CONSTITUTION OF THE

AUSTRALIAN WORKERS PARTY

(“AWP”)

Implemented on **29th December 2015**

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THE PARTY STANDARDS

**CODE OF ETHICAL CONDUCT**

**The Australian Workers Party was created first and foremost to best serve the interests and needs of the Australian people. All actions by our Members are to reflect this ethos at all times.**

**1.** In all dealings on behalf of the Party, all members shall use transparency, integrity, honesty and supportable facts, with full responsibility taken by the individual for their actions in all official matters they conduct on behalf of the Party.

**2.** At no time shall members deliberately mislead the Party Founders, the Executive, the Party or the Members.

**3.** In all internal dealings a transparent process is to be followed with all involved parties informed in a timely fashion of proposed actions, intents and outcomes.

**4.** Any change in circumstance or any incident regarding members and operations that may pose a serious negative impact on the Party must be reported to the relevant Branch President and the Party Executive in writing within 24 hours of occurring. General concerns shall be reported within 7 days.

**5.** Personal slander or defaming will not be tolerated; any opposing member’s private life and family shall remain private unless corrupt or criminal activity can be reasonably proven to be occurring within the family structure. **Example:** *Proof of unlawful use of party funds, public money or entitlements by a member’s spouse or life partner.* Any such claims shall initially be reported to the committee and founders in strictest confidence for further investigation.

**6.** Actions will only be carried out by the Party against opposing parties’ bad policy, political lies and foreseeable detriment to the Australian people. (See point 6 regarding attacks against individuals.)

**7.** Should any Member or Members attempt to publicly or privately discredit, divide or segregate the members, the Party, any Party branches or affiliated groups, they may, after full investigation, be immediately and publicly expelled from the Party. Applicable legal actions may be commenced against the individual or individuals found guilty of any misconduct.

**8.** Any Party Official or member accused of wilful corruption will be referred to the relevant Authorities for full investigation. Should charges be laid and if such allegations are substantiated, the Party reserves the right to seek costs or compensation for any damage to the reputation of the Party and for any real costs occurred.

**9.** All donations offered to the Party and accepted by the Party must be unencumbered. Any support given by the Party shall only be provided if any request meets our Party’s Standards, not because of payment.

**GUIDING PRICIPLES OF A.W.P**

**In recognition that public trust in any public office can only be maintained by high ethical standards, it is binding that the Party Founders, the Executive Committee, all Party Members and candidates:**

(a) Are committed to exercising proper due diligence, care and attention; and

 . (b)  Shall abide by this constitution and all relevant State and Federal Laws, and

 . (c)  Are committed to using public and Party resources in an effective and accountable fashion to best serve the people, and

 . (d)  Are committed to managing information as openly as practicable within the legal framework; and

 . (e)  Value and seek to achieve high standards of public administration; and

 . (f)  Value and seek to innovate and continuously improve performance; and

 . (g)  Value and seek to operate within a framework of mutual obligation and shared responsibility between the Executive Office, individual Branch Offices and our members.

**MANDATORY EXPECTATIONS OF SERVICE**

**That all AWP Senators and Members of the House of Representatives, State & Territory Parliamentary members and any elected or appointed local government representative would judge all proposed legislation or regulation through the prism of the proposals effect –**

 **. (a)**Positively or negatively – effect working people and vulnerable Australians and;

 **. (b)**Would the proposed legislation or regulation benefit Australia's future? This stipulation would encompass issues relating to the environment and the economy and

 **. (c)**How the proposal could be amended so that it would better support our values and our ideal that AWP elected representatives should always support the best interests of all Australians.

 **. (d)**That all AWP elected representatives would reject any proposed legislation or regulation that does not benefit the broader Australian community.

 **. (e)**Does not add in a positive way, to the fabric of our nation, socially, environmentally or economically.

 **. (f)**Would disadvantage or ameliorate the rights and freedoms of Australians.

 **. (g)**Would promote or incite disharmony or hatred towards any sections of our
society.

 **. (h)**Would benefit any foreign economic interests over the interests of the Australian community.

**Part 1 - Preliminary 1. Definitions**

**(1) In this constitution:**

***Party Founders***: the individuals known and named as being the original creators of The Australian Workers Party (The Party), these being; Mark Ptolemy and Shane Brooks.

***The Party Executive:*** The National President, Vice President and National Secretary and Treasurer.
***Ordinary Executive Committee member:*** a member of the Executive Committee who is not an office-bearer of the association.

