

BYRON GREENS CONSTITUTION

(adopted 18 April 2017)

PREAMBLE:

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

1. MISSION STATEMENT

The ByG 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 ByG 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 ByG may:

- 2.2.1 promote and assist individuals, organisations and community networks that share and promote common objectives with the ByG,
- 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 ByG 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 ByG 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 Greens NSW, or
 - 3.2.2 who is not committed to the four principles, or
 - 3.2.3 who is not permanently resident within Byron Shire. (added 18 April 2017)
- 3.3 Applicants for membership remain provisional members:
 - 3.3.1 for 3 months following the date of joining recorded in The Greens NSW membership database. (amended 25 October 2016)
 - 3.3.2, 3.3.3, 3.3.4 (deleted 25 October 2016)
- 3.4 Provisional members cannot vote or be nominated for positions of office bearers of the ByG or be endorsed by the ByG for election to public office unless otherwise decided at a ByG Ordinary Meeting, or a Special Meeting called for this purpose.
- 3.5 A member of the ByG can vote or be nominated for positions of office bearers of the ByG or be endorsed by the ByG 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 with or without conditions.
- 3.7 A member whose membership is due for renewal and whose membership fee has not been received by The Greens NSW on or before the 30th of September shall be deemed unfinancial. An unfinancial member may renew at any time within the first six months of becoming unfinancial, that is, membership fees are received by The Greens NSW on or before 31st March of the year following. Such renewals shall be without loss of continuity of membership and financial status shall be back-dated to the commencement of the respective membership year. Any renewal received later than six months after the member being deemed unfinancial shall be treated as a new membership application and the provisions of 3.3 and 3.4 of this constitution shall apply.
- 3.8 Notwithstanding the provisions of 3.7 of this constitution, for the purposes of preparing a list of members eligible to take part or vote in a pre-selection a meeting of the ByG may determine a closing date for the receipt, by The Greens NSW, of membership fees.
- 3.9 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 ByG until:
 - 3.9.1 the person attends a Dispute Mediation Committee Meeting (see 10 below) to assist the Committee in making recommendations to an ordinary meeting of the ByG, and
 - 3.9.2 an ordinary meeting of the ByG resolves to accept the person as a provisional member, and

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

3.9.4 ByG may terminate the membership of any person who ceases to reside within Byron Shire. (added 18 April 2017)

4. MEETINGS

4.1 Meetings of the ByG are of three types:

4.1.1 Ordinary Meetings which are held monthly at a time and place agreed (currently the 2nd Tuesday 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 ByG are:

5.1.1 Convenor, and an Assistant if so elected,

5.1.2 Secretary, and an Assistant if so elected,

5.1.3 Treasurer, and an Assistant if so elected,

5.1.4 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 **Convenor** includes:

5.2.1 to make the practical arrangements such as organising meeting venues and necessary resources,

5.2.2 act as spokesperson on ByG organisational matters (see also 8.4),

5.2.3 liaise 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, 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
 - 5.3.3 management of correspondence.
- 5.4 The duty of the **Treasurer** includes:
- 5.4.1 banking, payment and receipts 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 and email addresses of members, (as amended at AGM 10 August 2006 and 25 October 2016)
 - 5.5.2 contact and welcome provisional members (amended 25 October 2016)
 - 5.5.3 liaise with The Greens NSW in respect of membership issues, (amended 25 October 2016)
 - 5.5.4 report to meeting of the ByG 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 prepare and submit membership reports. (amended 25 October 2016)

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, a vote of at least two thirds of those who choose to vote is required to change the status quo. For the detail of meeting procedures see Meeting and Decision-Making Procedures for the Byron Greens.
- 6.2 Quick Decision-Making Committee:
- 6.2.1 A quick decision-making process can be invoked by the Convenor to make urgent decisions required before the next general meeting.
 - 6.2.2 The members of the Quick Decision-Making Committee shall be the Convenor, Secretary, Treasurer and Membership Secretary. If any are unavailable their Assistant shall take their place.
 - 6.2.3 The Convenor shall present the members of the Committee with the proposal(s) and request their agreement, abstention or opposition within a time set by the Convenor.
 - 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 ByG to expenditure of over \$1,000.

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

7. DELEGATES TO THE NSW GREENS

- 7.1 The ByG, as a member-group of The Greens NSW, shall endeavour to send a delegate to each States Delegates Council (SDC) meeting.
- 7.2 The ByG delegate nominations shall be notified at the ByG meeting prior to the SDC meeting, and delegates shall vote in accordance with decisions taken at ByG 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 Greens 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 for particular purposes.
- 8.3 Before making a public statement, the spokesperson will endeavour to liaise with at least 3 other ByG members, one of whom should be an office bearer.
- 8.4 The office bearers of the ByG shall not use their titles in public statements unless authorised by 8.2 and, in the case of the Convenor, by 5.2.2.

9. SELECTION OF CANDIDATES FOR PUBLIC OFFICE

- 9.1 Any member of the ByG 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 Convenor 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 ByG, or the four principles (see 1), or
- 10.1.2 has acted in a manner prejudicial to the interests of ByG,
- the Convenor 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 Convenor 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 Convenor shall appoint a mediator who is a member of The Greens (but not necessarily Byron 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 Convenor. The parties may request that the Convenor announce the agreement to the next ByG meeting.
- 10.9 If agreement is not reached the mediator shall report to the Convenor 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 ByG to conduct a mediation or a disciplinary hearing.

11. DISCIPLINING OF MEMBERS

- 11.1 If the mediation does not take place or fails the Convenor 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 and agreement has not been reached.
- 11.2 The Convenor shall seek a direction from the ByG meeting in respect of further action which may include referral of the complaint to The Greens NSW or the establishment of a ByG Complaints Committee.

ByG Complaints Committee

- 11.3 If the ByG meeting so directs the Convenor 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 ByG) and shall normally include the Convenor. The members of the Complaints Committee shall be appointed by the Convenor. 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 ByG for a period, and impose conditions on the suspension being lifted, or
 - 11.4.4 expel the member, and/or
 - 11.4.5 in the case of an office bearer, recommend to a meeting of ByG, for decision, that the office bearer vacate her or his position(s).
- 11.5 The Complaints Committee shall give the parties its decision in writing.
- 11.6 The Convenor 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 by setting out a proposal in writing 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 Convenor shall appoint the facilitator of the meeting considering the appeal. The facilitator shall be a member of The Greens (but not necessarily of ByG).
- 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 Ordinary Meeting or the Special Meeting which considers the appeal shall follow the decision-making and escape from deadlock voting procedures contained in the Byron Greens' Procedures for Meetings and Decision-Making.
- 11.13 If the Convenor wishes to make a complaint or is the subject of a complaint under 10 or 11, or has a conflict of interest, the Convenor shall pass their duties under 10 and 11 to another office bearer.

12. SEPARATION OR DISBANDING OF ByG

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

Elected Greens representatives for the state seat of Ballina are required to give 12.5% of their before tax salary to a "Ballina Electorate Campaigns Fund" to be spent on campaigns directly related to state issues, including the MLA's re-election campaign upon agreement of the Ballina MP Reference Group.

14. CONSTITUTIONAL CHANGES

This constitution may be amended by 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.