and
  - 21.5.6.5.** in cases where an official is found to have breached Rule 6.8.3, any such Official shall forfeit all positions and be expelled from the Party; or/and
  - 21.5.6.6.** where members are found to have had membership fees paid for in contravention of Rules 6.8.1 or 6.8.2 such members shall be deemed to be no longer members and all membership rights shall be forfeited.

## **21.6. Disputed Elections**

- 21.6.1.** A member who disputes the declared result of an election may make a complaint in accordance with Rule 21.8.
- 21.6.2.** The complaint must be made within 10 days of the declaration of the result by the relevant Returning Officer.
- 21.6.3.** The respondents to the complaint are:
  - 21.6.3.1.** the Returning Officer who conducted the election; and
  - 21.6.3.2.** each candidate who may be affected by a change in the result.
- 21.6.4.** 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:

- 21.6.4.1. there be a recount of votes by the relevant Returning Officer or the Chief Returning Officer; or
  - 21.6.4.2. a candidate declared elected was not elected, and a candidate not declared elected was elected; or
  - 21.6.4.3. the election is void, and a new election be held.
- 21.6.5. 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.

#### 21.7. Challenges to Credentials

- 21.7.1. 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.
- 21.7.2. The delegate whose credentials have been challenged is the respondent to the complaint.
- 21.7.3. 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.
- 21.7.4. 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.

#### 21.8. Complaints and Responses

- 21.8.1. With the exception of charges brought by the Party Monitor or Inaugural Party Monitor, every complaint must:
  - 21.8.1.1. be in writing signed by the member making the complaint ("**the complainant**"); and
  - 21.8.1.2. state the specific rules that the complainant alleges have not been complied with or that the complainant seeks to enforce; and
  - 21.8.1.3. set out a concise statement of the facts relied upon by the complainant; and
  - 21.8.1.4. be accompanied by a deposit of \$100; and
  - 21.8.1.5. be given to the Party Monitor, and a copy to be given to the State Secretary.
- 21.8.2. A member may make a complaint on behalf of a number of members with the authority of each of those members.
- 21.8.3. The Party Monitor, or in the case of a complaint made or charge brought by the Party Monitor or Inaugural Party Monitor – the State Secretary, must send a copy of the complaint to each respondent within 5 days.
- 21.8.4. For the purposes of this Rule 21, the respondent is:
  - 21.8.4.1. in the case of complaints under Rules 21.5, 21.6 and 21.7 – the persons identified in Rules 21.5.4, 21.6.3 and 21.7.2 respectively;
  - 21.8.4.2. in the case of charges brought or complaints made by the Party Monitor or Inaugural Party Monitor, the person(s) identified in the documentation referred to in Rules 29.3 and 30.3; or

- 21.8.4.3.** each member against whom it is sought to enforce these Rules.
- 21.8.5.** Each respondent must give a response to the complaint within 10 days. The response must:
  - 21.8.5.1.** be in writing signed by the respondent; and
  - 21.8.5.2.** set out a concise statement of the facts relied upon by the respondent; and
  - 21.8.5.3.** include copies of all documents relied upon by the respondent; and
  - 21.8.5.4.** be given to the State Secretary and Party Monitor.
- 21.8.6.** The Party Monitor must send copies of the complaint and all responses received to the Disputes Tribunal chosen in accordance with Rule 21.2 within 5 days after the expiry of the 10 day time limit in Rule 21.8.5.
- 21.8.7.** In cases of urgency, the Disputes Tribunal may:
  - 21.8.7.1.** permit complaints to be made and responses given orally, or without written statements of facts; and
  - 21.8.7.2.** vary the time periods in this Rule 21.8.

## **21.9. Hearings**

- 21.9.1.** The Disputes Tribunal must promptly schedule a hearing of the complaint or charge, and notify the complainant and respondent (“**the parties**”).
- 21.9.2.** The parties must attend the hearing at the time and date fixed by the Disputes Tribunal.
- 21.9.3.** Any party, including the Party Monitor, is entitled to be represented or assisted by another member.
- 21.9.4.** Hearings may be held by teleconference.

## **21.10. Procedure of Tribunal**

- 21.10.1.** Subject to Rule 21.13, the Disputes Tribunal must:
  - 21.10.1.1.** comply with the rules of procedural fairness; and
  - 21.10.1.2.** subject to Rule 21.10.1.1, deal with complaints and conduct its hearings as expeditiously as possible; and
  - 21.10.1.3.** promptly give written reasons for its decisions to the parties and the Administrative Committee.
- 21.10.2.** 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 21, 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.

## **21.11. Deposits**

- 21.11.1.** 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 Party Monitor must return the deposit

to the complainant.

#### **21.12. Effect of Decisions**

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

#### **21.13. Roles, powers and responsibility of Disputes Tribunal under the Code and Associated Policies**

- 21.13.1.** In addition to any powers, roles and responsibilities set out in these Rules, the Disputes Tribunal has the roles, powers and responsibilities set out in this Rules 21.13 and those set out in the Complaints Handling Policy.
- 21.13.2.** All complaints made in respect of, or under, the Code and Associated Policies must follow the processes set out in the Complaints Handling Policy.
- 21.13.3.** A person may make a complaint in relation to the Code by following the steps set out in the Complaints Handling Policy.
- 21.13.4.** With respect to the Code and Associated Policies, the Disputes Tribunal is responsible for:
  - 21.13.4.1.** all imposing disciplinary action pursuant to Rule 21.13.5 and the Complaints Handling Policy;
  - 21.13.4.2.** considering, hearing and/or determining appeals made by respondents under the Complaints Handling Policy; and
  - 21.13.4.3.** performing the roles and responsibilities set out for it in the Complaints Handling Policy.
- 21.13.5.** Pursuant to this Rule 21.13 and the Code and Associated Policies, the Disputes Tribunal may, after the process set out in the Complaints Handling Policy has been followed, impose disciplinary action against a respondent, including:
  - 21.13.5.1.** a reprimand; and/or
  - 21.13.5.2.** an order that a person does or does not do a particular thing (e.g. training or mediation);
  - 21.13.5.3.** a disqualification from holding any Party office and from endorsement for public office for a period of 5 years; or/and
  - 21.13.5.4.** suspension for a specified period of not more than 12 months of all or some rights of membership; or/and
  - 21.13.5.5.** expulsion from the Party indefinitely or for a specified period of at least 12 months; or/and
  - 21.13.5.6.** any other sanction or action provided for by the Complaints Handling Policy.
- 21.13.6.** The President of the Disputes Tribunal has the roles, functions and responsibilities set

out in the Complaints Handling Policy.

## **22. FINANCE, PROPERTY, TRUSTEES AND AUDITORS**

### **22.1. General**

- 22.1.1.** Subject to Rule 22.3, 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.
- 22.1.2.** Subject to Rule 22.3, 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.
- 22.1.3.** 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.
- 22.1.4.** 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 they may be required to produce for the purpose of such audit.
- 22.1.5.** 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.

### **22.2. Capital Investment Fund**

- 22.2.1.** There shall be a fund of the Party to be known (subject to Rule 22.2.2) as the “Capital Investment Fund” (in this Rule “**the Fund**”).
- 22.2.2.** Notwithstanding Rule 22.2.9, the Administrative Committee may by resolution passed with 11 votes in favour rename the fund to commemorate an individual who has made an outstanding contribution to the labour movement.
- 22.2.3.** Subject to Rule 22.3, the Fund shall comprise:

- 22.2.3.1.** all bequests made to the Party or its Trustees; and
  - 22.2.3.2.** 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
  - 22.2.3.3.** interest earned on the Fund.
- 22.2.4.** Subject to Rule 22.3, the Fund shall be vested in the Trustees.
- 22.2.5.** 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.
- 22.2.6.** 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:
- 22.2.6.1.** 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 7.4.8, a resolution under this Rule 22.2.6.1 will be deemed to be a change of the Rules); and
  - 22.2.6.2.** the purpose of making a loan to the Federal Branch or another State Branch of the ALP:
    - 22.2.6.2.1.** for a term of not more than 2 years; and
    - 22.2.6.2.2.** on commercial terms (including a commercial interest rate) approved, before the loan is made, by the Administrative Committee; and
  - 22.2.6.3.** 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:
    - 22.2.6.3.1.** 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
    - 22.2.6.3.2.** 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
    - 22.2.6.3.3.** on such other terms (which must not be inconsistent with the terms set out in this Rule 22.2.6.3) as the Administrative Committee may determine and specify in their resolution authorising the advance.
- 22.2.7.** 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 22.2.6.
- 22.2.8.** The Trustees:
- 22.2.8.1.** in their capacities as trustees of the Fund, must not borrow any money for any purpose; or
  - 22.2.8.2.** 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

**22.2.8.3.** 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.

**22.2.9.** Rule 22.2 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.

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

**22.2.10.1.** hold the Fund on the terms of this Rule; and

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

### **22.3. Labor Services & Holdings Trust**

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

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

**22.3.1.2.** 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.

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

**22.3.3.** 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 14 votes in favour of the nomination (being a total of 5 persons).

**22.3.4.** 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 their retirement or the withdrawal or cancellation of their nomination, do everything necessary to:

**22.3.4.1.** retire as a director of the LSH Trustee; and

**22.3.4.2.** transfer their share in the LSH Trustee to the person appointed as a director of the LSH Trustee in their stead.

**22.3.5.** 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 14 votes in favour of the resolution.

**22.3.6.** The Administrative Committee may at any time by resolution passed with 14 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:

**22.3.6.1.** any change to the purpose of the LSH Trust; or

- 22.3.6.2.** the creation or acquisition of any sub-trust or the acquisition of securities in or of any corporation; or
  - 22.3.6.3.** the sale or disposition of any assets of the LSH Trust; or
  - 22.3.6.4.** the acquisition of any asset having a value of over \$100,000 by or for the LSH Trust; or
  - 22.3.6.5.** the incurrance of any liability of over \$100,000 by the LSH Trustee; or
  - 22.3.6.6.** 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.
- 22.3.7.** Subject to Rule 22.3.5, 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.
- 22.3.8.** 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.
- 22.3.9.** In addition to assets transferred to the LSH Trustee as contemplated by Rule 22.3.7, the LSH Trustee may hold any and all future assets of the Party including electoral campaign contributions received from any source.
- 22.3.10.** 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.
- 22.3.11.** 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.
- 22.3.12.** 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 22.3.10) to the Party.
- 22.3.13.** Rules 22.1.1 and 22.1.2 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.
- 22.3.14.** The appointment of an Auditor under Rule 22.1.4 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 22.1.4 will apply to the LSH Trustee as if the reference to the State Secretary in Rule 22.1.4 was a reference to the LSH Trustee.
- 22.3.15.** Rules 22.2.5 and 22.2.6 will apply to and in respect of any part of the Fund transferred by the Trustees to the LSH Trustee.
- 22.3.16.** 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.

## **23. STANDING ORDERS**

### **23.1. Applicability**

- 23.1.1.** 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.