***Secretary***:

**(a)** The person holding office under this constitution as secretary of the party, or

**(b)** If no such person holds that office - the vice President of the party shall assume this responsibility until the vacancy is filled.

***Special general meeting***: a general meeting of the Party other than an annual general meeting.

**(2) In this constitution:**
**(a)** A reference to a function includes a reference to a power, authority and duty, and

**(b)** A reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

**(c)** Relevant Law means any State or Federal Australian law that controls or regulates any role, function or activity relating to the Party and its conduct and operations.

**The Act** means the Associations Incorporation Act 2009.
**The Regulation** means the Associations Incorporation Regulation 2010.

**PART 2 – NAME AND PURPOSE OF THE PARTY**

**2. The Party Name**

**(1)** The name of the party is “The Australian Workers Party”.
**(2)** The name abbreviation (acronym) of the Party name for all purposes shall be “AWP”.

**(3)** For the purpose of registration with any Federal, State or Territory electoral commission or body, Party branches, financial institution or affiliated groups, the name of the Party is “The Australian Workers Party”.

**3. The purpose of the Party:**

 . (a)  To advocate on behalf of all Australian people by providing honest and transparent representation in our Parliaments.

 . (b)  To scrutinise Government waste and mismanaged funding so the most practical use of public money is obtained to best serve the Australian people.

 . (c)  To demand increased protection of Australia’s workers and a reduction in casualisation of our workforce.

 . (d)  To increase employment through supporting the development of existing ideas and new business and industry in Australia.

(e) The abandonment of all proposed free trade agreements and a strengthening of local markets through appropriated trade protections.

 . (f)  A moratorium regarding the cessation of 457 visas to protect Australian jobs and workers during high unemployment periods.

 . (g)  A moratorium or penalty structure on any company abandoning Australia and its workers to take advantage of the cheap set ups, low taxes and poverty stricken workers overseas.

 . (h)  An equalised taxation system for corporations to ensure responsible and adequate Government funding is available for all Australian workers and their families into the future.

 . (i)  An end to industry subsidies and removal of taxation loopholes, Australian taxes should not support overseas interests.

 . (j)  To protect Australia’s sovereignty, Australia’s land and resources must be predominantly owned by Australian interests and restrictions on the foreign ownership of land and resources should be in place now and into the future.

 . (k)  To prevent further degradation of our vital resources such as food production and natural water supplies.

 . (l)  To improve and protect the existing structures regarding the availability standards of Australia's Health and Emergency Services.

 (m) To demand full consultation with and the fair treatment of Indigenous Australians and their traditional cultural structures, to provide for their rights, wellbeing and specific needs under the common Laws of Australia.

 (n) Environment protection by mutual inclusion through increased education and the direct involvement of all citizens in both our land based and Marine Parks.

 . (o)  To defend and provide for the most vulnerable Australians and our veterans, to strive to reduce poverty, homelessness, violence and isolation through stronger supports and better distribution of funds.

 . (p)  To stand candidates for election to the parliaments of Australia, to campaign for the improvements required to achieve the entire purpose of the Party.

 (q) To do all other things ancillary to, or necessary for the furtherance of the Nation’s prosperity and the desired achievements of the Party and its purpose in all areas.

**Part 3 - MEMBERSHIP**
**3. Membership generally**

**(1) A person is eligible to be a member of the Party if:**

**(a)** The person is able to provide proof of their identity upon request.

**(b)** The person is eligible to be on the Australian Electoral Roll.

**(c)** The person has applied and been approved for membership of the Party in accordance with clause 4.

**(2)** A person is taken to be a member of the party if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.

**4. Application for membership**

**(1) An application for membership of the Party:**

**(a)** Can be made by any person in writing in the form decided by the Committee or required by the respective electoral commission and including electronic forms and transmission, and;

**(b)** Must be lodged with the secretary, and
**(c)** Must be accompanied by the prescribed membership fee, and

**(d)** Must be in accordance with the regulations of the respective Electoral Commission(s) including but not limited to the member being a registered member of only one party.

**(e)** May be rejected if the member has been expelled previously as per clause 12.

**(2)** As soon as practicable after receiving an application for membership, the secretary must refer the application to the Committee which is to determine whether to approve or to reject the application.

***If the membership has been rejected, the secretary must:***

**(a)** Notify the unsuccessful applicant, in writing by email or post, that the Committee has rejected the application, and

**(b)** Return any membership fee paid by the applicant.

**(3)** The secretary will, on payment by an accepted applicant of the amounts referred to in subclause (1) (c) within the period referred to in clause 5 (d), enter or cause to be entered the applicant’s name in the register of members and, on the name being so entered, the applicant becomes a member of the Party.

