

BYRON BALLINA GREENS CONSTITUTION passed 9 July 2008

PREAMBLE:

The Byron Ballina Greens (BBG) is a member-group of a political party known as The Greens NSW which is affiliated with The Australian Greens.

1. MISSION STATEMENT

The BBG is an organisation committed to four fundamental interdependent principles: ecological sustainability, grassroots democracy, social equity and economic justice, and peace, disarmament and non violence. (the four principles)

2. OBJECTIVES

2.1 The fundamental objective of the BBG is to promote

- (a) ecological, social, economic and political change in accordance with the four principles, and
- (b) the election to parliament and local government of candidates committed to the implementation of our Greens policy.

2.2 In furtherance of the fundamental objective the BBG may:

- 2.2.1. promote and assist individuals, organisations and community networks that share and promote common objectives with the BBG,
- 2.2.2. participate in the formulation and promotion of Greens policies and legislation,
- 2.2.3. authorise campaigns on local, state, national and international issues to further the four principles,
- 2.2.4. nominate and support BBG candidates for public office at local, state and federal government levels, and
- 2.2.5. support Green members elected to office at local, state and federal government levels.

2.3 The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

3. MEMBERSHIP

3.1. An application for membership is made by completing an official membership application and paying the appropriate membership fee.

3.2 The BBG may refuse to accept an application for membership from a person:

- 3.2.1 who is a member of a proscribed organisation as listed pursuant to the Constitution of The NSW Greens, or
- 3.2.3 who is not committed to the four principles.

3.3. Applicants for membership remain provisional members:

3.3.1 for 3 months following receipt of a membership application form and fee by the BBG's Membership Secretary, or notification from The NSW Greens to BBG's Membership Secretary of receipt of an application form and fee, whichever occurs last, and

3.3.2. until they attend at least one BBG meeting and have their transition to membership endorsed at an Ordinary or Annual General Meeting.

3.3.3 The requirement of 3.3.2 that a provisional member attend at least one BBG meeting may be waived where the provisional member, for legitimate reasons, is unable to attend a BBG meeting.

3.3.4 Where 3.3.3 applies, a provisional member shall have some face to face contact with one or more office bearers.

3.4 Provisional members cannot vote or be nominated for positions of office bearers of the BBG or be endorsed by the BBG for election to public office unless otherwise decided at a BBG Ordinary Meeting, or a Special Meeting called for this purpose.

3.5. A member of the BBG can vote or be nominated for positions of office bearers of the BBG or be endorsed by the BBG for elected public office.

3.6. The Register of Members is held by the Membership Secretary and can be viewed by any member on reasonable notice. A member, other than an office bearer, shall not be allowed to copy the Register of Members or any additional information held by the Membership Secretary unless this is authorised at an Ordinary or Special Meeting or the member has agreed to any additional information she/he has supplied being provided to other members.

3.7. Membership fees are due on July 1st each year.

3.8. Membership lapses:

3.8.1 when the membership renewal fee has not been received by 3 months after the due date;

3.8.2 by resignation to the Secretary; or

3.8.3 by a member being expelled or suspended pursuant to clause 11.

3.9 Where a person's membership has lapsed for reasons set out in 3.8.1 or 3.8.2, and that person, within 2 years of the date the membership lapsed, submits an application form with payment of the appropriate fee, the person may be accepted as a member without first serving as a provisional member.

3.10 Where a person has been expelled and that person submits an application form with payment of the appropriate fee, that person cannot become a member of the BBG until:

3.10.1 the person attends a Dispute Mediation Committee Meeting (see clause 10) to assist the Committee in making recommendations to an ordinary meeting of the BBG, and

3.10.2 an ordinary meeting of the BBG resolves to accept the person as a provisional member, and

3.10.3 that person serves as a provisional member for 3 months and until the conditions of 3.3.2 have been met.

4. MEETINGS

4.1 Meetings of the BBG are of three types:

4.1.1 Ordinary Meetings which are held monthly at a time and place agreed (currently the 2nd Thursday of each month) or as otherwise notified. A quorum for an Ordinary Meeting is 9 members.

4.1.2. an Annual General Meeting at which office bearers are elected and annual reports presented. The Annual General Meeting shall be held in August, unless an alternative date is agreed at an Ordinary Meeting. Members shall receive 30 days notice of the AGM and its agenda. A quorum for an Annual General Meeting is 12 members, and

4.1.3. A Special Meeting which may be called in the event of a decision of importance needing to be made before the next scheduled Ordinary Meeting or Annual General Meeting by the written agreement of 9 members. All members shall be notified of the agenda at least 5 days prior to the Special Meeting. A quorum for a Special Meeting is 12 members.