### **23.2. The Chair**

- 23.2.1.** The President of the body that is meeting must preside. Subject to Rules 8.2.4 and 11.5, if the President cannot preside, a member present shall be appointed by the meeting to preside.
- 23.2.2.** The Chair shall have the power to direct any member to direct their remarks to the Chair, to resume their 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 they withdraw from the meeting.

### **23.3. Order of Business**

- 23.3.1.** Subject to the meeting at any time on motion without debate determining some other order of business, the order of business shall be:
  - 23.3.1.1.** Acknowledgment of Country.
  - 23.3.1.2.** Values Statement.
  - 23.3.1.3.** Tabling and confirmation of minutes.
  - 23.3.1.4.** Reports.
  - 23.3.1.5.** Correspondence.
  - 23.3.1.6.** General business.
- 23.3.2.** No discussion shall be allowed except on motion or amendment duly proposed and seconded.
- 23.3.3.** 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.
- 23.3.4.** All questions shall be determined in the following manner:
  - 23.3.4.1.** The mover of the motion shall have seven minutes to present argument in support of their motion and five minutes to reply.
  - 23.3.4.2.** The seconder of such motion, and all other speakers, shall be limited to five minutes.
  - 23.3.4.3.** 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.
  - 23.3.4.4.** 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.

- 23.3.4.5.** 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.
- 23.3.4.6.** 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.
- 23.3.4.7.** 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 23.4.
- 23.3.4.8.** 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.
- 23.3.4.9.** 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:
  - 23.3.4.9.1.** if one or more amendments have been moved, the amendments have been dispensed with pursuant to Rule 23.5; and
  - 23.3.4.9.2.** there is no further member rising to speak to the motion in accordance with Rule 23.3.4.7 or the meeting has agreed “that the question be now put” pursuant to Rule 23.6.
- 23.3.4.10.** All votes of the meeting shall be subject to the following procedure:
  - 23.3.4.10.1.** The Chair shall call upon those who support the question to say Aye, and those who are opposed to say No; and
  - 23.3.4.10.2.** they shall then declare the question carried or lost.
- 23.3.5.** Any member not satisfied with the Chair’s decision may, by standing in their 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.
- 23.3.6.** Any delegate not satisfied with the count as declared by the Chair may, by standing in their 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 their right. They shall then call upon those who oppose, to stand on their left. They 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.

#### **23.4. Cognate Debate**

- 23.4.1.** If two or more motions relate to the same subject-matter and are inconsistent with each other, they may be debated together.
- 23.4.2.** Subject to Rule 23.7, the Chair must rule on the order the motions are to be moved.

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

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

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

**23.4.4.** Notwithstanding Rule 23.4.3.2, the meeting may on motion without debate increase the number of speakers for cognate debate.

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

**23.4.6.** 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.

### **23.5. Amendments**

**23.5.1.** 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.

**23.5.2.** 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.

### **23.6. The closure**

**23.6.1.** 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.

**23.6.2.** 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.

### **23.7. Dissent in the Chair**

**23.7.1.** 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 their 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.

### **23.8. Non-voting members**

**23.8.1.** 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.

## **24. RULES NOT ENFORCEABLE IN LAW**

- 24.1.** 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.
- 24.2.** Without limiting Rule 24.1, 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.
- 24.3.** By joining the Party and remaining members, all members of the Party consent to be bound by Rule 24.

## **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. TRANSITIONAL RULES**

- 26.1.** For anyone who is a member of the Party on 30 November 2024, their next membership payment will be due on the day of the month in December 2024 that corresponds with their join date.
- 26.2.** Notwithstanding that the appointment of the Administrators ceased as at midnight on 31 January 2021, charges laid by the Administrators during the period of the Administration shall be heard and determined by the Disputes Tribunal in accordance with Rule 27 as it applied during the administration and any suspension of the member in question shall continue.

## **27. PARTY MONITOR**

### **27.1. Appointment of Party Monitor**

- 27.1.1.** The Administrative Committee must, by an affirmative vote of at least 14 members, appoint a Party Monitor whenever there is a vacancy in that position.
- 27.1.2.** A Party Monitor must be appointed for a term of no less than two years.
- 27.1.3.** A Party Monitor must:
  - 27.1.3.1.** be a member of the Party; and
  - 27.1.3.2.** not hold public office; and
  - 27.1.3.3.** not be actively seeking election or appointment to public office; and

- 27.1.3.4.** not hold a position on the Disputes Tribunal, the Administrative Committee or the Public Office Selection Committee; and
  - 27.1.3.5.** have a demonstrated record of integrity; and
  - 27.1.3.6.** have a good understanding of the operation of the Party and its Rules.
- 27.1.4.** A Party Monitor may only be removed by the affirmative vote of at least 14 members of the Administrative Committee.

## **27.2. Responsibilities**

- 27.2.1.** It shall be the responsibility of the Party Monitor to:
- 27.2.1.1.** receive and consider complaints by members, and refer them to the Disputes Tribunal; and
  - 27.2.1.2.** resolve disputes within the Party which do not involve charges before the Disputes Tribunal or complaints under the Code and Associated Policies; and
  - 27.2.1.3.** provide copies of a complaint to each respondent, pursuant to Rule 21.8.3; and
  - 27.2.1.4.** receive copies of each respondent's response to a complaint, pursuant to Rule 21.8.5.4; and
  - 27.2.1.5.** send copies of the complaint and all responses received to the Disputes Tribunal, pursuant to Rule 21.8.6; and
  - 27.2.1.6.** receive, retain and, where appropriate, return deposits made by complainants, pursuant to Rules 21.8.1.4 and 21.11; and
  - 27.2.1.7.** investigate branch stacking, pursuant to Rule 6.8.4; and
  - 27.2.1.8.** make referrals to the Disputes Tribunal of its own volition based on information that comes before it, including charges or complaints for disciplinary offences; and
  - 27.2.1.9.** undertake annual reporting to members relating to the Party's compliance with the Rules, including the function of the Administrative Committee and its Sub-Committees; and
  - 27.2.1.10.** undertake a review of the integrity of the Party membership and membership arrangements every two years; and
  - 27.2.1.11.** provide a report to the Administrative Committee on the findings of the review of the Party membership every two years; and
  - 27.2.1.12.** until 31 December 2025, report annually to members on the implementation of recommendations arising from the Administrators' Final Report to the National Executive of the Australian Labor Party from November 2020.

## **27.3. Charges brought by Party Monitor**

- 27.3.1.** Notwithstanding Rule 21.8.1, this Rule 27.3 applies to charges brought and complaints made by the Party Monitor.
- 27.3.2.** In the case of any referral, charge or complaint made under Rule 27.2.1.8:
- 27.3.2.1.** The Party Monitor may charge a member by sending a Statement of Facts and a

document setting out the Rule/s that they allege have not been complied with to the State Secretary;

**27.3.2.2.** The Party Monitor may charge a member for breaching any rule, including those in previous versions of the Rules, that existed before the establishment of the Party Monitor, and may charge a member for engaging in conduct that occurred before the establishment of the Party Monitor;

**27.3.2.3.** Rules 21.5.3, 21.8.1.4 and 21.8.1.5 (or their equivalents under previous versions of the Rules) will not apply to any charge or referral made by the Party Monitor; and

**27.3.2.4.** To the extent of any inconsistency in procedure between charges brought under previous Rules and the procedural requirements of these Rules, the procedural requirements in these Rules will prevail.

#### **27.4. Assistance**

**27.4.1.** The Administrative Committee shall assist the Party Monitor in the performance of their role. This assistance will include providing the Party Monitor with administrative support, access to documents and records and responding to questions.

### **28. INAUGURAL PARTY MONITOR**

#### **28.1. Appointment**

**28.1.1.** The National Executive shall appoint the Inaugural Party Monitor.

**28.1.2.** The Inaugural Party Monitor shall commence on 31 January 2021.

**28.1.3.** The Inaugural Party Monitor must be appointed for a term of no less than two years.

**28.1.4.** The Inaugural Party Monitor must:

**28.1.4.1.** be a member of the Party; and

**28.1.4.2.** have a demonstrated record of integrity; and

**28.1.4.3.** have a good understanding of the operation of the Party and its Rules.

**28.1.5.** The Inaugural Party Monitor may only be removed by the National Executive.

#### **28.2. Responsibilities**

**28.2.1.** It shall be the responsibility of the Inaugural Party Monitor to:

**28.2.1.1.** receive and consider complaints by members, and refer them to the Disputes Tribunal; and

**28.2.1.2.** resolve disputes within the Party which do not involve charges before the Disputes Tribunal or complaints under the Code and Associated Policies; and

**28.2.1.3.** provide copies of a complaint to each respondent, pursuant to Rule 21.8.3; and

**28.2.1.4.** receive copies of each respondent's response to a complaint, pursuant to Rule 21.8.5.4; and

**28.2.1.5.** send copies of the complaint and all responses received to the Disputes Tribunal,

pursuant to Rule 21.8.6; and

- 28.2.1.6.** receive, retain and, where appropriate, return deposits made by complainants, pursuant to Rules 21.8.1.4 and 21.11; and
- 28.2.1.7.** investigate branch stacking, pursuant to Rule 6.8.4; and
- 28.2.1.8.** make referrals to the Disputes Tribunal of its own volition based on information that comes before it, including charges and complaints for disciplinary offences; and
- 28.2.1.9.** before the end of its term, undertake a review of the integrity of the Party membership and membership arrangements; and
- 28.2.1.10.** provide a report to the National Executive on the findings of the review of the Party membership referred to in the previous sub-rule.

### **28.3. Charges brought by Inaugural Party Monitor**

- 28.3.1.** Notwithstanding Rule 21.8.1, this Rule 28.3 applies to charges brought and complaints made by the Party Monitor.
- 28.3.2.** In the case of any referral, charge or complaint made under Rule 28.2.1.8:
  - 28.3.2.1.** The Inaugural Party Monitor may charge a member by sending a Statement of Facts and a document setting out the Rule/s that they allege have not been complied with to the State Secretary;
  - 28.3.2.2.** The Inaugural Party Monitor may charge a member for breaching any rule, including those in previous versions of the Rules, that existed before the establishment of the Inaugural Party Monitor, and may charge a member for engaging in conduct that occurred before the establishment of the Inaugural Party Monitor;
  - 28.3.2.3.** Rules 21.5.3, 21.8.1.4 and 21.8.1.5 will not apply to any charge or referral made by the Party Monitor; and
  - 28.3.2.4.** To the extent of any inconsistency in procedure between charges brought under previous Rules and the procedural requirements of these Rules, the procedural requirements in these Rules will prevail.

### **28.4. Assistance**

- 28.4.1.** The Administrative Committee shall assist the Inaugural Party Monitor in the performance of their role. This assistance will include providing the Party Monitor with administrative support, access to documents and records and responding to questions.

## **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 7.3.4 and 7.3.5;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 7.3.3, the total number of members of all FEAs eligible to vote under Rule 10.3.8.1 shall be calculated as at 31 May in odd numbered years.