**5. Cessation of membership**
**A person ceases to be a member of the Party if the person:**

**(a)** Dies, or

**(b)** Resigns membership, or

**(c)** Is expelled from the Party, or

**(d)** Fails to pay the annual membership fee under clause 9 (2) within 3 months after the fee is due.

**6. Membership entitlements not transferable**

**A right, privilege or obligation that a person has by reason of being a member of the Party:**

**(a)** Is not capable of being transferred or transmitted to another person, and **(b)** Terminates on cessation of the person’s membership.
**7. Resignation of membership**

**(1)** A member of the Party may resign from membership of the Party by first giving to the secretary written notice of at least 14 days (or such other period as the Committee may determine) of the member’s intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

**(2)** If a member of the Party ceases to be a member under sub-clause (1) and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

**8. Register of members**

**(1)** The public officer of the Party must establish and maintain a register of members of the Party specifying the name and postal or residential address of each person who is a member of the association.

**(2)** The register of members must be kept in New South Wales:

**(a)** At the main premises of the Party, or

**(b)** If the Party has no premises, at the Party’s official address.

**(3)** The register of members must be open for inspection, free of charge, by any member of the Party at any reasonable hour.

**(4)** A member of the Party may obtain a copy of any part of the register that is not subject to the Privacy Act or any other regulation and on payment of a fee of not more than $1 for each page copied.

**(5)** If a member requests that any information contained on the register about the member (other than the member’s name) not be available for inspection that information must not be made available for inspection.

**(6)** A member must not use information about a person obtained from the register to contact or send material to the person, other than for:

**(a)** The purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or

**(b)** Any other purpose necessary to comply with a requirement of the Act or the Regulation.

**9. Fees and subscriptions**

**(1)** In addition to any amount payable by the member under subclause (1), a member of the Party must pay to the association an annual membership fee. The amount of membership will not be less than $15.00 and shall be determined by the Committee:

**(a)** Except as provided by paragraph (b), before 1 July in each calendar year, or **(b)** If the member becomes a member on or after 1 July in any calendar year - on

becoming a member and before 1 July in each succeeding calendar year.

**10. Members’ liabilities**

The liability of a member of the Party to contribute towards the payment of the debts and liabilities of the Party or the costs, charges and expenses of the winding up of the Party is limited to the amount, if any, unpaid by the member in respect of membership of the Party as required by clause 8.

**11. Resolution of disputes**

**(1)** In the first instance, a dispute between a member and another member (in their capacity as members) of the Party, or a dispute between a member or members and the Party, are to be referred to the Committee for resolution.

**(2)** If resolution by the Committee is unsuccessful, the dispute is to be referred to a community justice centre for mediation.

**(3)** If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.

**12. Disciplining of members**
**(1)** A complaint may be made to the Committee by any person that a member of the

Party:

**(a)** Has refused or neglected to comply with a requirement, provision or provisions of this constitution, or

**(b)** Has wilfully acted in an unlawful or manner prejudicial to the interests of the Party. **(2)** The Committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
**(3)** If the Committee decides to deal with the complaint, the Committee shall: **(a)** Notify the Party Founders of the intent,
**(b)** Cause notice of the complaint to be served on the member concerned, and

**(c)** Give the member a minimum of 10 working days from the time the notice is served within which to make submissions to the Committee in connection with the complaint, and

**(d)** Take into consideration any submissions made by the member in connection with the complaint.

**(4)** The Committee may, by resolution, expel the member from the Party or suspend the member from membership of the Party if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

**(5)** If the Committee expels or suspends a member, the secretary must, within 7 days after the action is taken, provide written notice to the member of the action taken of the reasons given by the Committee for having taken that action.

**(6)** The expulsion or suspension however takes immediate effect.

**(7)** If any act by an expelled member was of such a nature it is deemed unlawful, the matter may be referred to the appropriate authority for investigation and legal actions up to and including prosecution for that offence.

**PART 4 - THE AWP EXECUTIVE COMMITTEE (“The Committee”)**

**13. Powers of the Committee**

Subject to the Act, the Regulation and this constitution and to any resolution passed by the Party in general meeting, the Committee:

**(a)** Is to control and manage the affairs of the Party, and

**(b)** May exercise all such functions as may be exercised by the Party, other than those functions that are required by this constitution to be exercised by a general meeting of members of the Party, and

**(c)** Has power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the Party.

**(d)** All official actions are to be undertaken under the scrutiny of the Party Founders who shall retain right of recall for consideration or veto should any intended act by a member, Candidate or Official, including the Party as a body, potentially breach the Party Code of Ethical Conduct, Guiding Principles or the Mandatory Expectations of Service.

