

# **ALP National Constitution**

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## ALP National Constitution

### PART A – PRELIMINARY

#### Definitions

- 1 (a) In this National Constitution, unless the contrary intention appears:
  - (i) “Administrative Committee” means the Administrative Committee of a state branch and includes a State Executive of a state branch;
  - (ii) “ALP”, “Labor” and “Party” all mean the Party named in clause 10;
  - (iii) “financial”, in relation to membership, includes:
    - (A) life members and other members deemed to be financial under state branch rules, and
    - (B) members who have not yet renewed their membership, but who will retain continuity of financial membership under state branch rules if they renew their membership by the date specified in those rules;
  - (iv) “FPLP” means the Federal Parliamentary Labor Party;
  - (v) “member” includes Victorian Central Branch members;
  - (vi) “state” includes a territory;
  - (vii) “state branch” includes a territory branch; and
  - (viii) “territory” means the Australian Capital Territory and the Northern Territory.
- (b) To avoid doubt, this National Constitution includes all of Parts A–F.

#### Legal status of National Constitution

- 2 (a) It is intended that the National Constitution and everything done in connection with it, all arrangements relating to it (whether express or implied) and any agreement or business entered into or payment made or under the National Constitution, will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings. Instead all such arrangements, agreements and business are only binding in honour.
- (b) Without limiting clause 2(a), it is further expressly intended that all disputes within the Party, or between one member and another that relate to the Party be resolved in accordance with the National Constitution and the rules of the state branches and not through legal proceedings.
- (c) By joining the Party and remaining members, all members of the Party consent to be bound by this clause.

## **PART B – OBJECTIVES AND PRINCIPLES**

### **Origins**

- 3 The Australian Labor Party had its origins in:
  - (a) the aspirations of the Australian people for a decent, secure, dignified and constructive way of life;
  - (b) the recognition by the trade union movement of the necessity for a political voice to take forward the struggle of the working class against the excesses, injustices and inequalities of capitalism; and
  - (c) the commitment by the Australian people to the creation of an independent, free and enlightened Australia.

### **Objectives**

- 4 The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields.
- 5 To achieve the political and social values of equality, democracy, liberty and social co-operation inherent in this objective, the Australian Labor Party stands for:
  - (a) redistribution of political and economic power so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives;
  - (b) establishment and development of public enterprises, based upon federal, state and other forms of social ownership, in appropriate sectors of the economy;
  - (c) democratic control and strategic social ownership of Australian natural resources for the benefit of all Australians;
  - (d) maintenance of and support for a competitive non-monopolistic private sector, including small business and farming, controlled and owned by Australians, operating within clear social guidelines and objectives;
  - (e) the right to own private property;
  - (f) recognition and encouragement of the right of labour to organise for the protection and advancement of its interests;
  - (g) the application of democracy in industry to increase the opportunities for people to work in satisfying, healthy and humane conditions; and to participate in and to increase their control over the decision making processes affecting them;
  - (h) the promotion of socially appropriate technology and the monitoring of its introduction to ensure that the needs and interests of labour, as well as the requirements of competitive industry and consumer demand, are taken into consideration;
  - (i) the restoration and maintenance of full employment;
  - (j) the abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity;

- (k) social justice and equality for individuals, the family and all social units, and the elimination of exploitation in the home;
- (l) equal access and rights to employment, education, information, technology, housing, health and welfare services, cultural and leisure activities and the law;
- (m) reform of the Australian Constitution and other political institutions to ensure that they reflect the will of the majority of Australian citizens and the existence of Australia as an independent republic;
- (n) recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion; the right to privacy; the protection of the individual from oppression by the state; and democratic reform of the Australian legal system;
- (o) the development of a democratic communications system, as an integral part of a free society, to which all citizens have opportunities for free access;
- (p) elimination of discrimination and exploitation on the grounds of class, race, sex, sexual orientation, gender identity, intersex status, religion, political affiliation, national origin, citizenship, age, disability, regional location, economic or household status;
- (q) recognition of the prior ownership of Australian land by Aborigines and Islanders; recognition of their special and essential relationship with the land as the basis of their culture; and a commitment to the return of established traditional lands to the ownership of Aboriginal and Islander communities;
- (r) recognition and encouragement of diversity of cultural expression and lifestyle within the Australian community;
- (s) the use, conservation and enhancement of Australia's natural resources and environment so that the community's total quality of life, both now and into the future, is maintained and improved;
- (t) recognition of the need to work towards achieving ecologically sustainable development;
- (u) maintenance of world peace; an independent Australian position in world affairs; the recognition of the right of all nations to self determination and independence; regional and international agreement for arms control and disarmament; the provision of economic and social aid to developing nations; a commitment to resolve international conflicts through the UN; and a recognition of the inalienable right of all people to liberty, equality, democracy and social justice; and
- (v) recognition of the right of citizens to work for progressive changes consistent with the broad principles of democratic socialism.