## **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 who reside in Victoria and are 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 14 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 14 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:
  - 3.2.** the independent audit report for the previous year; and
  - 3.3.** 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.
- 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 Party 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. For the purposes of determining the formality of a voting paper, if there is tick or cross against the name of a candidate and there are no other numbers, ticks crosses or any other markings against the name of any other candidates on the ballot paper, the tick or cross shall be deemed to be the figure 1.
  - 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. Electronic Count Sheets approved by the Administrative Committee may be used in place of a physical count sheet. Any candidate will be permitted to scrutinise a physical or electronic count sheet. A copy of the count sheet will be provided to a candidate upon request.
  - 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 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 their 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 them by the transfer value of each paper.
- 3.4.** Credit the value in points for each continuing candidate to them 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 them beyond the bundle which gave the surplus. But all elected candidates who obtained their quota earlier than them, must have their surpluses dealt with first, even if theirs are larger.
- 3.7.** When, occasionally, a candidate receives an exact quota and no surplus, their 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 they choose, 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 their papers bundle by bundle in the order in which they were received. Each continuing candidate is allotted those papers, on which they are 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 their quota in this way, no further papers are allotted to them, 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 them or to exhausted); or
    - 4.6.3. 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, subject to clause 4.7.
  - 4.7. If the application of clause 4.6.3 would not meet the affirmative action requirements of Rule 3 (because more than the maximum permissible number of male candidates would be elected):
    - 4.7.1. Continue the procedure of transferring the surpluses of successful candidates and of eliminating in succession the defeated candidates until the number of remaining male continuing candidates is equal to the maximum permissible number of vacancies that can be filled by male candidates.
    - 4.7.2. Record as elected those continuing candidates who have not been eliminated in order starting with the candidate with the highest progress total of votes, and set aside their papers.
    - 4.7.3. Apply clauses 7.3, 7.4 and 7.6–7.10.
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 8.3.2.1 in the elections of National Conference delegates under Rule 8.3.2, 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 8.3.2.1.

- 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 8.3.2.1 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 they are 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 they are not allocated any further ballot papers beyond the bundle that elected them.
- 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, they are 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 they are 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 they are not allocated any further ballot papers beyond the bundle that elected them.
- 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 they are 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 they are not allocated any further ballot papers beyond the bundle that elected them.
- 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 8.3.2.1.
- 8.11.** Continue the count in accordance with clauses 3 and 4 of this Schedule.

9. To meet the requirements of Rule 9.5.14, 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 preferred, 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.





**SCHEDULE C3 – MUNICIPAL NOMINATION FORM**

<b>Victorian Labor</b>	<b>AUSTRALIAN LABOR PARTY - VICTORIAN BRANCH MUNICIPAL NOMINATION FORM &amp; PLEDGE FOR ENDORSEMENT OF CANDIDATES</b>	SCHEDULE C3a
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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 Party 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 20.1.2.5 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 31<sup>st</sup> 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 10.3.2.
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 10.3.8.4. 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 10.3.8.14.
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 State Office.
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 their 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 on request.
- 16.** No alcohol shall be consumed at the location of the polling place during polling hours.
- 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 pursuant to Rule 20.6.1. All such ballot papers must be returned pursuant to Rule 20.6.2. 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 their 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 remote 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 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. However, the SPLP may decide on a different nomination period, provided the nomination period is no less than 24 hours, by a resolution carried by the affirmative vote of more than 80% of the members of the SPLP.
- 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 Party member is entitled to vote in this election if:

**5.1.1.1** They had the period of continuous membership as required by Rule 5.9 or they were a member on the day of the previous Victorian general election; and

**5.1.1.2** their voting rights have not been suspended in accordance with Rule 5.11.

**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 pursuant to Rule 20.6.1. All such ballot papers must be returned pursuant to Rule 20.6.2. Ballots for each voting component must be distinguishable.
- 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 their 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 Party 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 Party 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 21.6 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.

## **SCHEDULE I – VICTORIAN LABOR GENERAL CODE OF CONDUCT**

### **1. The Victorian Code of Conduct**

- 1.1.** Pursuant to Rule 6.1, the Party has adopted this Code of Conduct (Code), which is incorporated into the Branch Rules.
- 1.2.** The Code sets out the expectations of the Australian Labor Party, Victorian Branch, known as the Party under the Branch Rules and “Victorian Labor” for the purpose of the Code and Associated Policies. A reference to Victorian Labor in the Code and Associated Policies is also a reference to the Party and vice versa.
- 1.3.** The following policies sit alongside the Code:
  - 1.3.1.** The Policy on Sexual Harassment Prevention and Response (Schedule J);
  - 1.3.2.** The Policy on Harassment and Bullying Prevention and Response (Schedule K); and
  - 1.3.3.** The Complaints Handling Policy (Schedule L).

#### **(Associated Policies)**

### **2. Principles and purpose**

- 2.1.** The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity.
- 2.2.** Victorian Labor is committed to providing a safe, inclusive and respectful environment in all Victorian Labor forums for members, officials, employees, contractors and volunteers. This extends to ensuring policies and procedures effectively protect complainants when allegations of misconduct are made.
- 2.3.** These principles apply to all those participating in the democratic processes of Victorian Labor.
- 2.4.** In order to consistently meet the standards of behaviour demanded by these principles, the ALP has harmonised Codes of Conduct and Associated Policies across all levels and Branches of the ALP. In the case of Victorian Labor, the Branch Rules have been modified to incorporate the Code and Associated Policies.
- 2.5.** In order to ensure people involved with Victorian Labor are aware of, understand and adhere to the Code and the Associated Policies, the State Office will promote this Code and the Associated Policies across the organisation.

### **3. Application**

- 3.1.** The Code and Associated Policies apply to the conduct of all Victorian Labor members, Parliamentarians, officials, employees, contractors and volunteers, who each agree they are familiar with and are, subject to Rule 24, bound by the Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a Victorian Labor gathering or event.
- 3.2.** The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by Victorian Labor, election campaigns, and meetings and conferences which individuals covered by the Code and Associated Policies attend as a result of party-related duties or their involvement with Victorian Labor.

#### **4. Interaction with other Codes, Policies and Procedures**

- 4.1.** Victorian Labor reserves the right to develop complaints handling policies for individual workplaces or gatherings, where appropriate, that are consistent with the principles outlined in the Code and Associated Policies. Such policies may apply concurrently with the Code and Associated Policies.
- 4.2.** Victorian Labor also recognises that particular workplaces, including parliamentary workplaces, are governed by specific codes of conduct, legal and WHS requirements and disciplinary procedures. Such policies and obligations may apply concurrently with the Code and the Associated Policies and may be better suited to handle complaints in some circumstances, particularly where the matter relates to Ministerial or Parliamentary staff and employment relationships.
- 4.3.** The ALP has a National Code of Conduct and Associated Policies which apply to national matters as outlined in the Complaints Handling Policy.
- 4.4.** Members acknowledge and agree that any breach of the National Code of Conduct and Associated Policies will be dealt with in accordance with the National Complaints Handling Policy and may result in disciplinary action.
- 4.5.** The Code and Associated Policies are to be read with, and are subject to, Rule 24 of the Branch Rules. Nothing in the Code or Associated Policies gives rise to any kind of legally-binding right or obligation.

#### **5. Standards of Conduct**

- 5.1.** Victorian Labor expects all persons covered the Code and Associated Policies to abide by the following standards and principles:
  - 5.1.1.** Every person should be treated with dignity, fairness and respect.
  - 5.1.2.** Every member must engage with other members in a way which affords them dignity, fairness and respect.
  - 5.1.3.** Every person should comply with all relevant laws and regulations that apply to any Victorian Labor activities.
  - 5.1.4.** Every person should be able to participate in activities of Victorian Labor free from bullying, discrimination and harassment including sexual harassment, intimidation, and victimisation.
  - 5.1.5.** Action, including decisions as to whether action should be taken, should not be affected by personal interests and relationships and conflicts of interest should be disclosed as appropriate.
  - 5.1.6.** No person should behave or act in a way that harms the reputation of the Party or adversely impacts the health and safety of any person.

#### **6. Misconduct under and breaches of the Code**

- 6.1.** Misconduct under the Code includes, but is not limited to situations, where someone:
  - 6.1.1.** breaches the law;
  - 6.1.2.** falsifies documents;
  - 6.1.3.** is involved in fraud, bribery or corruption;

- 6.1.4. engages in unlawful or anti-social behaviour including abuse of legal or illegal drugs;
- 6.1.5. is negligent or incompetent in the performance of duties;
- 6.1.6. is abusive or uses obscene or threatening language to another person;
- 6.1.7. is physically or verbally violent against any person;
- 6.1.8. behaves in a manner that constitutes discrimination as defined in the Policy on Harassment and Bullying Prevention and Response, which includes discrimination or harassment towards a group of persons on the basis of race, ethnicity, gender, gender identity, sexuality, age or disability;
- 6.1.9. sexually harasses another person, as defined in the Policy on Sexual Harassment Prevention and Response;
- 6.1.10. sexually assaults another person;
- 6.1.11. behaves in a manner that constitutes harassment towards a person as defined in the Policy on Harassment and Bullying Prevention and Response, including on the basis of their sex;
- 6.1.12. breaches workplace policies or workplace health and safety laws;
- 6.1.13. attends a Victorian Labor gathering or event or when purporting to conduct business on behalf of Victorian Labor or representing Victorian Labor is under the influence of drugs or alcohol which prevents the proper or safe performance of duties;
- 6.1.14. has unauthorised possession or misuses the property (including information systems) of Victorian Labor;
- 6.1.15. deliberately fails to declare to Victorian Labor a conflict of interest (and obtain consent where required) which may affect their performance or judgment as an office holder;
- 6.1.16. behaves in a manner which brings the Party into disrepute;
- 6.1.17. misuses Victorian Labor's confidential information;
- 6.1.18. fails to abide by the Code and Associated Policies or other internal Party policies for member conduct;
- 6.1.19. breaches the confidentiality requirements under the Code and Associated Policies; or
- 6.1.20. victimises a person for making a complaint or participating in the complaints handling processes under the Code and Associated Policies.

## **7. Sexual Harassment**

- 7.1. Victorian Labor strives to be an organisation, and a community, that is safe for everyone; and that it is imperative to take positive action to prevent sexual harassment. Victorian Labor recognises that sexual harassment is a form of gendered violence.
- 7.2. Victorian Labor recognises sexual harassment can constitute serious misconduct. Further details about what conduct is considered sexual harassment and how Victorian Labor handles allegations of sexual harassment are outlined in the Policy on Sexual Harassment Prevention and Response (Schedule J).

## **8. Bullying and Harassment**

- 8.1.** Victorian Labor takes a strong stance against bullying and harassment, including harassment on the ground of sex, of any person by any individual covered by the Code.
- 8.2.** Victorian Labor recognises that bullying and harassment can constitute serious misconduct. Further details about what conduct is considered bullying and harassment and how Victorian Labor handles this are outlined in the Policy on Bullying and Harassment Prevention and Response (Schedule J).