**14. Composition and membership of the Committee (1)** The Committee is to consist of:
**(a)** The office-bearers of the association, and
**(b)** At least 3 ordinary Committee members,

**(c)** Each of whom is to be elected at the annual general meeting of the association under clause 15 for a period of two years.

**(2)** The total number of Committee members is to be 12. The Committee and the Executive have the right, upon reaching a consensus that composition of the Committee can be expanded to a greater number.

**(3)** The office-bearers of the association are as follows:

**(a)** The National President
**(b)** The National vice-president

**(c)** The National Secretary

**(d)** The Treasurer

**(4)** A Committee member may hold up to 2 offices (other than both the president and vice-president offices).

**(5)** Each member of the Committee is, subject to this constitution, to hold office for two years and up until the conclusion of the second annual general meeting following the date of the member’s election, and is eligible for re-election twice.

**(6)** Point 5 is not applicable to Party Founders, nor their roles and responsibilities. See Part – 8.

**15. Election of Committee members**

**(1)** Nominations of candidates for election as office-bearers of the Party or as ordinary Committee members:

**(a)** Must be made in writing, signed by 2 members of the Party and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and

**(b)** Must be delivered to the secretary at least 28 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

**(2)** If insufficient further nominations are received, any vacant positions remaining on the Committee are taken to be casual vacancies.

**(3)** If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.

**(4)** If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.

**(5)** The ballot for the election of members of the Committee is to be conducted at the annual general meeting in such usual and proper manner as the Committee may direct.

**(6)** A person nominated as a candidate for election as a Committee member of the Party must be a member of the Party.

**16. President**

**(1)** The president is the designated Appointed Officer and acts as the Party liaison with the respective electoral commissions as required or unless otherwise appointed by the Committee.

**17. Secretary**

**(1)** The person who holds office of Secretary of the Australian Workers Party shall have the duties of which involve the responsibility for carrying out the administration, and for the conduct of the correspondence of the party. The secretary must, as soon as practicable after being appointed as secretary, lodge notice with the Director-General of his or her address.

**(2)** It is the duty of the secretary to ensure that the following records are kept:

**(a)** All appointments of office-bearers and members of the Committee, and

**(b)** The names of members of the Committee present at a Committee meeting or a general meeting, and

**(c)** All proceedings at Committee meetings and general meetings.

**(3)** Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

**18. Treasurer**

It is the duty of the treasurer of the Party to ensure:

**(a)** That all money due to the Party is collected and receipted and all payments authorised by the Party are made, and

**(b)** That correct books and accounts are kept showing the financial affairs of the Party, including full details of all receipts and expenditure connected with the activities of the Party.

**19 Casual vacancies**

**(1)** In the event of a casual vacancy occurring in the membership of the Committee, the Committee may appoint a member of the Party to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment.

**(2)** A casual vacancy in the office of a member of the Committee occurs if the member:

**(a)** Dies, or

**(b)** Ceases to be a member of the Party, or

**(c)** Becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or

**(d)** Resigns office by notice in writing given to the secretary, or

**(e)** Is removed from office under clause 20, or

**(f)** Becomes a mentally incapacitated person, or

**(g)** Is absent without the consent of the Committee from 3 consecutive meetings of the Committee, or

**(h)** Is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for no less than 3 months, or

**(i)** Is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.

**20. Removal of Committee members**
**(1)** The Party in general meeting may, by resolution, remove any member of the Committee from the office of member before the expiration of the member’s term of office and may, by resolution, appoint another person to hold office until the expiration of the term of office of the member so removed.

**(2)** If a member of the Committee to whom a proposed resolution referred to in sub- clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the Party, the secretary or the president may send a copy of the representations to each member of the Party or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

**21. Committee meetings and quorum**

**(1)** The Committee must meet at least 3 times in each period of 12 months at such place and time as the Committee may determine. Meetings may be held using, and Committee members may attend meetings by, technology (including by telephone or computer).

**(2)** Additional meetings of the Committee may be convened by the president or by any member of the Committee.

**(3)** Oral or written notice of a meeting of the Committee must be given by the secretary to each member of the Committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the Committee) before the time appointed for the holding of the meeting.

