



# **Constitution Better Together Party**

Revision History		
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# CONSTITUTION

This is the Constitution of the Better Together Party, a federal political party. This Constitution establishes the Party, sets out the objects of the Party, how it will operate and how decisions will be made by the Party.

## Terms

### 1. Objects

1.1 The objects of the Party are to:

- (a) challenge the status quo to ensure a stronger, fairer Australia where everyone has a voice;
- (b) promote a more representative and inclusive Federal Parliament through increasing pathways to becoming a Member of Parliament or a Senator, including but not limited to, job-sharing;
- (c) advocate for policies that drive real, sustainable change for all Australians, with a focus on action on climate change, the cost of living and integrity and accountability in government; and
- (d) foster a political system that represents the people's interests; is willing to be imaginative in the ways it solves problems; and works collaboratively to deliver outcomes for all Australians.

1.2 The Party will further its objects by promoting candidates endorsed by the Party for election to the House of Representatives and/or the Senate.

### 2. Executive Committee

2.1 Save for the matters expressly reserved for Voting Members by this Constitution, the Executive Committee will be responsible for the operation of the Party, including by exercising all of the powers of the Party.

#### Officers

2.2 The Party must create and maintain the following offices:

- (a) Secretary;
- (b) the Party Agent , who will also be the Treasurer;
- (c) Chairperson; and
- (d) Registered Officer.

- 2.3 Upon establishment of the Party the offices will be occupied as follows:
- (a) Lucinda ██████████ Bradlow as Secretary and Registered Officer; and
  - (b) ██████████ as Treasurer and Party Agent.
- 2.4 The Party must ensure that at all times any person who is appointed as either Secretary, Registered Officer, Party Agent and Deputy Registered Officer is eligible to hold that office under the Commonwealth Electoral Act 1918 (Cth).
- 2.5 Each person who is an Officer must be and at all times maintain their status as a Voting Member of the Party.
- 2.6 Elections for Officers will take place at the Annual General Meeting of the Party. Any Voting Member of the Party is eligible to stand for election.
- 2.7 The Executive Committee may fill any casual vacancies of Officers.
- 2.8 The Executive Committee may create new offices it deems appropriate.

Removal of person from office

- 2.9 A person ceases to be an Officer, and the position of that Officer becomes vacant, if the Officer:
- (a) dies, becomes bankrupt or suffers from legal incapacity;
  - (b) resigns from their position as Officer;
  - (c) ceases to be a Voting Member, including by reason of having their Membership cancelled under clause 3.14;
  - (d) engages in any conduct or activity which would constitute a breach of director's duties under the Corporations Act 2001 (Cth), if the Party was a corporation and the Officer was a director of that corporation;
  - (e) is removed by the Voting Members in a General Meeting; or
  - (f) would otherwise be prohibited from being a director of a corporation under the Corporations Act 2001 (Cth).

Composition and powers of Executive Committee

- 2.10 The Executive Committee must be constituted by at least:
- (a) each of the office bearers in 2.2;
  - (b) if there is a Primary Endorsed Candidate who is not an office bearer, that Primary Endorsed Candidate.
- 2.11 The Executive Committee must:

- (a) manage the business and operations of the Party in accordance with this Constitution;
- (b) exercise its powers and perform its functions in pursuit of the Objects;
- (c) not cause the Party to cease to be a political party under the Commonwealth Electoral Act without a Special Resolution of the Voting Members in a General Meeting.

2.12 The Executive Committee may create any such rules which it considers appropriate for the proper administration and conduct of the Party and the fulfilment of the Party's objects, provided such rules are not inconsistent with this Constitution. Rules can include (but are not limited to) the requirements and procedures for endorsement of candidates by the Party, operation of meetings of the Party, delegation of Executive Committee functions or powers, and financial management of the Party.

### **3. Membership**

3.1 The Party has the following types of membership:

- (a) Parliamentary Members;
- (b) Voting Members;
- (c) Supporter Members; and
- (d) any such other types of membership as the Executive Committee may decide to establish.

