

THE BALLINA GREENS CONSTITUTION

as ratified at first Annual General meeting held _____

PREAMBLE

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

1. MISSION STATEMENT

The BalG is an organisation committed to four fundamental interdependent principles (the “four principles”):

- ecological sustainability,
- grassroots democracy,
- social equity and economic justice, and
- peace, disarmament and non violence.

2. OBJECTIVES

2.1 The fundamental objective of the BalG 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 objectives the BalG may:

- 2.2.1. promote and assist individuals, organisations and community networks that share and promote common objectives with the BalG,
- 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 BalG 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 BalG may refuse to accept an application for membership from a person:

- 3.2.1 who is a member of a proscribed organisation as listed pursuant to the Constitution of The NSW Greens, or
 - 3.2.3 who is not committed to the four principles.
- 3.3. Applicants for membership remain provisional members:
- 3.3.1 for 3 months following receipt of a membership application form and fee by the BalG's Membership Secretary, or notification from The NSW Greens to BalG's Membership Secretary of receipt of an application form and fee, whichever occurs last, and
 - 3.3.2. until they attend at least one BalG meeting and have their transition to membership endorsed at an Ordinary or Annual General Meeting.
 - 3.3.3 notwithstanding that the requirement of 3.3.2 that a provisional member attend at least one BalG meeting may be waived where the provisional member, for legitimate reasons, is unable to attend a BalG meeting.
 - 3.3.4 and where 3.3.3 applies, a provisional member shall have some face to face contact with one or more office bearers.
- 3.4 Provisional members cannot vote or be nominated for positions of office bearers of the BalG or be endorsed by the BalG for election to public office unless otherwise decided at a BalG Ordinary Meeting, or a Special Meeting called for this purpose.
- 3.5. A member of the BalG can vote or be nominated for positions of office bearers of the BalG or be endorsed by the BalG for elected public office.
- 3.6. The Register of Members is held by the Membership Secretary and can be viewed by any member on reasonable notice. A member, other than an office bearer, shall not be allowed to copy the Register of Members or any additional information held by the Membership Secretary unless this is authorised at an Ordinary or Special Meeting or the member has agreed to any additional information she/he has supplied being provided to other members.
- 3.7. Membership fees are due on July 1st each year.
- 3.8. Membership lapses:
- 3.8.1 when the membership renewal fee has not been received by 3 months after the due date;
 - 3.8.2 by statement of resignation received by the Secretary; or
 - 3.8.3 by a member being expelled or suspended pursuant to clause 11.
- 3.9 Where a person's membership has lapsed for reasons set out in 3.8.1 or 3.8.2, and that person, within 2 years of the date the membership lapsed, submits an application form with payment of the appropriate fee, the person may be accepted as a member without first serving as a provisional member.
- 3.10 Where a person has been expelled and that person subsequently submits an application form with payment of the appropriate fee, that person cannot again become a member of the BalG until:

- 3.10.1 the person attends a Dispute Mediation Committee Meeting (see clause 10) to assist the Committee in making recommendations to an ordinary meeting of the BalG, and
- 3.10.2 an ordinary meeting of the BalG resolves to accept the person as a provisional member, and
- 3.10.3 that person serves as a provisional member for 3 months and until the conditions of 3.3.2 have been met.

4. MEETINGS

- 4.1 Meetings of the BalG are of three types:
 - 4.1.1 Ordinary Meetings which are held monthly at a time and place agreed (currently the 3rd Monday of each month) or as otherwise notified. A quorum for an Ordinary Meeting is 4 members.
 - 4.1.2. An Annual General Meeting at which office bearers are elected, annual reports presented and constitutional changes adopted. The Annual General Meeting shall be held in August, unless an alternative date is agreed at an Ordinary Meeting. Members shall receive 28 days notice of the AGM and its agenda. A quorum for an Annual General Meeting is 6 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 5 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 6 members.

5. OFFICE BEARERS

- 5.1 The office bearers of the BalG 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 the venue and necessary resources,
 - 5.2.2. act as spokesperson,
 - 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 and 11)
- 5.3 The duty of the Secretary includes:
 - 5.3.1 preparation, co-ordination and presentation of agendas, notices and business papers for meetings.

- 5.3.2 maintenance of conventions, policies, minutes and other formal documents, and
- 5.3.3 management of correspondence.
- 5.4 The duty of the Treasurer includes:
 - 5.4.1 receipt, banking and payment of monies, and
 - 5.4.2 maintaining financial records and preparation of monthly and annual financial statements and electoral returns. .
 - 5.4.3 receipt of membership returns and fees
- 5.5 The duty of the Membership Secretary includes:
 - 5.5.1 maintenance of a Register of Members comprising the names, postal addresses and electorate of members,
 - 5.5.2 liaise with Treasurer re receipt of membership fees
 - 5.5.3 liaise with Secretary re monitoring compliance with provisional membership conditions and associated required communications,
 - 5.5.4 report to meeting of the BalG 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 liaise with The Greens NSW and prepare and submit membership reports.