## **9. Procedure for complaints**

- 9.1.** Victorian Labor takes seriously complaints involving alleged breaches of the Code and Associated Policies.
- 9.2.** Pathways to make, handle and resolve complaints, either formally or informally, are outlined in the Complaints Handling Policy. Complaints under the Code are intended to, and will, be handled under a separate process to disciplinary offences under the Rules.
- 9.3.** Victorian Labor encourages complainants to report criminal conduct to the police or other relevant authorities.
- 9.4.** When dealing with allegations of misconduct, Victorian Labor will endeavour to:
  - 9.4.1.** act promptly;
  - 9.4.2.** undertake a transparent process having regard to procedural fairness; and.
  - 9.4.3.** maintain confidentiality.

## **SCHEDULE J – VICTORIAN LABOR POLICY ON SEXUAL HARASSMENT PREVENTION AND RESPONSE**

### **1. APPLICATION**

- 1.1.** The Code of Conduct (**the Code**) sets out the expectations of the Australian Labor Party, Victorian Branch, known as the Party under the Branch Rules and “Victorian Labor” for the purpose of the Code and Associated Policies. A reference to Victorian Labor in the Code and Associated Policies is also a reference to the Party, and vice versa.
  - 1.2.** The following policies sit alongside the Code:
    - 1.2.1.** The Policy on Sexual Harassment Prevention and Response (Schedule J);
    - 1.2.2.** This Policy on Harassment and Bullying Prevention and Response (Schedule K); and
    - 1.2.3.** The Complaints Handling Policy (Schedule L).
- (Associated Policies)**
- 1.3.** The Code set out the expectations of Victorian Labor for all people involved with the Party, including local branch members.
  - 1.4.** The Code and Associated Policies apply to the conduct of all Victorian Labor members, Parliamentarians, officials, employees, contractors and volunteers, who each agree they are familiar with and bound by the Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a Victorian Labor gathering or event.
  - 1.5.** The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by the Party, election campaigns, and meetings and conferences which individuals covered by the Code of and Associated Policies attend as a result of party-related duties or their involvement with the ALP or the Party

### **2. PRINCIPLES**

- 2.1.** Victorian Labor strives to be an organisation, and a community, that is safe for everyone. It is imperative that Victorian Labor to take positive action to prevent and address sexual harassment.
- 2.2.** Bullying and harassment, particularly sexual harassment, can cause physical, emotional, sexual, psychological, social and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported.
- 2.3.** The ALP has harmonised its policies for Sexual Harassment Prevention and Response across its Federal structure. This means the definition, response and prevention approach adopted by the ALP in response to these issues is largely consistent across all levels of the organisation.
- 2.4.** The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of Victorian Labor.
- 2.5.** International Labour Organisation convention 190 – Violence and Harassment in the World of Work (Convention) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.
- 2.6.** Consistent with the Convention, Victorian Labor stands against work-related gendered violence, in all its forms, including sexual harassment, bullying and other types of

inappropriate behaviour, which are prohibited and will not be tolerated. If sexual harassment does occur, Victorian Labor will respond promptly, confidentially and safely.

### **3. AWARENESS AND TRAINING**

- 3.1.** Victorian Labor recognises that simply having a policy or code is not enough, and that the Party must ensure that steps are taken to create a robust and positive culture by improving awareness, providing training and implementing effective systems and processes.
- 3.2.** Victorian Labor will ensure that everyone involved with the Party is aware of this Policy and the expectations of the Victorian Labor regarding sexual harassment.
- 3.3.** Victorian Labor recognises that it has a duty to provide adequate training to Parliamentarians, officials, paid staff and support staff and to extend training opportunities to other members of Victorian Labor as time and resources permit.
- 3.4.** Training is mandatory upon induction for Parliamentarians, officials and senior staff, with regular refresher training. A register is kept of each person who has received training, including where persons have received appropriate equivalent training in a workplace setting.

### **4. WHAT IS SEXUAL HARASSMENT?**

- 4.1.** Sexual harassment is unwanted or unwelcome conduct of a sexual nature, including unwelcome sexual advances or unwelcome requests or sexual favours, in circumstances where it is reasonable (considering the context of the situation and individuals) to anticipate the possibility the recipient will feel offended, humiliated or intimidated. It is irrelevant whether the person committing the acts intends to sexually harass the recipient.
- 4.2.** Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, online or in person, repeated or one-off. Sexual harassment may include (this list is not exhaustive):
  - 4.2.1.** physical acts, such as unwanted touching, sexual gestures or sexually explicit contact;
  - 4.2.2.** verbal acts, such as requests for sexual favours or dates, making promises or threats in return for sexual favours, inappropriate jokes and innuendos, explicit conversations, derogatory comments, insults, taunts, or intrusive questions or comments about a person's private life; or
  - 4.2.3.** visual acts, such as leering or staring at a person, and viewing, displaying or distributing offensive or explicit material including via the internet or email/ text messages.
- 4.3.** Sexual harassment can be a form of discrimination and can have serious legal and other consequences for individuals, bystanders and work teams. It can expose the Party to disputes and litigation.
- 4.4.** Sexual harassment can occur in person or online. Technology-facilitated harassment can take many forms, such as: messages or calls, account take overs, image-based abuse, fake social media accounts; and being tracked through a phone or device.
- 4.5.** Sexual harassment can cause distress and harm for people who are not directly involved, including family members and colleagues.
- 4.6.** Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

## **5. ACTIVE BYSTANDER INTERVENTION**

- 5.1.** Victorian Labor encourages and values safe active bystander intervention by members of the Party to prevent or stop sexual harassment from occurring or continuing.
- 5.2.** Steps involved in safe active bystander intervention are:
  - 5.2.1.** noticing the situation – paying attention to what is going on nearby;
  - 5.2.2.** assessing and deciding whether someone might need help;
  - 5.2.3.** checking with others if unsure;
  - 5.2.4.** accepting responsibility to take action – not assuming someone else will act; and
  - 5.2.5.** making a plan to step in, without being aggressive or putting oneself or others in danger.

## **6. RESOLUTION AND COMPLAINTS**

- 6.1.** Complaints and breaches of this Policy should be reported in accordance with the Complaints Handling Policy (Schedule L).
- 6.2.** Various informal and formal methods are available to resolve complaints depending on the nature and seriousness of the allegations, and the wishes of the complainant.
- 6.3.** The process for handling and resolving complaints is outlined in the Complaints Handling Policy.

## **7. SUPPORT**

- 7.1.** A Party member who alleges sexual harassment by another member of the Party, or a person who alleges that sexual harassment took place at a gathering or event under the auspices of Victorian Labor, is entitled to a respectful and prompt response from Victorian Labor.
- 7.2.** Part of the resolution process is ensuring that a complainant is aware of available reporting options. This may involve referral to counselling or other independent avenues of professional advice and assistance, with the consent of the complainant.
- 7.3.** Appropriately skilled and trained Party members can support a person who has experienced sexual harassment. However, it is of the utmost importance to ascertain and respect the wishes of the person making a complaint with respect to privacy and confidentiality.
- 7.4.** Where criminal conduct, including sexual assault, has occurred, or may have occurred, referral to police by Victorian Labor should only occur with the consent of the complainant and subject to mandatory reporting obligations.

## **SCHEDULE K – VICTORIAN LABOR POLICY ON BULLYING AND HARASSMENT, PREVENTION AND RESPONSE**

### **1. APPLICATION**

- 1.1.** The Code of Conduct (**the Code**) sets out the expectations of the Australian Labor Party, Victorian Branch, known as the Party under the Branch Rules and “Victorian Labor” for the purpose of the Code and Associated Policies. A reference to Victorian Labor in the Code and Associated Policies is also a reference to the Party, and vice versa.
- 1.2.** The following policies sit alongside the Code:
  - 1.2.4.** The Policy on Sexual Harassment Prevention and Response (Schedule J);
  - 1.2.5.** This Policy on Harassment and Bullying Prevention and Response (Schedule K); and
  - 1.2.6.** The Complaints Handling Policy (Schedule L).

#### **(Associated Policies)**

- 1.6.** The Code set out the expectations of Victorian Labor for all people involved with the Party, including local branch members.
- 1.7.** The Code and Associated Policies apply to the conduct of all Victorian Labor members, Parliamentarians, officials, employees, contractors and volunteers, who each agree they are familiar with and bound by the Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a Victorian Labor gathering or event.
- 1.8.** The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by the Party, election campaigns, and meetings and conferences which individuals covered by the Code of and Associated Policies attend as a result of party-related duties or their involvement with the ALP or the Party

### **2. PRINCIPLES**

- 2.1.** Victorian Labor believes in an organisation, and a community that is safe and inclusive for everyone and that it is imperative to take positive steps to prevent and address bullying and harassment.
- 2.2.** The ALP has harmonised its policies for Bullying and Harassment Prevention and Response across its structure. This means that the definitions, response and prevention approach adopted by the ALP in response to these issues is largely consistent across all levels and Branches of the organisation.
- 2.3.** The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in a society free of harassment and to receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of the Party.
- 2.4.** International Labour Organisation Convention 190 – Violence and Harassment in the World of Work (the Convention) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.
- 2.5.** Consistent with the Convention, Victorian Labor stands against work related gendered violence, in all its forms, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated.

- 2.6.** Bullying, harassment and discrimination can cause physical, emotional, sexual, psychological, social and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported. Victorian Labor strives to create a strong and positive culture, and commit ourselves to the creation of policies, training and grievance procedures that will effectively protect complainants when allegations of harassment are made.

### **3. AWARENESS AND TRAINING**

- 3.1.** Victorian Labor recognises that simply having a policy or code is not enough and that as an organisation steps must be taken to create a supportive and positive culture, to improve awareness, to provide training (and mandate training where appropriate), and to implement robust systems and processes to deal with allegations and complaints of bullying, harassment and discrimination.