3.2 Each Voting Member will have the voting rights and Obligations conferred on them by this Constitution. An application to be a Voting Member will be determined by the Executive Committee in accordance with clause 2.7.

3.3 Supporter Members will be Members of the Party. Supporter Members do not have Voting Rights in the Party; however, they are very valued and are entitled to:

- (a) receive notices required by this Constitution to be sent to Members;
- (b) attend the Party AGM;
- (c) attend Party social events and gatherings; and
- (d) volunteer for the Party.

3.4 At all times the Party must comply with the requirements of the Commonwealth Electoral Act 1918 (Cth) in relation to the minimum number of members required of a party.

#### Applications for membership

3.5 Any person who would like to become a Member of the Party must apply for Membership in accordance with this Constitution.

3.6 The application for Membership must:

- (a) be in the form required by the Party as it may be amended from time to time;
  - (b) contain the applicant's full name, address, date of birth and contact details;
  - (c) state the type of Membership for which the applicant is applying, including whether the application is to be a Voting Member; and
  - (d) contain any other information determined by the Executive Committee from time to time as required in an application for that Membership type.
- 3.7 The Executive Committee may, in their absolute discretion, accept or reject an application for Membership (including an application to become a Voting Member).
- 3.8 The Executive Committee is not required to provide reasons for any acceptance or rejection of a Membership application and the decision is not subject to review by any court or tribunal.
- 3.9 Upon the acceptance of a Membership application the Member will immediately be bound by this Constitution and any Rules as amended or implemented from time to time.
- 3.10 A person applying to become a Member must not be a member of another political party, whether registered under the Commonwealth Electoral Act 1918 (Cth) or any other state electoral laws, where that political party relies upon that member to maintain their registration as a party.

#### Register of Members

- 3.11 The Party must keep and maintain a register of members, which register will contain such information required by the Executive Committee.
- 3.12 Members must provide to the Party, upon request, such information as is reasonably required to maintain a current register of Members or in accordance with any Rules.

#### End of membership

- 3.13 A Member will cease to be a Member of the Party in any of the following circumstances:
- (a) the Member ends their Membership of the Party by written notice to the Executive Committee or in accordance with any Rules;
  - (b) the Member dies;
  - (c) the Member is convicted of an indictable offence;
  - (d) the Membership of the Member is cancelled in accordance with clause 3.14;
  - (e) the type of Membership held by the Member ceases to exist by reason of a change to this Constitution.

#### Cancellation of Membership by the Party

- 3.14 The Executive Committee may cancel the Membership of a Member on written notice to the Member for any of the following reasons:
- (a) if the Member commits a material breach of this Constitution or the Rules; or
  - (b) the Member becomes a member of another political party, in breach of clause 3.10, and the Executive Committee determines that it is in the interests of the Party to cancel the person's Membership;
  - (c) if the Member brings one of the following into disrepute:
    - (i) the Party;
    - (ii) a candidate endorsed by the Party;
    - (iii) a Parliamentary Member; or
    - (iv) an Officer.
- 3.15 The Executive Committee may, in its absolute discretion, determine what procedures it will use when deciding whether to cancel the Membership of a Member in accordance with clause 3.14, at all times having regard to the best interests of the Party.
- 3.16 Upon cessation of a Member's Membership in accordance with clause 3.13:
- (a) the Member remains liable for any outstanding fees or levies owed to the Party, which will become a debt due and payable to the Party;
  - (b) despite clause 3.16(a), the Executive Committee may, in its absolute discretion, decide to waive any debts or refund outstanding fees or levies;
  - (c) the Member must cease using any property of the Party.