5. OFFICE BEARERS

5.1 The office bearers of the BBG are:

5.1.1 Convener, and an assistant if so elected,

5.1.2 the Secretary, and an assistant if so elected,

5.1.3 the Treasurer, and an assistant if so elected,

5.1.4 the Membership Secretary, and an assistant if so elected, and

5.1.5 such other positions as are resolved to be created and filled at an Annual General, Ordinary, or Special Meeting.

5.2 The duty of the Convener includes:

5.2.1. to make the practical arrangements such as organising the venue and necessary resources,

5.2.2. act as spokesperson,

5.2.3 liase with other Greens local groups, The Greens NSW and Australian Greens and

5.2.4 convene a mediation and a disputes committee if required (see 10 and 11)

5.3 The duty of the Secretary includes:

5.3.1 preparation, co-ordination and presentation of agendas, notices and business papers for meetings.

5.3.2 maintenance of conventions, policies, minutes and other formal documents, and

5.3. management of correspondence.

5.4 The duty of the Treasurer includes:

5.4.1 banking, payment and receipt of monies, and

5.4 2 maintaining financial records and preparation of monthly and annual financial statements and electoral returns.

5.5 The duties of the Membership Secretary includes:

5.5.1 maintenance of a Register of Members comprising the names and postal addresses of members, (as amended at AGM 10 August 2006)

5.5.2 receipt of membership returns and fees,

5.5.3 liase with Secretary re monitoring compliance with provisional membership conditions and associated required communications,

5.5.4 report to meeting of the BBG and copy to the Secretary the names of new and lapsed members and those provisional members who have satisfied requirements for membership, and

5.5.5 liase with The Greens NSW and prepare and submit membership reports.

6. DECISION-MAKING

6.1 Decisions at Ordinary, Annual General or Special Meetings will be made by consensus or, in the event of no consensus, by resolution in the affirmative by at least two thirds of those who vote. For the detail of meeting procedures see *Meeting and Decision-Making Procedures for the Byron Ballina Greens*.

6.2 Quick Decision Making Committee

6.2.1 A quick decision making process can be invoked by the Convener to make urgent decisions required before the next general meeting.

6.2.2 The members of the quick decision making committee shall be the Convener, secretary, treasurer and membership secretary. If any are unavailable their assistant shall take their place

6.2.3 The Convener shall present the members of the committee with the proposal(s) and request their agreement, abstention or opposition within a time set by the Convener.

6.2.4 Provided that at least 3 members of the committee agree with the proposal and none oppose it the proposal is carried.

6.2.5 This group may not commit BBG to expenditure of over \$1000.00.

6.2.6 The Convener shall keep a written record of the Committee's decision, report it to the next BBG meeting and seek ratification. The secretary shall report the decision in the next BBG newsletter.

7. DELEGATES TO THE NSW GREENS

7.1 The BBG, as a member-group of The NSW Greens, shall endeavour to send a delegate to each States Delegates Council (SDC) meeting.

7.2 The BBG delegate nominations shall be notified at the BBG meeting prior to the SDC meeting, and delegates shall vote in accordance with decisions taken at BBG meetings. Should a delegate be required to vote on an issue not previously notified, she or he should use their best judgement in accordance with the four principles.

8. SPOKESPERSONS

8.1 The Convener, Green members elected to office at local, state and federal government levels, and endorsed candidates are official spokespersons.

8.2 An Ordinary Meeting, an Annual General Meeting, or a Special Meeting may appoint additional spokespersons.

8.3 The appointment of an additional spokes person pursuant to paragraph 8.2 is only valid if the person so appointed agrees at the meeting appointing her or him to consult with at least 3 other members, one of whom must be an office bearer, before any communication is made on behalf of BBG.

8.4 Members should not act as BBG spokespersons unless authorised under this clause.

9. SELECTION OF CANDIDATES FOR PUBLIC OFFICE

9.1. Any member of the BBG who is eligible under the relevant electoral acts may nominate for preselection as a candidate for public office.