### **4. WHAT IS BULLYING?**

- 4.1.** Bullying occurs when a person or group of people repeatedly behave unreasonably towards another person, or a group of people of which the other person is a member and that behaviour creates a risk to health and safety.
- 4.2.** Bullying is misconduct and can be, but is not limited to:
- 4.2.1.** repeatedly making demeaning jokes or belittling remarks about a person;
  - 4.2.2.** threats, intimidation, stand-over tactics and coercion;
  - 4.2.3.** verbal abuse or degrading language or gestures aimed at an individual;
  - 4.2.4.** yelling or screaming at an individual;
  - 4.2.5.** spreading rumours or misinformation about a person;
  - 4.2.6.** excluding, isolating or marginalising a person from activities;
  - 4.2.7.** abuse of supervisory or managerial authority such as sabotaging a person's work or deliberately inconveniencing them; and
  - 4.2.8.** unjustified threats of disciplinary procedures.
- 4.3.** Bullying is not:
- 4.3.1.** differences of opinion;
  - 4.3.2.** non-aggressive conflicts;
  - 4.3.3.** interpersonal problems in working relationships;
  - 4.3.4.** reasonable performance management;
  - 4.3.5.** operational changes or restructuring;
  - 4.3.6.** lawful termination of employment or position;
  - 4.3.7.** robust intellectual or political debate;
  - 4.3.8.** engagement in democratic processes within the Party undertaken in good faith and reasonably; or

**4.3.9.** constructive feedback.

## **5. WHAT IS HARASSMENT?**

**5.1.** Harassment refers to both single and repeated occurrences of a range of unwelcome, offensive or unacceptable behaviours and practices, or threats, that aim at, result in, or are likely to result in physical, psychological, sexual, social or economic harm and can be, but is not limited to (note, this list is not exhaustive):

**5.1.1.** unwanted physical contact;

**5.1.2.** repeated offensive comments, including insults, verbal or physical threats;

**5.1.3.** spreading rumours about a person;

**5.1.4.** breaching the privacy of a person, for example by disseminating personal information without their consent;

**5.1.5.** posting offensive comments in public forums about a person;

**5.1.6.** repeated shouting, insults, threats, disparagement, public humiliation or intimidation;

**5.1.7.** purposefully isolating a person from normal Party business, conversations or events;

**5.1.8.** making offensive remarks about a person based on their sex, gender identity, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status or sexual orientation;

**5.1.9.** deliberately mimicking the way a person speaks, making jokes about their race, calling a person by a racist name, deliberately pronouncing a person's name incorrectly, or deliberately mis-gendering a person;

**5.1.10.** repeatedly following a person (stalking);

**5.1.11.** unreasonably and persistently contacting or attempting to contact a person by any means;

**5.1.12.** interfering with a person's property; and

**5.1.13.** harassment on the ground of sex, which occurs when a person:

**5.1.13.1.** engages in unwelcome conduct of a seriously demeaning nature towards another person, on the basis of that person's sex or a characteristic generally imputed on or associated with that person's sex, in circumstances where it is reasonable to anticipate the possibility that they will feel offended, humiliated or intimidated; or

**5.1.13.2.** creates or facilitates an intimidating, hostile, humiliating or offensive environment for a person or persons of a particular sex.

## **6. WHAT IS DISCRIMINATION?**

**6.1.** Discrimination occurs when a person directly or indirectly discriminates against another person as follows:

**6.1.1.** on the grounds of a protected attribute of the other person, the first person treats or proposes to treat the other person less favourably than they would treat a person with a different type of protected attribute, in the same or not materially different

circumstances;

**6.1.2.** the first person imposes an unreasonable requirement that is likely to disadvantage someone with a protected attribute more than a person without a protected attribute; or

**6.1.3.** the first person undertakes any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

**6.2.** For the purposes of this Policy, a protected attribute includes race, colour, sex, religion, descent or national extraction, nationality, social origin, immigration status, age, medical record, relationship status, pregnancy and associated attributes, family or carer responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, disease, illness or other medical status (including being HIV positive), sexual orientation, gender identity, intersex status, physical appearance, and including attributes generally imputed to a person with one of the above attributes as well as association with a person who has one of the above attributes.

**6.3.** This clause 6 will not apply to vetting of candidates or pre-selection of candidates. By way of example, the affirmative action rules, or steps taken to improve cultural or socio-economic diversity in pre-selected candidates, will not amount to discrimination under this Policy.

#### **6.4. ACTIVE BYSTANDER INTERVENTION**

**6.5.** The Party encourages and values safe active bystander intervention by Party members to prevent or stop bullying or harassment from occurring or continuing.

**6.6.** The steps involved in safe active bystander intervention are:

**6.6.1.** noticing the situation – paying attention to what is going on nearby;

**6.6.2.** assessing and deciding whether someone might need help;

**6.6.3.** checking with people around if unsure;

**6.6.4.** accepting responsibility to take action – not assuming someone else will act; and

**6.6.5.** making a plan to step in, without being aggressive or putting oneself or others in danger.

### **7. RESOLUTION AND COMPLAINTS**

**7.1.** Complaints and breaches of this Policy should be reported in accordance with the Victorian Complaints Handling Policy (Schedule L).

**7.2.** Complaints can be resolved using various informal and formal methods depending on the nature and seriousness of the allegations, and the wishes of the complainant.

**7.3.** The process to handle and resolve complaints is outlined in the Victorian Complaints Handling Policy.

### **8. SUPPORT**

**8.1.** A member who alleges bullying, harassment or discrimination by another member of the Party, and any person who alleges that bullying or harassment took place at a Victorian Labor gathering or event, is entitled to a respectful and prompt response from the Party.

- 8.2.** Part of the resolution process is ensuring that a complainant has been adequately supported by appropriately training Party members and is aware of available reporting options. This may involve referral to counselling or other avenues of professional advice and assistance, with the consent of the complainant.

## SCHEDULE L – VICTORIAN LABOR GENERAL CODE OF CONDUCT COMPLAINTS HANDLING POLICY

### 1. APPLICATION

- 1.1.** This Complaints Handling Policy applies to complaints arising under the Code of Conduct (**the Code**) (Schedule I) and the following Associated Policies:
- 1.1.1.** The Policy on Sexual Harassment Prevention and Response (Schedule J); and
- 1.1.2.** This Policy on Harassment and Bullying Prevention and Response (Schedule K).
- 1.2.** This Complaints Handling Policy does not apply to disciplinary offences set out at Rule 21.5 of the Branch Rules.

### 2. COMPLAINT RESPONSE JURISDICTION

- 2.1.** The ALP has harmonised its complaints handling policy across its structure. This means that the process and procedure for responding to complaints is largely consistent across the ALP federally.
- 2.2.** A complaint in relation to the Victorian Branch should be handled by the Victorian Branch.
- 2.3.** Victorian Labor cannot action complaints relating to the National Office, or in connection with a National ALP gathering or event. Complaints relating to the National Office or in connection with a National ALP gathering, or event will be actioned by the National Secretariat’s Office.
- 2.4.** The Party reserves the right to develop complaints handling policies for individual workplaces where appropriate, which are consistent the principles outlined in the Code and Associated Policies.
- 2.5.** The following table sets out the relevant pathways for complaints to be actioned. However, the Party recognises that many members are involved in the ALP in a variety of ways and encourages anyone who may wish to make a complaint to speak to a Respect Contact Officer listed at clause 6 of this Complaints Handling Policy for further guidance.

### 3. PATHWAYS

COVERAGE	RELEVANT JURISDICTION	RELEVANT POLICIES
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a National ALP gathering or event	National Secretariat Office	National Code of Conduct  ALP National Policy on Sexual Harassment Prevention and Response  ALP National Policy on Bullying and Harassment Prevention and Response  ALP National Complaints Handling Policy
Parliamentary Staff & Volunteers of Parliamentarians & Parliamentarians in relation to workplace matters	Cth, State and Territory Parliaments, Department of Finance Relevant State/Territory department/ agency as applicable	Please refer to policies promulgated within individual workplaces
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events outside of the jurisdiction of their Membership	National Secretariat Office	National Code of Conduct  ALP National Policy on Sexual Harassment Prevention and Response

		ALP National Policy on Policy on Bullying and Harassment Prevention and Response  ALP National Complaints Handling Policy
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events in the jurisdiction in which they are a member	Relevant State or Territory Branch	The relevant state and territory branch rules, procedures and processes which incorporate:  (a) Code of Conduct; (b) Policy on Sexual Harassment Prevention and Response; (c) Policy on Bullying and Harassment Prevention and Response; and (d) this Complaints Handling Policy (e.g. this Complaints Handling Policy).
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a jurisdictional (State-based) gathering and event	Relevant State or Territory Branch	The relevant State or Territory Branch rules, procedures and processes which incorporate: (a) the relevant Branch's Code of Conduct;  (b) the relevant Branch's Policy on Sexual Harassment Prevention and Response;  (c) the relevant Branch's Policy on Bullying and Harassment Prevention and Response; and  (d) the relevant Branch's Complaints Handling (e.g. this Complaints Handling Policy)
National ALP organisational staff and paid officials	National Secretariat Office	National ALP Workplace Health & Safety Policy and Employment Terms and Conditions
State or Territory Branch organisational staff and paid officials	Relevant State or Territory Branch	Relevant State or Territory Branch employment agreements, and the following rules, procedures and processes:  (a) State or Territory Branch Rules (e.g. the Victorian Branch Rules);  (b) the relevant Branch's Code of Conduct (e.g. the Code in Schedule I); (c) Sexual Harassment Prevention and Response;  (d) Policy on Bullying and Harassment Prevention and Response; and  (e) the relevant Complaints Handling (e.g. this Complaints Handling Policy)

- 3.1.** In the event that a complaint relates to conduct of an ALP member (excluding Federal MPs) occurring across more than one jurisdiction or online, the complaint will be referred to a Complaint Manager in the jurisdiction in which the respondent is a member for action in accordance with that State or Territory Branch's Complaints Handling Policy.
- 3.2.** Complaints under this Policy can be made to:
  - 3.3.1.** A Respect Contact Officer;
  - 3.3.2.** A Complaint Manager or
  - 3.3.3.** The State Secretary.
- 3.3.** It is recommended that complaints are made, in the first instance, to a Respect Contact Officer or a Complaint Manager.

#### **4. KEY SUPPORT PRINCIPLES IN COMPLAINT HANDLING**

- 4.1.** Victorian Labor is committed to ensuring that allegations of sexual harassment, harassment, bullying, discrimination and other breaches of the Code and Associated Policies are dealt with promptly, confidentially and in accordance with the principles of procedural fairness for all parties involved.
- 4.2.** It is important that the handling and resolution of any complaint is undertaken in a manner that is respectful, trauma informed, culturally safe, particularly for First Nations people, and avoids additional distress to complainants, survivors and victims.
- 4.3.** It is also important throughout the complaint handling and resolution process that complainants are adequately supported and are aware of the support options and complaint reporting options available to them. Respect Contact Officers and Complaint Managers can provide information on available support options, including External Support Providers.
- 4.4.** In order to respect the privacy of complainants and the principles of natural justice, Victorian Labor will not comment on any complaint while it is being investigated or subject to any process or action in relation to a complaint except that it may say that this Policy is being complied with.

#### **5. RESPECT CONTACT OFFICER**

- 5.1.** Respect Contact Officers are available as an initial contact point for a complainant.
- 5.2.** Respect Contact Officers have been trained in both this Policy and the Code and Associated Policies. In carrying out their role, a Respect Contact Officer will support the complainant by:
  - 5.2.1.** taking all complaints seriously;
  - 5.2.2.** listening without interrupting;
  - 5.2.3.** letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
  - 5.2.4.** acknowledging if the person is in distress and may have difficulties in expressing themselves;
  - 5.2.5.** respecting the decisions of a complainant; and
  - 5.2.6.** providing information to complainants on External Support Providers, being organisations that have the training and capacity to support the complainant.

- 5.3.** The role of a Respect Contact Officer is to:
- 5.3.1.** receive complaints;
  - 5.3.2.** act promptly;
  - 5.3.3.** assess the nature of a complaint and provide initial information and advice to the complainant regarding the complaints handling process and options available to the complainant under this Policy;
  - 5.3.4.** initiate immediate action where there is imminent danger/ immediate risk;
  - 5.3.5.** refer complaints to an appropriate Complaint Manager, as provided by the Pathways set out in clause 2.5 and the table at clause 3.
  - 5.3.6.** refer complaints to another Respect Contact Officer if they have a conflict of interest;
  - 5.3.7.** respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
  - 5.3.8.** ensure appropriate details of the complaint are recorded in the Complaint Report Form; and
  - 5.3.9.** record appropriate details of all complaints as required by ALP’s record keeping and reporting requirements.
- 5.4.** The table below provides details of Respect Contact Officers for Victorian Labor and an indication of whether a Respect Contact Officer is connected to the National Office or a Branch. A complainant may wish to contact a National Office Respect Contact Officer instead of a Branch Respect Contact Officer. If a National Office Respect Contact Officer does assist a complainant, the Pathways set out above remain applicable.