**(4)** Notice of a meeting given under sub-clause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Committee members present at the meeting unanimously agree to treat as urgent business.

**(5)** Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the Committee.

**(6)** No business is to be transacted by the Committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present, the meeting is to be dissolved.

**(7) At a meeting of the Committee:**
**(a)** The president or, in the president’s absence, the vice-president is to preside, or

**(b)** If the president and the vice-president are absent or unwilling to act, such one of the remaining members of the Committee as may be chosen by the members present at the meeting is to preside.

**22. Delegation by Committee to sub-Committee**

**(1)** The Committee may, by instrument in writing, delegate to one or more sub- Committees (including Branch Committees) (consisting of such member or members of the Party as the Committee thinks fit) the exercise of such of the functions of the Committee as are specified in the instrument, any subcommittee is to abide by the rules of this Constitution regarding:

**(a)** This power of delegation, and
**(b)** A function which is a duty imposed on the Committee by the Act or by any other law.

**(2)** A function the exercise of which has been delegated to a sub-Committee (including a Branch Committee) under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-Committee (including a Branch Committee) in accordance with the terms of the delegation.

**(3)** A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

**(4)** Despite any delegation under this clause, the Committee may continue to exercise any function delegated.

**(5)** Any act or thing done or suffered by a sub-Committee (including a Branch Committee) acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Committee.

**(6)** The Committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.

**(7)** A sub-Committee (including a Branch Committee) may meet and adjourn as it thinks proper.

**23. Voting and decisions**

**(1)** Questions arising at a meeting of the Committee or of any sub-Committee (including any Branch Committee) appointed by the Committee are to be determined by a majority of the votes of members of the Committee or sub-Committee (including any Branch Committee) present at the meeting.

**(2)** Each member present at a meeting of the Committee or of any sub-Committee (including any Branch Committee) appointed by the Committee (including the person presiding at the meeting) is entitled to one vote, but in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

**(3)** Subject to clause 21 (5), the Committee may act despite any vacancy on the Committee.

**(4)** Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee or by a sub-Committee (including any Branch Committee) appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or sub- Committee (including any Branch Committee).

**Part 5 - GENERAL MEETINGS**
**24. Annual general meetings - holding of**

**(1)** The Party must hold its first annual general meeting within 18 months after its registration under the Act.

**(2)** The Party must hold its annual general meetings:
**(a)** Within 6 months after the close of the Party’s financial year, or

**(b)** Within such later time as may be allowed by the Director-General or prescribed by the Regulation.

**25. Annual general meetings - calling of and business at**
**(1)** The annual general meeting of the Party is, subject to the Act and to clause 21, to

be convened on such date and at such place and time as the Committee thinks fit.

**(2)** In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:

**(a)** To confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting, and

**(b)** To receive from the Committee reports on the activities of the Party during the last preceding financial year, and

**(c)** To elect Committee members, and
**(d)** To receive and consider any financial statement or report required to be submitted to members under the Act.
**(3)** An annual general meeting must be specified as such in the notice convening it.

**26. Special general meetings - calling of**
**(1)** The Committee may, whenever it thinks fit, convene a special general meeting of the Party.

**(2)** The Committee must, on the requisition in writing of at least 10 per cent of the total number of members, convene a special general meeting of the Party.

**(3)** A requisition of members for a special general meeting:

**(a)** Must state the purpose or purposes of the meeting, and

**(b)** Must be signed by the members making the requisition, and

**(c)** Must be lodged with the secretary, and

**(d)** May consist of several documents in a similar form, each signed by one or more of the members making the requisition.

**(4)** If the Committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.

**(5)** A special general meeting convened by a member or members as referred to in sub- clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the Committee.

**27. Notice**
**(1)** Notice will be given in one or more of the following forms as approved by the

Committee: email, post, or via the Party’s website.

**(2)** Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Party, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying:

**(a)** The place, date and time of the meeting, and
**(b)** The nature of the business proposed to be transacted at the meeting, and

**(c)** If the meeting is to be held in two or more places, the technology that will be used to facilitate this.

**(3)** If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Party the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

**(3)** No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 25 (2).

**(4)** A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

**28. Quorum for general meetings**

**(1)** No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.

**(2)** 25% of members, or 30 members (whichever number is the lowest) present (being members entitled under this constitution to vote at a general meeting), constitute a quorum for the transaction of the business of a general meeting.