6. DECISION-MAKING

- 6.1 Decisions at Ordinary, Annual General or Special Meetings will be made by consensus or, in the event of no consensus, by resolution in the affirmative by at least two thirds of those who vote. For further details of meeting procedures see “Meeting and Decision-Making Procedures for the Ballina 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 Ordinary 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 BalG to expenditure of over \$1000.
 - 6.2.6 The Convenor shall keep a written record of the Committee’s decision, report it to the next BalG meeting and seek ratification. The secretary shall report the decision in the next BalG newsletter.

7. DELEGATES TO THE NSW GREENS

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

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

8. SPOKESPERSONS

- 8.1 The Convenor, all Greens members elected to office at local, state and federal government levels, and any endorsed Greens candidates are official spokespersons.
- 8.2 An Ordinary Meeting, an Annual General Meeting, or a Special Meeting may appoint additional spokespersons.
- 8.3 The appointment of an additional spokes person pursuant to paragraph 8.2 is only valid if the person so appointed agrees at the meeting appointing her or him to consult with at least 3 other members, one of whom must be an office bearer, before any communication is made on behalf of BalG.
- 8.4 Members should not otherwise act as BalG spokespersons unless authorised under paragraphs 8.2/8.3.

9. SELECTION OF CANDIDATES FOR PUBLIC OFFICE

- 9.1 Any member of the BalG 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 BalG, or the four principles (see 1), or
 - 10.1.2 has acted in a manner prejudicial to the interests of BalG, 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 Ballina Greens) who will be neutral and impartial to assist the parties to attempt to resolve the complaint.
- 10.5 The mediator may meet with the parties together and/or separately.
- 10.6 The mediator may not impose a result on any party.
- 10.7 The parties and the mediator will keep as confidential all information and documents used during the mediation 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 BalG 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 BalG to conduct a mediation or a disciplinary hearing.
- 10.11 If a complaint is made against the Convenor, s/he shall delegate duties under 10 and 11 to an impartial office bearer.

11. DISCIPLINING OF MEMBERS

- 11.1 If the mediation does not take place or fails the 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 agreement has not been reached.
- 11.2 The Convenor shall seek a direction from the BalG meeting in respect of further action which may include referral of the complaint to The Greens NSW or the establishment of a BalG Complaints Committee.
- 11.3 If the BalG 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 BalG) 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 BalG for a period, and impose conditions on the suspension being lifted, or
- 11.4.4 expel the member.

- 11.5 The Complaints Committee shall give the parties its decision in writing.
- 11.6 The Convenor shall present the written report on the action taken at the next Ordinary or Special meeting.
- 11.7 A member disciplined under this clause or the complainant(s) may appeal to an Ordinary Meeting or a Special Meeting of BalG by setting out a proposal in writing to the Convenor stating clearly what is being sought, within 14 days of being informed of the Complaint Committee's decision.
- 11.8 The meeting which considers the appeal has the powers of 11.4.
- 11.9 The appeal will be by way of rehearing. However until the meeting which considers the appeal exercises the powers of 11.4 the Complaint Committee's decision remains in force.
- 11.10 The Convenor shall appoint the facilitator of the meeting considering the appeal. The facilitator shall be a member of The Greens (but not necessarily of BalG).
- 11.11 If they so wish, the parties to the complaint may bring another member of The Greens and/or a legal advisor to assist them.
- 11.12 The meeting which considers the appeal shall follow the decision-making and escape from deadlock voting procedures contained in the Ballina Greens' "Procedures for Meetings and Decision-Making".

12. SEPARATION OR DISBANDING OF BalG

- 12.1 The separation or disbanding of BalG shall be in accordance with procedures set out in the Constitution of The NSW Greens.
- 12.2 In the event of the organisation being dissolved, the amount of assets that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

13. CONSTITUTIONAL CHANGES

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

Appendix 1 Safe Meeting Procedures

The Greens Safe Meeting Procedure

**Items 1-15 apply to local meetings referred to in Constitution S.4
Items 16-18 refer to SDCs**

1. Be here in good faith with the goal of what is in the **best interests** of the Greens
 2. Come with **good intentions**
 3. Have the intention of reaching **consensus** and a commitment to consensus decision making
 4. Extend **goodwill** to all participants
 5. Try not to bring **previous differences**, difficulties and problems to this meeting
 6. Be **honest**
 7. Follow **procedures** laid down in the past which are known to be **positive and successful**
 8. Try to **listen** without preconceptions, be **open** to new ideas
 9. Show **respect** for others' opinions
 10. **Address the issue** not the person
 11. **No aggressive verbal or non-verbal interaction**
 12. **No interjections or asides**
 13. Endeavour to **express yourself clearly**, so others can understand your point of view.
 14. **If you don't want to listen leave the room**
 15. If you want to have a **conversation** have it **far enough away** from the room for it not to disturb the participants.
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16. Morning and afternoon **tea breaks** are to be included in the SDC Agenda.
 17. The SDC Secretary / Assistant Secretary will only work for half a day with a break in the middle before changing over.
 18. The NSW Convenor will take **OH&S** issues into account in planning future SDCs and if the SDC Agenda appears to be **overloaded** arrangements will be made to defer some business or arrange an extra day of meeting.