**6. RESPECT CONTACT OFFICER CONTACT DETAILS**

- 6.1.** Respect Contact Officers will be appointed by the Administrative Committee.
- 6.2.** The contact details below may be updated by the Administrative Committee from time to time.

<b>Name and Contact Details</b>	<b>Attributes</b>
Margie Ambrose 0402 786 884 Margie.ambrose@safetyandrespect.alp.au	Pronouns: She/Her
Mohammed Abdillahi 0434 199 564 Mohammed.abdillahi@safetyandrespect.alp.au	Pronouns: He/Him Member of a Culturally and Linguistically Diverse Community
Pamela Anderson 0420 981 508 pamela.anderson@safetyandrespect.alp.au	Pronouns: She/Her First Nations Person
Robbie Nyaguy 0466 611 598 robbie.nyaguy@safetyandrespect.alp.au	Pronouns: He/Him Member of the LGBTQI+ Community
Wendy Boyle 0417 360 612 wendy.boyle@safetyandrespect.alp.au	Pronouns: She/Her Person with a disability

## **7. COMPLAINT MANAGER**

- 7.1.** Complaint Managers are appointed from within Victorian Labor by the Administrative Committee. They receive complaints, including referrals from Respect Contact Officers or the State Secretary, and then act and provide guidance to ensure that the complaint is handled in accordance with this Policy.
- 7.2.** Complaint Managers have been trained in both this Policy and the Code of Conduct and Associated Policies. In carrying out their role, a Complaint Manager will support the complainant by:
  - 7.2.1.** taking all complaints seriously;
  - 7.2.2.** listening without interrupting;
  - 7.2.3.** letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
  - 7.2.4.** acknowledging if the person is in distress and may have difficulties in expressing themselves;
  - 7.2.5.** respecting the decisions of a complainant; and
  - 7.2.6.** provide information to complainants on External Support Providers, being organisations that have the training and capacity to support the complainant.
- 7.3.** The role of a Complaint Manager is to:
  - 7.3.1.** refer complaints to another Complaint Manager or an external provider if they have a conflict of interest;
  - 7.3.2.** confirm complaints fall under this Policy including the appropriate jurisdiction for the complaint to be actioned;
  - 7.3.3.** provide advice to the complainant about the complaint handling process and options available to the complainant for resolving their complaint;
  - 7.3.4.** provide written advice to the Secretary on the complaint, the complaints handling process and this Policy;
  - 7.3.5.** assist the State Secretary in carrying out complaints handling process requirements set out in this Policy;
  - 7.3.6.** provide information to the respondent promptly, this may include advising the respondent that a complaint has been made with the consent of the complainant;
  - 7.3.7.** ensure appropriate details of the complaint are recorded in the Complaint Report Form;
  - 7.3.8.** initiate immediate action where there is imminent danger/ immediate risk;
  - 7.3.9.** record appropriate details of all complaints as required by Victorian Labor's record keeping and reporting requirements;
  - 7.3.10.** respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation; and

**7.3.11.** act promptly.

**7.4.** In appointing Complaint Managers, Victorian Labor will endeavour to ensure Complaint Managers are appropriately experienced and qualified, including that they have received training in the Code and Associated Policies and trauma-informed care, and have the skills and experience to act confidentially and promptly.

**7.5.** The table below provides details of Complaint Managers for Victorian Labor. Where a Complaint Manager listed below cannot be appointed due to an actual or perceived conflict of interest, the State Secretary may refer the complaint to a Complaint Manager from another State or Territory Branch, the National Secretariat or an external provider to perform the duties of the Complaint Manager under this Policy. If a Complaint Manager from another State or Territory Branch is appointed, the Pathways set out above remain applicable.

## **8. COMPLAINT MANAGER CONTACT DETAILS**

**8.1.** The contact details below may be updated by the Administrative Committee from time to time.

<b>Name and Contact Details</b>	<b>Attributes</b>
Marg Willis 0419 171 571 Marg.willis@safetyandrespect.alp.au	Pronouns: She/Her
Steve Staikos 03 9933 8500 steve.staikos@safetyandrespect.alp.au	Pronouns: He/Him Member of a Culturally and Linguistically Diverse Community Identifies as LGBTIQ+
Rhonda Bain 0418 246 756 rhonda.bain@safetyandrespect.alp.au	Pronouns: She/Her
Vicki Hildebrand 0431 389 076 vicki.hildebrand@safetyandrespect.alp.au	Pronouns: She/Her

## **9. STATE SECRETARY**

**9.1.** The State Secretary may receive complaints.

**9.2.** The State Secretary will refer complaints to an appropriate Complaint Manager having regard to the applicable Pathway and for the purposes of complying with the complaints process set out in this Policy.

**9.3.** The role of the Secretary is to:

**9.3.1.** act promptly;

**9.3.2.** take all complaints seriously;

**9.3.3.** respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;

**9.3.4.** receive referrals from a Complaint Manager to action complaints in accordance with the requirements of this Policy;

**9.3.5.** action complaints in accordance with the requirements of this Policy;

**9.3.6.** initiate immediate action where there is imminent danger/ immediate risk;

- 9.3.7. refer matters to the Disputes Tribunal for decision making on disciplinary action where an investigation substantiates or partially substantiates a complaint;
- 9.3.8. in the State Secretary's discretion, determine the disciplinary action to be taken in less serious matters; and
- 9.3.9. record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.

## **10. CONFLICTS OF INTEREST**

- 10.1. Where the State Secretary has a perceived, actual or potential conflict of interest in relation to a complaint, the President of Victorian Labor will facilitate the process with the same authority and responsibilities as the Secretary.
- 10.2. Where the State Secretary determines that both they and the President of Victorian Labor have a conflict of interest that cannot be appropriately managed, the Secretary may ask the Complaint Manager to request that the President of the Disputes Tribunal appoint a suitably qualified person from the Party to carry out the role and functions of the Secretary set out in this Policy. Such person will have the powers and responsibilities given to the Secretary under this Policy, including the power to impose a sanction in accordance with clause 15.1 of this Policy.

## **11. LESS FORMAL RESOLUTION OPTIONS**

- 11.1. Different methods of resolution may be used to resolve complaints and potential complaints, depending on the nature of the allegations, the seriousness of the alleged behaviour, and the wishes of the complainant.
- 11.2. Less formal resolution processes are usually appropriate where the allegations are less serious in nature, or the complainant wishes to pursue a less formal resolution.
- 11.3. Less formal resolution options include:
  - 11.3.1. the complainant contacting the person directly either verbally or in writing to tell the person that they do not like the behaviour, and asking that it stop; and
  - 11.3.2. a facilitated meeting between the complainant and respondent, noting that this option will be dependent on the respondent's willingness to participate in a meeting.
- 11.4. The purpose of self-resolution is to enable the parties to resolve the matter themselves. The complainant may seek advice on possible strategies from a Complaint Manager.
- 11.5. The purpose of less formal resolution is to allow the complainant to put their complaint forward in a supported environment to the respondent, with the aim of ensuring the offending behaviour ceases.
- 11.6. Outcomes from less formal options include:
  - 11.6.1. an acknowledgement of complaint;
  - 11.6.2. an apology;
  - 11.6.3. undertaking not to repeat behaviour;
  - 11.6.4. undertaking to change behaviour;
  - 11.6.5. agreement to undertake additional training; and

**11.6.6.** agreement regarding conduct in the future.

**11.7.** If a complainant or respondent does not believe an issue can be resolved by less formal resolution, they should advise the Complaint Manager as soon as practical. The Complaint Manager will then advise the complainant of other resolution options.

## **12. MORE FORMAL RESOLUTION OPTIONS**

**12.1.** Where a complaint is not resolved by less formal resolution, the State Secretary may take more formal resolution options, with the consent of the complainant. In this instance, the Complaint Manager will provide advice to the State Secretary on next steps.

**12.2.** Having regard to the principles set out at clause 4 of this Policy, the following steps may be taken, as part of more formal action:

**12.2.1.** a mediation between the complainant and respondent in the first instance to resolve the complaint, with the consent of both parties to the complaint; or

**12.2.2.** an independent third party (the Investigator) may be appointed by the Complaint Manager, in consultation with the State Secretary, to investigate the complaint with the consent of the complainant.

**12.3.** If an investigation is commenced, the Investigator will, in most cases, be provided with Terms of Reference authorised by the State Secretary to investigate the complaint. As part of the investigation process the following should occur:

**12.3.1.** the complainant may be asked to provide written details of the complaint or may be interviewed, with a support person or adviser if required;

**12.3.2.** relevant details of the complaint will be conveyed to the respondent;

**12.3.3.** the respondent will be given 7 days to respond, or as otherwise reasonably determined by the Investigator;

**12.3.4.** the respondent may be asked to provide written details of the response to the complaint or may be interviewed, with a support person or advisor, if required;

**12.3.5.** the complainant may be required to provide an affidavit or statutory declaration verifying on oath or affirmation the truthfulness of the complaint;

**12.3.6.** the respondent may be required to provide an affidavit or statutory declaration verifying on oath or affirmation the truthfulness of the response to the complaint;

**12.3.7.** if there is a dispute over facts, other relevant evidence may be gathered and witnesses may be interviewed;

**12.3.8.** a finding may be made as to whether the complaint is substantiated to the satisfaction of the Investigator on the balance of probabilities; and

**12.3.9.** a written report should be prepared, documenting the evidence and the findings.

**12.4.** The Investigator's final report must be provided to the Complaint Manager and the State Secretary.

**12.5.** Where a complaint is not substantiated, parties are to be advised and the matter will be closed within 7 days of receiving the Investigator's final report.

**12.6.** If the complaint is substantiated, or partially substantiated, by the Investigator, within 4 days

of receiving the report, the State Secretary must advise the respondent and provide them with the Investigator's report. The State Secretary will provide the respondent with 7 days to provide written submissions on sanctions or other disciplinary action, including any mitigating factors.

- 12.7.** Unless clause 12.9 applies, within 4 days of receipt of submissions from the respondent or if no submissions are received in accordance with clause 12.6, the State Secretary will refer the matter to the President of the Disputes Tribunal to determine the sanction or disciplinary action. In this case, the State Secretary must provide the President of the Disputes Tribunal with a copy of the Investigator's report and any submissions received from the respondent.
- 12.8.** The President of the Disputes Tribunal may, for the purposes of determining the sanction or disciplinary action:
  - 12.8.1.** determine the sanction themselves;
  - 12.8.2.** ask another member of the Disputes Tribunal to determine the sanction or disciplinary action; or
  - 12.8.3.** if necessary, and in the President's discretion, convene a panel of three members of the Disputes Tribunal to determine the sanction or disciplinary action.
- 12.9.** Unless the Investigator's report substantiates misconduct of a serious nature (including but not limited to sexual harassment, assault, or physical violence), the State Secretary may determine the sanction. The State Secretary has no power under this Policy to suspend or expel a member.
- 12.10.** All referrals to the Disputes Tribunal under this Policy will be made to the President of the Tribunal. If there is no President appointed, or they are absent, referrals can be made to any other member of the Tribunal.