**(3)** If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:

**(a)** If convened on the requisition of members, is to be dissolved, and

**(b)** In any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.

**(4)** If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, at least 4 of the Committee members present are to constitute a quorum.

**29. Presiding member**
**(1)** The president or, in the president’s absence, the vice-president, is to preside as chairperson at each general meeting of the Party.

**(2)** If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

**30. Adjournment**

**(1)** The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.

**(2)** If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the Party stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

**(3)** Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

**31. Making of decisions**

**(1)** A question arising at a general meeting of the Party is to be determined by either:

**(a)** A show of hands, or

**(b)** If on the motion of the chairperson, or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.

**(2)** If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

**(3)** If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions set in a Ballot Protocol adopted by the Committee.

**32. Special resolutions**

A special resolution may only be passed by the Party in accordance with section 39 of the Act.

**33. Voting**
**(1)** On any question arising at a general meeting of the Party a member has one vote only; block or group voting is prohibited.

**(2)** In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

**(3)** A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the Party has been paid.

**(4)** A member is not entitled to vote at any general meeting of the Party if the member is under 18 years of age.

**34. Proxy votes not permitted**

Proxy voting must not be undertaken at or in respect of a general meeting.

**35. Ballots**
**(1)** The Party in a general meeting may hold a ballot to determine any issue or

proposal.
**(2)** A ballot is to be conducted in accordance with Schedule 3 to the Regulation.

**36. Use of technology for members meetings**

A meeting of members may be held in two or more places linked together by any technology so long as it:

**(1)** Gives the members as a whole in those places a reasonable opportunity to participate in proceedings; and

**(2)** Enables the chair to be aware of proceedings in each place; and
**(3)** Enables the members in each place to vote on a show of hands and by written ballot.

**Part 6 – Financial and Records**
**37. Insurance**
The Party may effect and maintain insurance.

**38. Funds - source**

**(1)** The funds of the Party are to be derived from entrance fees and annual subscriptions of members, donations and other legitimate sources as the Committee determines.

**(2)** All money received by the Party must be deposited as soon as practicable and without deduction to the credit of the association’s bank or other authorised financial institution account.

**(3)** The Party must, as soon as practicable after receiving any money, issue an appropriate receipt to the fund provider for the amount given.

**(4)** The party shall refuse donations or any monies that are encumbered by any expectation of favourable decisions or support not normally offered. Any request received from any donor shall be judged solely on its merits and accepted or rejected according to the requirements of the Party Standards.

**(5)** The Party shall accept funds as provided for under Division 3 of Part XX of the Electoral Act specifically Sections 299(1)(d) and 299A of the Act.

**39. Funds - management**

**(1)** Subject to any resolution passed by the Party in general meeting, the funds of the association are to be used in pursuance of the objects of the Party in such manner as the Committee determines within the requirements and rules as laid out in the Party Standards.

**(2)** All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the Committee or employees of the association, being members or employees authorised to do so by the Committee.

**(3)** Funds shall only be used for official purposes that are primarily related to the Party's purpose, that is: claims will not be accepted if the activity was not primarily undertaken for official purposes.

**Example:** *while on holidays or at any event intended for personal enjoyment or private reasons should any member voluntarily speak to another person or entity about the Party, this activity or travel cost cannot be claimed as an expense as the travel or activity was not undertaken primarily for this purpose.*

**(4)** However, in the event any personal travel or activity is being disrupted by unforeseen official requirements to a significant degree, the Committee will under application for expenses incurred refund the affected portion of the members’ official activities during said disruption?

**Example:** *while on holiday it becomes necessary for a member to travel and attend a meeting on behalf of the Party, the cost of that specific portion of travel, any accommodation and meals may be refunded at cost to the affected member after full receipts are presented as justification of said expenses.*

**40. Change of name, objects and constitution**

An application to the Director-General for registration of a change in the Party’s name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a Committee member.

**41. Custody of books**

Unless otherwise provided by this constitution, the public officer must keep in his or her custody, or under his or her control all records, books and other documents relating to the Party.

**42. Inspection of books**
**(1)** The following documents must be open to inspection, free of charge, by a member

of the Party at any reasonable hour:

**(a)** Records, books and other financial documents of the Party, excluding minutes of meetings of the Committee,

**(b)** This constitution,

**(c)** Minutes of all general meetings of the Party.
**(2)** A member of the Party may obtain a copy of any of the documents referred to in

subclause (1) on payment of a fee of not more than $1 for each page copied.