9.2. Nominations shall be called for by resolution at a meeting prior to any anticipated poll. A Returning Officer shall be appointed and prospective candidates must nominate in writing to the Returning Officer by the date specified. (see *Procedures for Preselection of Candidates*)

10. MEDIATING COMPLAINTS

10.1. Where the Convener or the Secretary has received a written complaint from a member that another member (including a provisional member) has:

10.1.1 refused to comply with a provision of this constitution, or the rules of the BBG, or the four principles (see 1), or

10.1.2 has acted in a manner prejudicial to the interests of BBG,

the Convener shall write to the member detailing the conduct complained of, asking if the member is willing to co-operate with a mediation process and requesting, within a reasonable length of time, a written response.

10.2 The Convener shall also write to the member making the complaint asking if s/he is willing to co-operate with a dispute mediation process and requesting, within a reasonable length of time, a response.

10.3 While a complaint is in process members shall not make public statements concerning the complaint.

10.4 If both parties to the complaint agree to mediate the Convener shall appoint a mediator who is a member of The Greens (but not necessarily Byron Ballina Greens) who will be neutral and impartial to assist the parties to attempt to resolve the complaint.

10.5 The mediator may meet with the parties together and/or separately.

10.6 The mediator may not impose a result on any party.

10.7 The parties and the mediator will keep all information and documents used during the mediation confidential unless required by law to make a disclosure.

10.8 Any agreement reached at the mediation must be in writing, signed by the parties and handed by the mediator to the parties and the Convener. The parties may request that the Convener announce the agreement to the next BBG meeting.

10.9 If agreement is not reached the Mediator shall report to the Convener either that the mediation has failed or seek an extension of time as the parties may still reach agreement.

10.10 There may be some occasions (example where criminal charges may flow from the complaint) where it may not be appropriate for BBG to conduct a mediation or a disciplinary hearing.

10.11: If a complaint is made against the Convener, s/he shall delegate duties under 10 and 11 to an impartial office bearer.

11. DISCIPLINING OF MEMBERS

11.1 If the mediation does not take place or fails the Convener shall inform the next Ordinary or Special meeting that:

11.1.1 a complaint has been made giving brief details and naming the parties, and

11.1.2 if mediation has taken place agreement has not been reached.

11.2 The Convener shall seek a direction from the BBG meeting in respect of further action which may include referral of the complaint to The Greens NSW or the establishment of a BBG Complaints Committee.

BBG Complaints Committee

11.3 If the BBG meeting so directs the Convener shall then call a Complaints Committee to consider the complaint and the response of the member. The Committee shall comprise 3 neutral and independent members of The Greens (but not necessarily BBG) and shall normally include the Convener. The members of the Complaints Committee shall be appointed by the Convener. If they so wish, the parties in dispute may bring another member of the Greens and/or a legal advisor to assist them before the Complaints Committee.

11.4 The Complaints Committee, after considering all relevant issues, may:

11.4.1 hold that the member has shown cause why no further action should be taken, or

11.4.2 reprimand the member, or

11.4.3 suspend the member from membership of the BBG for a period, and impose conditions on the suspension being lifted, or

11.4.4 expel the member.

11.5 The Complaints Committee shall give the parties its decision in writing.

11.6 The Convener shall present the written report on the action taken at the next Ordinary or Special meeting.

Appeal

11.7 A member disciplined under this clause or the complainant(s) may appeal to an Ordinary Meeting or a Special Meeting of BBG by setting out a proposal in writing to the Convener stating in positive terms what is being sought within 14 days of being informed of the Complaint Committee's decision.

11.8 The meeting which considers the appeal has the powers of 11.4.

11.9 The appeal will be by way of rehearing. However until the meeting which considers the appeal exercises the powers of 11.4 the Complaint Committee's decision remains in force.

11.10 The Convener shall appoint the facilitator of the meeting considering the appeal. The facilitator shall be a member of The Greens (but not necessarily of BBG).

11.11 If they so wish, the parties to the complaint may bring another member of The Greens and/or a legal advisor to assist them.

11.12 The meeting which considers the appeal shall follow the decision-making and escape from deadlock voting procedures contained in the Byron Ballina Greens' *Procedures for Meetings and Decision-Making*.

12. SEPARATION OR DISBANDING OF BBG

12.1 The separation or disbanding of BBG shall be in accordance with procedures set out in the Constitution of The NSW Greens.

12.2 In the event of the organisation being dissolved, the amount of assets that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

13. CONSTITUTIONAL CHANGES

This constitution may be amended at an Ordinary, Annual General Meeting or Special Meeting. Notice of motions to amend this constitution must be circulated to members at least 21 days before the meeting at which the motion is to be decided upon.