### **Principles of action**

- 6 The Australian Labor Party believes that the task of building democratic socialism is a co-operative process that requires:
  - (a) constitutional action through the federal and state parliaments, municipal and other statutory authorities,

- (b) union action, and
- (c) ongoing action by organised community groups.

### **Membership and organisation**

- 7 Membership of the Australian Labor Party is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party.
- 8 Australian Labor Party policy is made by National Conferences comprising the federal and state parliamentary leadership of the Party, together with elected delegates from all states and Australian Young Labor.
- 9 Party policy within the states is framed by conferences of delegates elected by constituent branches, affiliated unions and members. Policy within the Australian Labor Party is not made by directives from the leadership, but by resolutions originating from branches, affiliated unions and individual Party members.

## **PART C – RULES**

### **Name**

- 10 The name of the Party shall be “The Australian Labor Party”.

### **Objectives**

- 11 The objectives of the Party are set out in clauses 4 and 5. To achieve these objectives the ALP will act in accordance with the principles of action in clause 6 and the progressive reforms set out in the Party platform from time to time.

### **Head office**

- 12 The head office of the Party shall be known as the National Secretariat and shall be established at the place determined by the National Executive from time to time.

### **Composition**

- 13 The Party shall consist of branches in each state.

### **Structure of Party organisation**

- 14 (a) The Party shall function upon the following basis:
  - (i) National Conference,
  - (ii) National Executive,
  - (iii) Federal Parliamentary Labor Party, and
  - (iv) Australian Young Labor.

- (b) The National Conference shall be the supreme governing authority of the Party and its decisions shall be binding upon every member and every section of the Party.
- (c) The National Executive shall be the chief administrative authority of the Party, subject only to the National Conference.
- (d) The Federal Parliamentary Labor Party shall have authority in properly constituted Caucus meetings to make decisions directed towards establishing the collective attitude of the Parliamentary Party to any question or matter in the Federal Parliament, subject to:
  - (i) at all times taking such action which may be possible to implement the Party's platform and Conference decisions;
  - (ii) on questions or matters which are not subject to national platform or Conference or Executive decisions, the majority decision of Caucus being binding upon all members in the parliament; and
  - (iii) no attitude being expressed which is contrary to the provisions of the Party platform or any other decision of National Conference or National Executive.
- (e) Australian Young Labor shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.
- (f) The National Labor Women's Network shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.
- (g) The National Indigenous Labor Network shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction. The network's goals will be to:
  - (i) attract and support Indigenous ALP members;
  - (ii) increase the involvement of Indigenous people at all levels of the ALP;
  - (iii) provide a focus for the identification, training and support of Indigenous candidates;
  - (iv) increase awareness of Indigenous issues throughout the ALP;
  - (v) increase commitment of Party members to greater representation of Indigenous people throughout the Party; and
  - (vi) encourage the employment of Indigenous people in staff and Party positions.
- (h) The Country Labor Network shall function in accordance with the rules that may be approved from time to time by the National Executive and subject to its control and jurisdiction.