#### **4. Obligations of Members**

- 4.1 Each Member of the Party must:
- (a) engage with Members, Officers, staff and volunteers with respect and courtesy;
  - (b) comply with this Constitution and the Rules;
  - (c) refrain from bringing the Party or any of the people listed in clause 3.14(c) into disrepute;
  - (d) pay any Membership fee or levy which is notified to them prior to their application for Membership or otherwise agreed to by the Member, in the required time.

#### **5. Meetings – Executive Committee**

##### *Number and frequency of meetings*

- 5.1 The Executive Committee must meet at least once in each half of the year.

### *Notice of meetings*

- 5.2 An Officer may at any time convene a meeting of the Executive Committee, provided they give at least five days' written notice to the other Officers unless a Majority of all Officers agree to waive the notice period.

### *Conduct of meetings*

- 5.3 The Chairperson is the chair of any Executive Committee meeting or General Meeting at which they are present.
- 5.4 If the Chairperson is not present, or is unwilling or unable to chair the meeting, the remaining Officers must appoint another Officer to preside as chair for that meeting only.
- 5.5 The quorum for an Executive Committee meeting is two people.
- 5.6 Subject to this Constitution, decisions to be made at any meeting of the Executive Committee may be determined by Majority.
- 5.7 Each person who is an Officer has one vote on any question, irrespective of the number of offices that person holds.
- 5.8 Officers who cannot attend may appoint a proxy.
- 5.9 A resolution passed by the Executive Committee must be recorded in a minute.

## **6. Meetings – General Meetings of Members**

### Annual General Meeting

- 6.1 The Secretary shall give 28 days' written notice of the Annual General Meeting to Members.
- 6.2 Nominations must be received by the Secretary at least one week before the Annual General Meeting.
- 6.3 All voting at the Annual General Meeting will be open ballot by those Voting Members present at the meeting only.

### Other meetings

- 6.4 All General Meetings other than the annual general meeting will be Special General Meetings.
- 6.5 The Secretary of the Party may make such Rules for the calling of Special General Meetings as may be appropriate to further the aims of the Party.
- 6.6 The Secretary shall give 28 days' written notice of a Special General Meeting to Voting Members, unless the Majority of Voting Members agree in writing to an abridged notice period.
- 6.7 The Executive Committee may, whenever it thinks fit, convene a Special General Meeting.
- 6.8 A Special General Meeting may be required by Voting Members in the following way:



- (a) no less than 20% of Voting Members submit a request to the Executive Committee, with such request signed by all requisitioning Voting Members;
- (b) within 35 days after receipt of a duly made request the Executive Committee must convene a Special General Meeting; and
- (c) the reasonable expenses and costs of convening the Special General Meeting must be borne by the Party.

## 7. **Voting**

- 7.1 Each Voting Member is entitled to one vote at an Annual General or Special General Meeting.
- 7.2 The Chairperson of a Meeting has a casting vote.
- 7.3 The quorum for a matter to be voted on at an Annual General or Special General Meeting is three Voting Members.
- 7.4 The Executive Committee will determine, in accordance with this Constitution, whether a proposed resolution or matter to be voted upon at the Annual General Meeting or Special General Meeting is an Ordinary Resolution or a Special Resolution.

## 8. **Constitution**

- 8.1 Subject to clause 8.2, this Constitution may be amended, varied or added to on the recommendation of the Executive Committee provided that any such amendment is approved by a Majority of Voting Members.
- 8.2 No part of this Constitution may be repealed, altered or amended if the Party would cease to be an eligible political party under the Commonwealth Electoral Act as a result of that repeal, alteration or amendment.
- 8.3 Notice must be sent to all Members if any part of this Constitution is amended in accordance with this clause.

## 9. **Fees**

- 9.1 The Executive Committee may determine:
  - (a) that an annual fee or subscription is payable for certain types of Membership;
  - (b) any other fees or subscriptions are payable;provided that no such fee or subscription will be imposed on a Member who has not agreed to it, whether by:
  - (c) applying for Membership after such fee or subscription has been notified by the Party as being payable by a Member or potential Member;
  - (d) otherwise agreeing to paying the fee or subscription.