**43. Service of notices**

**(1)** For the purpose of this constitution, a notice may be served on or given to a person:

**(a)** By delivering it to the person personally, or

**(b)** By sending it by pre-paid post to the last known address of the person, or

**(c)** By sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.

**(2)** For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:

**(a)** In the case of a notice given or served personally, on the date on which it is received by the addressee, and

**(b)** In the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and

**(c)** In the case of a notice sent by facsimile transmission or some other form of electronic transmission on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

**44. Financial year**

The financial year of the Party is:

**(a)** The period of time commencing on the date of incorporation of the Party and ending on the following 30 June, and

**(b)** Each period of 12 months after the expiration of the previous financial year of the Party, commencing on 1 July and ending on the following 30 June.

**45. Non-profit**

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

**46. Dissolution**

In the event of the Party being dissolved, the amount 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. Failing that a charity for terminally ill children.

**PART 7 - ELECTORAL CANDIDATES**

**47. Selection of candidates**

Until the Party is fully formed and all functions can be met relating to candidate selection, the founders shall elect the candidates they feel best serve the Party’s future direction and ambitions. After Party registration and formation is complete all future activities and nominations shall be subject to the following regarding elections contested and pre-selection of Candidates.

**1)** The Committee shall decide which state, federal or local government elections will be contested.

**2)** In the case of the Commonwealth House of Representatives or state or territory legislative assemblies, the Committee shall decide which parliamentary seats will be contested.

**3)** All pre-selections shall be conducted by the Committee.

**4)** As soon as practicable prior to an election that the Committee has decided to contest is to be held, the Committee shall call a meeting or meetings to determine the procedures for the nomination of candidates for pre-selection for that election.

**5)** The Committee shall call for nominations for that election. On the close of nominations, the Committee may:

**(a)** Determine that the Party will not contest an election or a parliamentary seat, and **(b)** Declare any candidate would be unsuitable for pre-selection and would give cause

for this decision, and

**(c)** Call for further nominations, and

**(d)** Declare a person to be a candidate.

**6)** A nominee seeking pre-selection will require five (5) valid nominations from existing Party members OR the nomination of a member of the Committee.

**7)** The pre-selection of nominees to be Party-endorsed parliamentary candidates shall be determined by a ballot of all members of the Committee.

**8)** In the event the Committee is not unanimous, a candidate will only be endorsed if 70% or greater of the Committee agree. Each member will have a single vote and the President will not have a casting vote.

**9)** The Committee shall publish and distribute to members a list of all preselected candidates for an election.

**10)** Only Party members with the approval of the Committee may be endorsed to stand as Party candidates.

**11)** All preselected candidates must provide a completed questionnaire and Statutory Declaration confirming their eligibility to stand as candidates, and to be sworn in to parliament, under the relevant laws of the Commonwealth or the states for which the election is to be held.

**12)** All preselected candidates will, before submission of writs, provide a current Police check confirming their eligibility to stand as candidates and to be sworn in to parliament, under the relevant laws of the Commonwealth or the states for which the election is to be held.

**13)** The Committee may withdraw endorsement of a candidate at any time up to the election date and provide the reasons for this decision to the Party membership.

**Part 8 - PARTY FOUNDERS ROLES AND RESPONSIBILITIES**

The Founder positions shall consist of no less than three persons, those persons named in Part 1 (1) of this constitution as the Founders, and a third person whom the Founders shall appointed.

**48. The party founders are the formal Party stewards, and as such their positions are permanent within the party structure and operations unless:**

 . (a)  Found guilty of wilfully breaching the Party Standards, or wilfully conducting any illegal activity at which time resignation and / or Party expulsion shall result.

 . (b)  They voluntarily step down for personal or professional reasons, and

 . (c)  In the instance a Founders vacancy occurs, the remaining Founders shall at their discretion elevate a suitable Party Official or Member to fill the role.

 . (d)  Should a founder run for public office, they shall remain in the Founding member capacity listed in Part 7.

 . (e)  However, the Founder must not partake in any vote or ruling regarding any issue or action where they have any conflict or influence regarding any decisions or allegations due to their candidacy or against it.

**49. The Founders duties shall include but are not limited to:**

(a) Oversee Committee meetings and advise on Party direction and policy. This includes a power of veto over any determination made by the Committee which, in the view of the majority of Founders, is deemed to be against the best interest of the Party and or is not deemed to be in accordance with the Party principles or values.

 . (b)  Review candidate’s suitability prior to their pre-selection being announced.

 . (c)  Review operational actions for compliance with the Party Standards.