## **National Conference**

- 15 (a) National Conference shall consist of 400 delegates, comprising:
- (i) three delegates being the National President and National Vice-Presidents elected under clause 18(a);
  - (ii) four delegates being the Leader and Deputy Leader of the FPLP and the Leader and Deputy Leader of the Party in the Senate;
  - (iii) six delegates elected from and by the FPLP;
  - (iv) delegations from each state consisting of:
    - (A) the state Parliamentary Leader,
    - (B) a base component of 12 persons, and
    - (C) a supplementary component of a number of persons equal to twice the number of House of Representatives electorates in that state as at the previous 31 December;
  - (v) delegations from each territory consisting of:
    - (A) the territory Parliamentary Leader,
    - (B) a base component of 2 persons, and
    - (C) a supplementary component of a number of persons equal to twice the number of House of Representatives electorates in that territory as at the previous 31 December; and
  - (vi) three delegates from Australian Young Labor.
- (b) State Secretaries and members of the FPLP who are not delegates to National Conference shall be able to attend National Conference with the rights of delegates except that of voting.
- (c) All members of the state branch shall be eligible to be elected as delegates from that state.
- (d) (i) Each state shall be entitled to a minimum of two proxies up to a maximum equal to half the state's delegation.
- (ii) It is the responsibility of each state delegation to ensure that the chair is advised of all changes of delegation during the Conference. No proxy shall participate in the debate of a report in which the delegate he/she is replacing has participated.
- (iii) State and federal leaders may each nominate one proxy subject to paragraph (v). Such proxies must be a member of the relevant parliamentary party.
- (iv) The FPLP delegates may each nominate one proxy, subject to paragraph (v). Such proxies must be a member of the FPLP.
- (v) The credentials for proxies shall be circulated in advance and accepted at the commencement of the Conference and no other proxies may be admitted.



- (e) All delegates must be elected by a system of proportional representation in a single ballot with affirmative action in accordance with clause 19.
- (f) Delegates shall be elected within 12 months prior to the date of National Conference.
- (g) State branches cannot bind delegates with regard to their vote on any issue before the National Conference.
- (h) National Conference shall be held every three years in a location determined by the National Executive which shall have the responsibility for determining the time of the National Conference.
- (i) Special National Conferences may be held for specially stated purposes and shall be convened by the National Executive in accordance with clauses 16(e)(iii) and (iv).
- (j)
  - (i) The National President and National Vice-Presidents need not be delegates to National Conference, but have the full rights of a delegate except that of voting.
  - (ii) The National Secretary shall not be a delegate to National Conference, but shall have the full rights of a delegate except that of voting.
- (k) The National Secretary, after receiving instructions from the National Executive, shall observe the following procedure for the purpose of establishing the Conference agenda:
  - (i) give the following bodies three months notice to send items to the National Policy Forum: state branches, Australian Young Labor, and federal electorate bodies, Labor Action Policy Committees and trade unions whose state branches are affiliated with the Party in a majority of states in which they operate, all of which shall have the right to submit items to the National Policy Forum. Bodies so submitting items to the National Policy Forum shall be notified in writing of the forum's views on such items; and
  - (ii) send to state branches and other bodies represented at National Conference, agenda and any other documents related thereto at least one month before Conference meets.
- (l)
  - (i) The National Executive may by unanimous resolution put any motion that could be considered by a meeting of National Conference to a postal ballot of those delegates credentialled to vote at the last meeting of National Conference.
  - (ii) A motion put to postal ballot is only carried if a two-thirds majority of delegates eligible to vote vote in favour.
  - (iii) A resolution passed by postal ballot has the same effect as a resolution passed at a meeting of National Conference.

## **National Executive**

- 16 (a) The National Executive of the Party, which shall be the chief administrative authority subject only to National Conference, shall be constituted in the following manner:
- (i) the National President and National Vice-Presidents, who are directly elected by Party members in accordance with clause 18(a), have the full rights of a delegate except that of voting, unless elected as a delegate in their own right;
  - (ii) 20 executive members elected by the National Conference;
  - (iii) the Convenor(s) of the National Labor Women's Network Executive, who attends as an observer;
  - (iv) the National Secretary, who shall be elected by the National Conference, shall not be a delegate but shall have the full rights of a delegate except that of voting;
  - (v) the Leader of the FPLP or proxy nominated by the Leader. Such proxy must be a member of the Federal Parliamentary Party;
  - (vi) State Secretaries who are not delegates to the National Executive shall be able to attend National Executive meetings with the rights of delegates except that of voting; and
  - (vii) Delegates shall be entitled to nominate their proxy for any meeting or part of a meeting that they are unable to attend and for any ballot in which they are unable to vote.
- (b) (i) The terms of all those elected by the National Conference shall commence at the conclusion of the National Conference at which they are elected. They shall be subject to re-election at each Conference except the National Secretary who shall be subject to re-election at every second Conference.
- (ii) Casual vacancies will be filled by the National Executive in accordance with the principles of proportional representation.
- (iii) Casual vacancies for the positions of National President, National Vice-Presidents and National Secretary shall be filled by a ballot of the National Executive and the National Executive Committee shall institute procedures to hold a ballot.