9.2 Where a fee or subscription is determined by the Executive Committee under clause 9.1, the Executive Committee has full discretion to determine any matters connected to the fee or subscription including, but not limited to, the terms on which the fee or subscription is payable (including as to payment by instalments) or whether the fee or subscription may be waived for particular Members.

## 10. **Auditor**

10.1 The Party is not required to appoint an auditor except if required by law.

10.2 An auditor may be appointed at each Annual General Meeting as the Party's auditor for the then current Financial Year.

10.3 The auditor has power at any time to call for the production of all books, accounts and other documents relating to the affairs of the Party.

## 11. **Income**

11.1 The income and property of the Party must be applied solely towards the promotion of the Objects.

11.2 Except as prescribed in this Constitution, no portion of the income or property of the Party may be paid or transferred, directly or indirectly or whether by way of dividend, bonus or otherwise, to any member or any associate of a Member.

11.3 Subject to clause 11.4, nothing in clauses 11.1 or 11.2 prevents a payment in good faith to any Member:

- (a) for any services actually rendered to the Party whether as an employee, Officer or otherwise;
- (b) for goods supplied to the Party in the ordinary and usual course of operation;
- (c) for interest on money borrowed from any Member;
- (d) for rent for premises let by any Member to the Party; and
- (e) for any reasonable out-of-pocket expenses incurred by the Member on behalf of the Party.

11.4 No payment made under clause 11.3 may exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction.

## 12. **Notice**

12.1 Any notice required or authorised by this Constitution to be given to a Member may be served on the Member:

- (a) in person
- (b) by post to the postal address for that Member on the register

- (c) by email to the email address for that Member on the register
- (d) by notice on website or social media platforms of the Party, or
- (e) by text.

12.2 Any notice required or authorised by this Constitution to be given to the Party or Executive Committee may be served by delivering it personally to the Secretary or by sending it via mail to the registered address of the Party.

### 13. **Indemnity**

13.1 Every Officer and employee of the Party is entitled to be indemnified out of the property and assets of the Party against any liability incurred by them in their capacity as Officer or employee in defending any proceedings, whether civil or criminal, in which judgement is given in their favour or in which they are acquitted or in connection with any application in relation to any proceedings in which relief is granted by the Court.

13.2 The Party must indemnify its Officers and employees against all damages and losses (including legal costs) for which any Officer or employee may be or become liable to any third party in consequence of any act or omission:

- (a) in the case of an Officer, performed or made in good faith whilst acting on behalf of and with the authority, express or implied of the Party; and
- (b) in the case of an employee, performed or made in good faith in the course of, and within the scope of, their employment by the Party.

### 14. **Winding up**

14.1 If the Party is wound up, any surplus of the assets (after refund of any of Membership fees or subscriptions for that Financial Year) shall be transferred to one or more entities:

- (a) with objects similar to or consistent with the Objects; and
- (b) which prohibits the distribution of any surplus assets to members of shareholders.

14.2 The decision as to the entity to be given the surplus assets must be made by a special resolution of Voting Members at or before the time of winding up. If the Voting Members do not make this decision, the Executive Committee may approve the distribution by unanimous decision of all Officers.

### 15. **Disputes**

15.1 If a dispute arises between any two or more Officers or Members either:

- (a) in respect of this Constitution; and/or
- (b) in the course of undertaking any activities in connection with the Party,  
**(Dispute),**

that person may give notice to the other person of the Dispute (**Dispute Notice**) and the disputing parties must work together in good faith to try and resolve the Dispute within 10 Business Days of the Dispute Notice.