### **13. COMPLAINTS INVOLVING CRIMINAL CONDUCT**

- 13.1.** Some forms of harassment, including sexual harassment, may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault.
- 13.2.** In accordance with the Code, criminal conduct may be reported to the police.
- 13.3.** Any referral to the police or external agencies by Victorian Labor will be done in consultation with, and consent by, the complainant, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.
- 13.4.** Where a police or other agency investigation or prosecution is underway, legal advice should be obtained by the State Secretary in relation to next steps under this Policy including whether any action should be placed on hold.

### **14. ALLEGATIONS OF SEXUAL HARASSMENT**

- 14.1.** Where an allegation of sexual assault is made, Victorian Labor should be active in its support of the complainant by providing appropriate details of External Support Providers.
- 14.2.** Survivors of sexual assault should be in control of the decisions affecting them, especially their right to decide whether to seek counselling, medical services, police or legal intervention.
- 14.3.** At all times the privacy of the complainant should be respected and no information should be shared without their consent, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.

- 14.4. At all times complaints will be managed in a way which acknowledges and is respectful of the fact that sexual assault is a traumatic incident and every individual will differ in the impact upon their ability to make immediate decisions and to communicate.
- 14.5. External Support Providers (see below) are best placed to provide advice about legal options, court preparation and court support to the complainant and it is not intended that the Respect Officer or the Complaint Manager provide these types of supports to the complainant.

## **15. CONSEQUENCES AND DISCIPLINARY ACTION**

- 15.1. A breach of the Code, depending on its nature and severity, may lead to disciplinary action being taken by the Disputes Tribunal or the Secretary, which may include:
  - 15.1.1. counselling;
  - 15.1.2. requiring an apology;
  - 15.1.3. conciliation/mediation conducted by an impartial third party;
  - 15.1.4. training on expected standards of behaviour; and
  - 15.1.5. a warning.
- 15.2. A breach of the Code may also lead to the following disciplinary action being imposed by the Disputes Tribunal:
  - 15.2.1. termination of appointment, suspension or expulsion from the Party in accordance with the process set out in this Policy and the Rules; or
  - 15.2.2. where the respondent is an employee of the State Office, performance management, demotion or termination, subject to relevant workplace laws, agreements and policies.
- 15.3. A decision made under this Policy to impose a sanction or take disciplinary action against a respondent is binding, subject to any appeal available under this Policy.

## **16. DECISIONS BY THE STATE SECRETARY**

- 16.1. Where the respondent is an employee, any decision relating to their employment will be consistent with, and subject to, any applicable workplace laws, agreements and policies.
- 16.2. A decision of the Secretary under clause 12.9 may be appealed to the Disputes Tribunal.

## **17. DECISIONS BY THE DISPUTES TRIBUNAL**

- 17.1. Where a matter is referred by the Secretary to the Disputes Tribunal for decision making on appropriate sanction or other disciplinary action, one appointed member, selected on a rotational basis, will make a decision regarding an appropriate sanction or disciplinary action.
- 17.2. The President of the Disputes Tribunal may, in their discretion, convene a panel of three members of the Disputes Tribunal to determine the sanction.
- 17.3. The Disputes Tribunal member or panel must make a decision on the sanction or other disciplinary action based on the Investigator's report and any submissions received by the complainant and/or respondent on disciplinary action. Sanctions can include, but are not limited to, termination of appointment, suspension and expulsion from the Party.
- 17.4. The Disputes Tribunal member must advise the State Secretary and the Complaint Manager of the decision within 7 days of receipt of the referral.

**17.5.** The complainant and respondent should be advised of the decision within 4 days of receipt of the decision.

**17.6.** A decision of a Disputes Tribunal member is subject to appeal under clause 18.

## **18. APPEALS**

**18.1.** The respondent may lodge an appeal within 7 days of notification of the State Secretary's or Disputes Tribunal's decision. A request for an appeal can only be made on the ground that procedural fairness was denied. The request for an appeal, addressing the grounds for appeal, should be made to the Complaint Manager and the State Secretary.

**18.2.** Within 4 days of receipt of request and grounds for appeal, the Complaint Manager will refer the appeal to the President of the Disputes Tribunal, who shall select three members of the Tribunal, on a rotational basis with no member being the original decision maker, to hear the appeal.

**18.3.** Where there are less than three Disputes Tribunal members available to hear an appeal, the President of the Disputes Tribunal will inform the Complaint Manager, who will refer the matter to a National Complaints Panel to hear the matter. A National Complaints Panel is established by the National Secretariat under the National Complaints Handling Policy. The National Complaints Panel will be requested follow the procedure set out in this Complaints Handling Policy in considering any appeal.

**18.4.** The Disputes Tribunal or National Complaints Panel (as applicable) will determine whether it will hear the appeal, and then whether it will hear the appeal on papers or by way of a hearing.

**18.5.** Any decision by:

**18.5.1.** the Disputes Tribunal to overturn the previous decision must be accompanied by written reasons and be agreed by two-thirds of the Disputes Tribunal hearing the appeal; and

**18.5.2.** the National Complaints Panel will be made in the discretion of that Panel in accordance with the National Complaints Policy.

**18.6.** Any sanction other than suspension is stayed during an appeals process. The respondent may have membership rights suspended until the appeal is finalised.

## **19. CONFLICTS OF INTEREST**

**19.1.** Where a member of the Disputes Tribunal has a perceived, actual or potential conflict of interest on any matter they are allocated, they must decline to make a decision on the matter and communicate this to the President of the Disputes Tribunal, who will appoint a replacement. Where all members of the Disputes Tribunal have a perceived, actual or potential conflict of interest on any matter, the matter will be referred to a member of the National Complaints Panel who will facilitate the process with the same authority as the Disputes Tribunal.

**19.2.** Where a National Complaints Panel Member has a perceived, actual or potential conflict of interest on any matter, including an appeal, they must decline to make a decision on the matter and communicate this to the Chair of the National Complaints Panel assigned to the matter, who will appoint a replacement National Complaints Panel Member.

## **20. REPORTING PLAN**

**20.1.** Victorian Labor is committed to monitoring the effectiveness of the Code and Associated

Policies.

- 20.2.** Victorian Labor will collect de-identified data on each complaint received under this Policy in accordance with annual reporting obligations under the Code of Conduct and Associated Policies Reporting Plan.
- 20.3.** Each year by 31 January, the State Secretary will provide the National Secretary a de-identified report of all complaints received under this Policy in accordance with annual reporting obligations under the Code of Conduct and Associated Policies Reporting Plan.

## **21. GENERAL**

- 21.1.** Anonymous complaints can be made under this Policy. The ability to take action in relation to anonymous complaints will depend on the nature of the complaint, level of information provided and, where appropriate, the consent of the person subject to the alleged conduct.
- 21.2.** All parties to a complaints process must maintain confidentiality. A failure to maintain confidentiality may be a breach of the Code which may result in action being taken under this Policy.
- 21.3.** Where a finding is made against a person, or a sanction or other disciplinary action is imposed under this Policy, the finding, sanction or other disciplinary action may be shared between the Victorian Branch and other State or Territory Branches to the extent reasonably necessary to properly administer and uphold the Code and Associated Policies as they relate to the Victorian Branch and other State or Territory Branches. Details of complaints that are not finalised due to a member resigning can also be shared for this purpose.
- 21.4.** Victimising a person for making a complaint under this Policy or participating in a complaint handling policy may be a breach of the Code which may result in action being taken under this Policy.
- 21.5.** Disciplinary action may also be taken against a person for making a complaint or against a complainant if there is substantiated evidence that the complaint was malicious or vexatious.
- 21.6.** In the event that time or other circumstances do not permit the State Secretary to conduct the process for a complaint, the State Secretary may appoint another Victorian Labor official or independently qualified person to facilitate the process with the same authority and powers as the State Secretary.
- 21.7.** Victorian Labor will not comment on any complaint while it is being investigated or subject to any process or action, save to say this Policy is being complied with. Upon conclusion of the process, the State Secretary may if appropriate in the circumstances, provide a brief factual statement on the outcome.
- 21.8.** Any existing complaints being actioned when this Policy comes into effect will continue to be actioned in accordance with the rules and procedures in place at the time the complaint was made, unless the State Secretary requests that a complaint is recommenced under this Policy.

### **External Support Providers**

Deaf or hearing impaired persons:

If you are deaf and/or find it hard hearing or speaking with people who use a phone, the National Relay Service (NRS) can help you call the service providers below.

[NRS Chat](#)

for all calls visit [nrschat.nrscall.gov.au/](https://nrschat.nrscall.gov.au/)

Emergency calls

[nrschat.nrscall.gov.au/](https://nrschat.nrscall.gov.au/) and click the Emergency Services button; or call

0423 677 767 and ask for Triple Zero (000)

<p><a href="#">SMS Relay</a>- All calls text 0423 677 767</p> <p><a href="#">Video Relay</a> - All calls via Skype and contact NRS VIDEO RELAY SERVICE</p> <p><a href="#">NRS Captions</a> - All calls visit <a href="http://nrscaptions.nrscall.gov.au/">nrscaptions.nrscall.gov.au/</a></p> <p><a href="#">Voice Relay</a></p> <p>Standard and overseas calls dial 1300 555 727</p> <p>1800 calls dial 1800 555 727</p>	
<p>Do you speak a language other than English?</p> <p>If you need a language interpreter, call the Telephone Interpreter Service can assist you. Call them on 131 450 and ask them to connect you to the relevant number.</p>	
<p>Sexual Assault &amp; Domestic Violence National Help Line</p> <p><a href="http://www.1800respect.org.au/">www.1800respect.org.au/</a></p> <p>1800 Respect (1800 737 732)</p>	<p>Sexual Assault Service Victoria</p> <p><a href="https://www.sasvic.org.au/">https://www.sasvic.org.au/</a></p> <p><a href="mailto:ctus@sasvic.org.au">ctus@sasvic.org.au</a></p> <p>Please note the Sexual Assault Service Victoria website provide contact numbers based on individual locations.</p>
<p>Sexual Assault Crisis – Victoria</p> <p>The Sexual Assault Crisis Line Victoria (SACL) is a state-wide, after-hours, confidential, telephone crisis counselling service for people who have experienced both past and recent sexual assault. It is the central after-hours coordination centre for all recent sexual assaults and provides immediate crisis responses throughout Victoria.</p> <p>SACL operates between p.m. weeknights through to am the next day and throughout weekends and public holidays.</p> <p>Crisis line 1800 806 292 (Freecall* Victoria, Australia)</p> <p>Admin: (03) 8345 3021</p> <p>Email: <a href="mailto:SACLFeedback@thewomens.org.au">SACLFeedback@thewomens.org.au</a></p>	<p>WIRE</p> <p>Free support, referrals &amp; information on any issue for women, non-binary &amp; gender diverse people in Victoria (including Family Violence)</p> <p><a href="https://www.wire.org.au/">https://www.wire.org.au/</a></p> <p>1300 134 130</p> <p><a href="mailto:Support@wire.org.au">Support@wire.org.au</a></p>
<p>Safe Steps Family Violence Response Centre: 24/7 Family and Domestic Violence Support for Victorians</p> <p>Phone: <a href="tel:1800015188">1800 015 188</a></p> <p>Email <a href="mailto:safesteps@safesteps.org.au">safesteps@safesteps.org.au</a></p>	<p>Switchboard</p> <p>Switchboard provides peer-driven support services for lesbian, gay, bisexual, transgender and gender diverse, intersex, queer and asexual (LGBTIQ+) people, their families, allies and communities. They have a range of different programs offering peer-to-peer support in areas including gender and sexuality, diverse relationships, suicide prevention, family violence support, anti-racism advocacy, and social inclusion for older LGBTI community.</p> <p>Rainbow Door is a free service of Switchboard. You can call, text or email for support. Phone: 1800 729 367</p> <p>Text: 0480 017 246</p> <p>Email: <a href="mailto:support@rainbowdoor.org.au">support@rainbowdoor.org.au</a></p>
<p>Victorian Pride Centre</p> <p>79-81 Fitzroy Street</p> <p>St Kilda, VIC, 3182</p>	<p>Lifeline</p> <p>13 11 14</p> <p>24-hour crisis support and suicide prevention.</p>