### ***Powers and duties of the National Executive***

- (c) Decisions of the National Executive are binding on all sections and members of the ALP subject only to appeal to National Conference. Pending the hearing of any appeal, the decision of the National Executive continues to operate.
- (d) Subject only to National Conference, the National Executive may exercise all powers of the Party on its behalf without limitation, including in relation to the state branches and other sections of the Party.

- (e) Without limiting the plenary powers of the National Executive under clause 16(d), the National Executive:
  - (i) is the administrative authority of the Party responsible for:
    - (A) carrying out the decisions of National Conference;
    - (B) interpreting the National Constitution, the national platform and decisions of National Conference; and
    - (C) directing federal members;
  - (ii) must convene triennial National Conferences in accordance with the National Constitution;
  - (iii) may convene Special National Conferences for specified purposes;
  - (iv) must convene a Special National Conference for a specified purpose when requested by a majority of state branches;
  - (v) must elect a National Executive Committee and appoint twenty trade union representatives to the National Policy Forum;
  - (vi) may elect such other committees as it may determine from time to time;
  - (vii) must consider any matter submitted to it by a state branch, Australian Young Labor, the FPLP or a trade union whose state branches are affiliated with the Party in a majority of states in which it operates (in this clause “affiliated organisation”);
  - (viii) may hear and decide appeals from any affiliated organisation or individual member against a decision of a state branch alleged to be inconsistent with any national decision or matter; and
  - (ix) may hear and decide appeals by any person seeking to be a candidate for a federal election against a decision of a state branch affecting that person’s preselection.
- (f) Without limiting the plenary powers of the National Executive under clause 16(d), if in the opinion of the National Executive any state branch or section of the Party is acting or has acted in a manner contrary to the National Constitution, the national platform or a decision of National Conference, as interpreted by the National Executive, the National Executive may:
  - (i) overrule the state branch or section;
  - (ii) intervene in the state branch or section, and take over and direct the conduct of its affairs; and
  - (iii) conduct any preselection that would otherwise have been decided by the state branch or section.
- (g) The National Executive must meet at least three times each year. Subject to the National Executive, the National Executive Committee is responsible for convening meetings of the National Executive.
- (h) (i) The National Executive may meet by telephone and other electronic means provided each member who wishes to participate in the meeting is able to clearly and simultaneously communicate with every other such member.

- (ii) A resolution agreed to in writing by all voting members of the National Executive has the same effect as a resolution passed at a meeting of the National Executive. In this clause “writing” includes emails, faxes and other electronic means of representing or reproducing words in a visible form.
- (iii) The National Executive may conduct elections by postal vote.

### **National Executive Committee**

- 17 (a) The National Executive Committee (NEC) shall consist of the National Secretary and such other members of the National Executive as may be elected by the National Executive.
- (b) The NEC shall be responsible for the administration of the Party between meetings of the National Executive.
- (c) The NEC shall meet at least once between each meeting of the National Executive for the purpose of preparing the agenda and making recommendations to expedite the business of the National Executive.
- (d) Other than in urgent situations which preclude either a special meeting or a resolution without meeting of the National Executive, the NEC shall not have the power to make decisions on behalf of the National Executive.
- (e) Any actions taken by the NEC between Executive meetings shall be reported to the next meeting of the Executive for endorsement.
- (f) The non-parliamentary members of the NEC shall also be members of the companies John Curtin House Limited and ALP Legacies and Gifts.
- (g) Clauses 16(h)(i) and (ii) apply to the NEC in the same way as the National Executive.