 . (d)  Review policy intent to ensure it meets the Party's Guiding Principles.

 . (e)  Ensure Party members and all officials and Office bearers abide by the Mandatory Expectations of Service.

**50. Powers of Founders shall include but not be limited to:**

 . (a)  To review internal operations for compliance with all relevant legislation.

 . (b)  To review operations of any State or local Branch, or individual AWP member elected to public office should allegations of impropriety arise.

 . (c)  To call for an internal audit regarding the Party, Officials, or any elected AWP representative financials from time to time or when required by law, such as the end of the financial year.

 . (d)  To require any AWP elected representative to explain expenses incurred by the taxpayers on their behalf should any impropriety be alleged.

 . (e)  To submit input and suggestions to the committee, candidates, any elected AWP representative regarding concerns or issues raised within the party.

**51. In the event of any impropriety allegations the Founders may:**

Conduct a preliminary investigation into the allegations with such expert assistance as is deemed necessary.

*(a)* Appoint an external auditor to fully inspect any Party books and registers.

(b) Appoint an investigator to fully explore suspected illegal actions.

(c) Refer the matter to the appropriate authorities for official legal actions if warranted.

(d) Refer any matter of impropriety to the committee with recommendations for a show cause process to be implemented.

**52. Determinations:**

Any preliminary investigation into any allegation against the Party, members or Officials shall utilise the “**Balance of Probabilities**”, that is the belief that an incident is more likely to have occurred than not to have occurred.

**53. Further Actions**:
In the event a finding presents that impropriety may exist, the Founders may, after confidential discussion of the said evidence with the President and Secretary, initiate a formal investigation into the alleged act. The President and Secretary are to be advised out of courtesy and propriety. As such positions are temporary, their counsel is to be sought; however their approval is not required for the founders to initiate a formal process.

**54. Costs:**

If any allegations are proven, the full costs incurred by the Party in conducting any investigation shall be deemed recoverable from any person found to have engaged in the impropriety through legal avenues as circumstances require. In the event of prosecution, application for costs recoverable shall be placed before the Courts.

**55. Alteration to this Constitution;**

A change to this constitution may be requested by a member in writing and shall be initially assessed by the Founders and finally placed before the Committee for consideration. Any request deemed worthy by the executive shall then be decided by a member’s ballot, to take place not more than 30 days after approval by the Founders and Committee. Any proposed outcome from any alteration must not go against the party’s Constitution or standards.

**PART 9 - THE FORMATION OF STATE & LOCAL BRANCHES**

**56. The AWP Founders and Committee Members will endeavour to encourage the formation of State AWP Branches with the intent to;**

(a) encourage and promote the values and policy platforms of the AWP,

(b) encourage and promote membership to the AWP,

(c) assist in the election of endorsed AWP candidates

(d) assist in the fundraising efforts of the AWP in the election of endorsed AWP candidates.

(f) provide the Committee with an avenue of communication and opinion to the broader membership of the Party,

(g) assist the Committee, through input and local representation to formulate policy that is in the best interest to the community and is compatible to the principles of the Party.

**57. The AWP (National) body, (including the Committee) and any State Branch shall;**

 . (a)  act in accordance with the Party Constitution in the spirit of cooperation and compliance,

 . (b)  will attend to any or all requirements of the Party, as seen fit by the Committee and or The Founders for the betterment and progress of the Party,

 . (c)  shall act in cooperation with the objective to assist any endorsed AWP candidate to be elected.

**58. State Branches of the AWP shall;**

 . (a)  comply with all aspects and rules of the AWP Constitution; and be subject to the Constitution in its entirety,

 . (b)  comply with any request from the Committee and or Founders in relation to the inspection of administrative, membership or financial documentation, material or activities of the State Branch,

 . (c)  be subject to any local laws or regulations in relation to political donations and record keeping, and any other aspect that is subject to compliance to local electoral authorities,

 (d) make available any or all funds or assets gained through any fundraising activities or donations or otherwise to the Committee, upon request of the Committee,

 . (e)  be subject to any ruling made by the Committee,

 . (f)  be subject to the power of veto of the Party Founders as referred to in Part 49 (a) of the Constitution,

 . (g)  be able to seek proportional representation to any national AWP conference or meeting should any such meeting or conference be called by the Committee,

 . (h)  be able to submit proposals or policy ideas or amendments to the Committee and or Party Founders for review and consideration,

 . (i)  shall be able to, with permission of the Committee, form campaign activity groups to assist in the election of endorsed AWP candidates within their States.