P: (03) 9663 2474 E: <a href="mailto:admin@switchboard.org.au">admin@switchboard.org.au</a>	<a href="http://www.lifeline.org.au">www.lifeline.org.au</a>
Beyondblue 1300 224 636 Mental health support <a href="https://www.beyondblue.org.au/">https://www.beyondblue.org.au/</a> ORYGEN Mental Health Support and Referral Service for young People 35 Poplar Rd, Parkville VIC 3052 Australia Phone: Main number: +61 3 9966 9100	

## **SCHEDULE M – LABOR ENABLED**

### **Labor Enabled**

#### **1. Aims**

- 1.1. To raise awareness of disability within the ALP and foster a greater level of inclusion through appropriate representation.
- 1.2. To encourage membership to the ALP within the disability community.
- 1.3. To provide a channel for the support of people with disability, families and interested parties in relation to disability policy.
- 1.4. To assist and contribute in the development of all ALP policies to ensure inclusive platforms that proactively include individuals with disability and their families in all social, economic and political processes.
- 1.5. To develop and contribute disability specific policy to support and assist State and Federal members.
- 1.6. To promote the ALP within the disability community and sector.

#### **2. Membership**

- 2.1. Membership is open to ALP members who:
  - 2.1.1. have a disability; or
  - 2.1.2. are a carer of a person with a disability; or
  - 2.1.3. have a family member, relative or friend who have a disability; or
  - 2.1.4. have a strong interest in disability policy.
- 2.2. No membership fees are payable other than standard membership fees to the ALP.
- 2.3. ALP members may join by contacting a member of the Labor Enabled 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 lists 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. Labor Enabled 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, a Communication Officer and a Treasurer.
- 3.2. This ballot shall take place at the same time as FEA elections by remote ballot to members of Labor Enabled Victoria.

- 3.3.** The Executive must ensure the aims of Labor Enabled 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 the State Conference.

## **SCHEDULE N – VICTORIAN MULTICULTURAL LABOR NETWORK ('VMLN')**

### **Labor Multicultural Labor Network ('VMLN')**

#### **1. Aims**

- 1.1.** Attract and support ALP members who are people of colour or are culturally and linguistically diverse;
- 1.2.** Increase the involvement of people of colour and culturally and linguistically diverse people at all levels of the ALP;
- 1.3.** Provide a focus for the identification, training and support of ALP candidates for public office who are people of colour or culturally and linguistically diverse, particularly those from underrepresented cohorts;
- 1.4.** Increase awareness of issues facing multicultural communities throughout the ALP;
- 1.5.** Increase the commitment of Party members to greater representation throughout the Party of people of colour and culturally and linguistically diverse people, particularly those from underrepresented cohorts; and
- 1.6.** Encourage the employment of people of colour and culturally and linguistically diverse people in staff and Party positions; and
- 1.7.** Advocate for improvements to state and federal government policy and the Party's platform in areas of interest to multicultural communities.

#### **2. Membership**

- 2.1.** Membership is open to ALP members who identify as people of colour or culturally and linguistically diverse.
- 2.2.** There is no membership fee.
- 2.3.** ALP members may join by contacting a member of the Victorian Multicultural Labor Network 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. Membership shall be advertised in such a way that it is clear that only those who identify as people of colour or are culturally and linguistically diverse may join the Victorian Multicultural Labor Network.
- 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.** The Victorian Multicultural Labor Network shall by proportional representation elect nine (9) members who shall constitute the Executive and who shall appoint from amongst themselves two (2) Co-Convenors, a Secretary, an Assistant Secretary and such other officers as the Executive resolves.
- 3.2.** This ballot shall take place at the same time as FEA elections by remote ballot to members of the Victorian Multicultural Labor Network.

- 3.3.** The Executive must ensure the aims of the Victorian Multicultural Labor Network 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 O – STANDARDS AND PROCEDURES FOR REMOTE BALLOTS**

### **Definitions**

For the purposes of this Schedule,

- (i) “Online Elector” means, a member who is eligible to vote in the election who has provided a unique email address to State Office.
- (ii) “Postal Elector” means, a member who is eligible to vote in the election but has not provided a unique email address to State Office.
- (iii) “Permanent Postal Elector” means, a member who is an Online Elector but has registered to be a Permanent Postal Elector.
- (iv) “Online voting platform” means, a program or system used to facilitate online voting.
- (v) “External ballot provider” means, any person or organisation that is helping to facilitate online voting and is not State Office or an employee or affiliate of State Office.

### **Standards for Remote Ballots**

- A. All rights and responsibilities of electors under the Rules shall, as far as is possible, be maintained during any online voting process.
- B. Online voting must be conducted in such a manner that the secrecy of each Online Elector’s ballot is maintained, and that the only person in the Party who is able to access how an Online Elector voted is the Online Elector themselves.
- C. Online Electors must not be able to vote more than once in an online ballot.
- D. Online voting must be made accessible to Online Electors through email.
- E. There must be measures in place to ensure that no member of the Party is able to access the results of the online voting until voting has closed, with the exception that the Chief Returning Officer and Party Officials may access the total number of electors who have casted votes.
- F. The online voting platform must be capable of providing sufficient information about the counting of online votes so that scrutineers can properly supervise the counting of these votes.
- G. The Online voting platform must aim to conform to the Web Consortium Accessibility Guidelines (WCAG 2.0) priority AA checkpoints.
- I. All members must be able to register as a Permanent Postal Elector.

### **Procedures for remote ballots**

#### **1. Management and logistics**

- 1.1 Any remote ballot shall be conducted or supervised by the Chief Returning Officer.
- 1.2 Authorised access to any online voting platform shall be only with the express approval of the Chief Returning Officer. Unauthorised access to any such platform shall be deemed to be a serious offence and may be grounds for the Dispute Tribunal to expel a member from the Party, pursuant to Rule 21.
- 1.3 State Office shall be responsible for organising the logistics of a remote ballot. State Office can delegate any part of this responsibility to an external ballot provider, unless otherwise stated in this

Schedule,

## **2. Notice of online voting**

2.1 Before an election by remote ballot is to commence, State Office must send an email to all Online Electors. In this email, State Office must provide the following information:

2.1.1 When online voting will open and close; and

2.1.2 How Online Electors will be able to cast their online ballot; and

2.1.3 When online ballots will be made accessible to Online Electors at their preferred email address; and

2.1.4 Who to contact if Online Electors have not received the online ballot at their preferred email address at the time set out in clause 2.1.1 of this Schedule; and

2.1.5 Who to contact if Online Electors would like to check and/or change their preferred email address; and

2.1.6 Who to contact if Online Electors would like to request a postal ballot instead, and the deadline by which they must make the request (which must be before an election by remote ballot is to commence); and

2.1.7 Who to contact if Online Electors would like to register as a Permanent Postal Elector, and the deadline by which they must register in order to receive a postal ballot in the upcoming election (the deadline must be before an election by remote ballot is to commence); and

2.1.8 Who to contact if Online Electors need support or assistance in completing an online ballot.

2.2 The email outlined in clause 2.1 of this Schedule must be sent by State Office, and this responsibility cannot be delegated to an external ballot provider.

## **3. Online ballots**

3.1 Online ballots must be made accessible to Online Electors through a preferred email address that they have provided the Party and must be made accessible at the time set out in clause 2.1.1 of this Schedule.

3.2 If two or more Online Electors share the same preferred email address, they will be issued with postal ballots and considered Postal Electors for the purposes of this Schedule

3.3 Any attempt by a member of the Party to cast an online vote that was not intended for them shall be deemed to be a serious offence and may be grounds for the Dispute Tribunal to expel a member from the Party, pursuant to Rule 21.

3.4 If additional information, such as candidate statements, is included in the online ballot provided under clause 3.1 of this Schedule, this additional information must be replicated in its entirety in any postal ballots sent to Postal Electors. This does not apply to the notices sent under clause 2.1 of this Schedule nor does it apply to any other additional notices sent to Online Electors.

3.5 If an Online Elector contacts the contact set out in clause 2.1.6 before the deadline set out in clause 2.1.6 and requests a postal ballot, the Online Elector must be issued with a postal ballot, pursuant to clause 4 of this Schedule, in lieu of an online ballot.

## **4. Postal voting**

4.1 Postal ballots will be sent to:

4.1.1 Postal Electors; and

4.1.2 an Online Elector who contacts the contact set out in clause 2.1.6 before the deadline and requests a postal ballot; and

4.1.3 Permanent Postal Electors, but only if they registered as a Permanent Postal Elector before the deadline set out in clause 2.1.7.

4.2. Rule 20.6 will apply to these postal ballots.

4.3 To be counted, postal ballots must be received by State Office before online voting has closed.

## **5. Period of voting**

5.1 Voting for both the online ballot and postal ballot must open and close at the same time.

## **6. Counting of Ballots & Scrutineering**

6.1 Candidates will be eligible to appoint up to two scrutineers each.

6.2 The Chief Returning Officer shall determine a time and place, prior to the commencement of online voting, for the scrutiny of the online voting platform settings and voter lists. The information provided for scrutiny of the online voting platform settings may be limited to information that is not commercial in confidence. Scrutineers shall be required to sign an approved form to indicate they have inspected the settings and voter lists.

6.3 The ballot cannot be counted until after voting has closed.

6.4 Scrutineers representing the candidates must be able to observe the counting of the ballot. If the counting of the online ballot is conducted in such a manner that physically observing one or more parts of the count is not possible, scrutineers must be provided with sufficient information concerning those parts of the online ballot count so that they can properly supervise the counting of votes.