Appendix 2: Procedures for Meetings and Decision-Making of the Ballina Greens

1. Preamble: Task Descriptions

Convenor: The convenor is appointed at the Annual General Meeting. The convenor makes the practical arrangements such as preparing the agenda, organising the venue and providing the necessary resources, including a white-board.

Minute-taker: The minute-taker is appointed at the beginning of the meeting. The minute-taker notes down the decisions arising out of the meeting, and creates a task list for the next meeting. At a minimum the minutes should record the names of those attending, the topics discussed, any documents referred to and the decisions reached.

Timekeeper: The timekeeper is appointed at the beginning of the meeting. The timekeeper draws the group's attention to occasions when the time limit set for discussion of an item is exceeded. The group can extend the time limits.

Facilitator: The facilitator is usually appointed at the previous meeting. The facilitator helps the members of the group decide what they want to accomplish at the meeting. S/he takes the responsibility for reminding the group of its task, tests for consensus and suggests processes which the group may accept or reject. The facilitator must be aware of the agenda prior to meeting, have read the background papers and know which member of the group placed an item on the agenda, so that person can be called upon to speak to that item. The facilitator is not a chair; the role is not to direct the meeting.

2. Procedures Prior to the Meeting

The convenor prepares an agenda five days before the due date of the meeting after consulting with the other office bearers. Members of the The BalG may also add items to the agenda at least five days prior to the due date of the meeting by notifying the convenor. The agenda should be distributed to all members at least three days before the due date of the meeting. The convenor should liaise with the facilitator to help the facilitator prepare for the meeting.

3. Agenda Items

Anyone placing an item on the agenda should supply the convenor with some basic information such as: Is the item for information only, or does it require a decision from the meeting? If the item requires a decision from the meeting, a proposal should be submitted (which may include the suggestion of the formation of a sub-committee to report back at a subsequent meeting). A realistic estimate of the time to be taken in dealing with the item at the meeting (including discussion) should also be included.

4. Procedures at the Meeting

A suggested procedure for the meeting (subject to alteration by consensus of group) is:

1. Appoint minute-taker, and timekeeper.
2. Acknowledgement of traditional custodians.
3. Welcome to new attendees.
4. Those present be asked to announce their names and town of residence.
5. Apologies noted.

6. Circulation of the Fifteen Points of Safe Meeting Practice (see attached).
7. Facilitator asks if there is any additional business to be raised. (It is at this time that emergency and/or important items which could not be notified to the convenor ten days in advance may be added to the agenda. The proposer of an emergency and/or important item should consider supplying the meeting with sufficient copies of a statement of what the issue is and a proposal.)
8. Allocation of time to each item.
9. Set the order that items are discussed. The order of items and the time allocated should be written on a white board. Ordinarily the order of business will be:
 - a) Minutes of Previous Meeting to be confirmed.
 - b) Business Arising from the Minutes.
 - c) Correspondence.
 - d) Finance Report.
 - e) General Business.
 - f) Report from Councillors.
 - g) Other Business.
 - h) Time and venue for next meeting.
 - i) Appointment of Facilitator for next Meeting.
 - j) Closure of Meeting.

5. Consensus Decision-Making

The Ballina Greens follows consensus decision-making. In consensus decision-making, someone puts forward a proposal. The proposal is then taken up, added to, or challenged. When it is apparent that most views have been expressed and new information has been given, the facilitator or someone else states the conclusion to which the meeting appears to be moving. The facilitator may test for consensus. The facilitator should say:

The proposal is X. Does anyone object? Do we all agree?

If all participants agree, a full consensus is achieved.

If disagreement is apparent, objections and concerns should be heard and the process continued until a proposal is endorsed by all. The decision reached may not completely satisfy everyone, but it must be one that all are willing to live with. In some cases it may be appropriate to record the objections and names of the objectors in the minutes.

6. Escape From Deadlock Voting Procedure

In the case of a deadlock, the Ballina Greens have adopted a procedure modifying consensus: The steps are:

1. Finalise the wording of a substantive proposal.
2. Take a straw vote on whether or not to move from consensus to voting. The facilitator invites participants opposed to taking a vote, to give their reasons.
3. If necessary, as a procedural motion, the facilitator takes a vote of whether to vote on the substantive proposal. Three-quarters of those present must be in favour.
4. Vote on the substantive proposal. Three quarters of those present must be in favour for the motion to be carried.