- 15.2 If the parties to the dispute are unable to reach agreement on a Dispute within the time period in clause 15.1 they must within a further 10 Business Days thereafter refer the Dispute to an independent and appropriately qualified mediator agreed by them to facilitate the negotiation of a resolution of the Dispute.
- 15.3 If the parties to the dispute cannot agree on who the mediator will be within the further 10 Business Day period referred to in clause 15.1, the parties must promptly request the Australian Disputes Centre or similar organisation to nominate a person to be the mediator and, within 10 Business Days after receipt of the nomination, each use their best endeavours to appoint the first-named nominated candidate who will accept the engagement as the mediator.
- 15.4 The person appointed pursuant to clause 15.3 will be the mediator for the purposes of this clause 20 (**Mediator**).
- 15.5 If a Dispute is not resolved within 20 Business Days after a Dispute Notice has been issued, either party may commence proceedings for the resolution of the Dispute.
- 15.6 The Executive Committee may implement any Rules in relation to disputes, disciplinary action or dispute resolution, which Rules may override or replace clauses 15.1 to 15.5 of this Constitution if expressly stated in the document.

## 16. **Definitions**

In this Constitution, unless the context otherwise requires:

- (a) **Commonwealth Electoral Act** means the *Commonwealth Electoral Act 1918* (Cth) as amended.
- (b) **Constitution** means the constitution of the Party as currently in force.
- (c) **Voting Member** means a member who is accepted by the Party as a Voting Member.
- (d) **Financial Year** means the period of 12 months commencing on July 1 and ending on 30 June.
- (e) **General Meeting** means a general meeting of Members and includes the annual general meeting or any Special General Meeting.
- (f) **Majority** means more than half of the persons present and entitled to vote.
- (g) **Member** means a current member of the Party.
- (h) **Membership** means membership of the Party.
- (i) **Objects** means the objects of the Party in clause 1.1
- (j) **Officer** means persons holding those positions listed in clause 2.2.

- (k) **Ordinary Resolution** means:
  - (i) at a meeting of the Members, a resolution passed at a General Meeting by a Majority of Voting Members present, entitled to vote or voting; or
  - (ii) at a meeting of the Executive Committee or a committee of the Executive Committee, a resolution passed by a majority of the Officers present, entitled to vote and voting.
- (l) **Parliamentary Member** at any time means a Member who is a current member of the House or Representatives or Senate.
- (m) **Party Agent** means a person to be appointed as Party Agent with the Australian Electoral Commission.
- (n) **Policy** means a policy determined by the Executive Committee.
- (o) **Primary Endorsed Candidate** means each of Brownen Bock and Lucinda Bradlow, for so long as they are jointly or separately willing to be endorsed by the Party for nomination to Parliament.
- (p) **Procedure** means a procedure determined by the Executive Committee.
- (q) **Registered Officer** means the party office bearer empowered to nominate the party's endorsed candidates, select either the party's registered name or the party's registered abbreviation or logo to be printed on ballot papers adjacent to the party's endorsed candidates.
- (r) **Rules** means any Policy, Procedure or other rule determined by the Executive Committee.
- (s) **Secretary** means the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.
- (t) **Special Resolution** means a resolution that has been passed by at least 75% of the votes cast by persons present and entitled to vote on the resolution.

## 17. Interpretation

Unless the context indicates a contrary intention, in this constitution:

- (a) a reference to a word includes the singular and the plural of the word and vice versa;
- (b) if a word or phrase is defined, then other parts of speech and grammatical forms of that word or phrase have a corresponding meaning;
- (c) a reference to a person includes a natural person, partnership, firm, trust association, corporation, body corporate, joint venture, unincorporated body, governmental or local authority or agency or other entity;

- (d) headings are included for convenience only and do not affect interpretation;
- (e) a reference to a statute or statutory provision includes any amendments or replacements of that statute or statutory provision and any subordinate legislation made under the statute or statutory provision;
- (f) a Voting Member is present at a general meeting if the Voting Member is present in person or by proxy, attorney or Representative;
- (g) a reference in a clause in general terms to a person holding or occupying a particular office or position includes a reference to any person who occupies or performs the duties of that office or position;
- (h) the word “includes” in any form is not a word of limitation.