### **National President and National Vice-Presidents**

- 18 (a) The National President and 2 National Vice-Presidents must be directly elected from and by Party members in the 12 months before each triennial National Conference in a single ballot by proportional representation with affirmative action in accordance with clause 19.
- (b) All financial Party members at the time nominations close are eligible to vote in the election (other than those who resign or are expelled after the close of nominations).
- (c) The candidate first elected is National President, the candidate second elected is National Senior Vice President, and the candidate third elected is National Junior Vice President. The term of office for each position starts at the commencement of National Conference, and ends at the commencement of the next triennial National Conference.
- (d) The National President, when available, will chair National Conference and meetings of the National Executive, and conduct such meetings in accordance with the National Conference Standing Orders. The National President will carry out any other duties referred by the National Executive.

- (e) The National Vice-Presidents in order of seniority will take the chair in the absence of the National President, and carry out any other duties referred by the National Executive.

### **Affirmative action**

- 19 The ALP is committed to men and women in the Party working in equal partnership. It is our objective to have 50% women at all levels in the Party organisation, and in public office positions the Party holds. To achieve this, the Party adopts the affirmative action model in this clause:

#### **Minimum percentage**

- (a) In this clause, “minimum percentage” means 40%. From 2022 it means 45%; and from 2025 it means 50%.

#### **Party positions**

- (b) For all Party and office bearer positions (other than public office preselections and party employees), appointed or elected on a statewide or national basis, where 3 or more positions are to be elected or appointed, at least the minimum percentage of the positions must be filled by women.

#### **Union delegations**

- (c) For all union delegations to Party conferences and forums, at least the minimum percentage of the delegates must be women, unless the proportion of women who are members of the union is less than the minimum percentage, in which case the number of delegates who are women must be at least equal to that proportion.

#### **Public office preselections**

- (d) For all public office preselections, at least the minimum percentage of the candidates preselected for each of the following groups of seats must be women:
  - (i) the seats currently held by the ALP,
  - (ii) the seats that would be won by the ALP with a 5% increase in its two party preferred vote since the last election (“winnable seats”), and
  - (iii) all other seats to be preselected.
- (e) For the purposes of paragraph (d), the relevant seats shall be considered in each of the following separate groups:
  - (i) The seats currently held by the ALP. (The held seats in the Federal Parliament only - both lower house and upper house must be grouped together). This must be implemented over three preselection cycles.
  - (ii) The “winnable” seats not held by the ALP as defined by those that received a two party preferred vote between 45% and 49.99% at the last election. (The seats in the Federal Parliament lower house and upper house must be grouped together). The Administrative Committee must declare the winnable seats for each preselection before nominations for preselection open.
  - (iii) All other seats to be preselected. (The seats in the Federal Parliament lower house and upper house must be grouped together.)

- (f) For casual vacancies in the Senate and the House of Representatives, if less than the minimum percentage of the remaining positions are held by women, the vacancy must be filled by a woman.
- (g) If at the close of nominations for a preselection for a group of seats or positions the requirements of paragraphs (d) and (e) cannot not be met, nominations for that group of seats or positions must be reopened.
- (h) If after a ballot for a preselection for a group of seats or positions the requirements of paragraphs (d) and (e) are not met, nominations for that group of seats or positions must be reopened and a fresh ballot (if necessary) conducted.
- (i) In calculating the minimum percentage for the purposes of this clause, a fraction of more than one-half must be rounded up to the next whole number, and a fraction of one-half or less must be rounded down to the next whole number.
- (j) Each state branch is encouraged to implement these clauses in their rules, and following such action, submit to the National Executive for approval immediately after the next state conference of the state branch following the 2015 National Conference.
- (k) Each state branch must no later than 1 November each year provide a report to its Administrative Committee and to the National Executive on the progress of implementation of this clause.
- (l) Without limiting clause 16(f), the National Executive must enforce this clause, and may intervene in any state branch and conduct any preselection in order to ensure that this clause is complied with.

## **National Labor Women's Network**

### ***Membership***

- 20 (a) (i) There will be a National Labor Women's Network.
- (ii) Every woman member of the Party is automatically a member of the National Labor Women's Network.
- (iii) There will be no membership fee at the national level

### ***Role of the NLWN***

- (b) The role of the National Labor Women's Network is:
- (i) to encourage women to join and participate in the Australian Labor Party;
  - (ii) to increase the numbers of women in the Party;
  - (iii) to maintain and expand e-communication between Labor women;
  - (iv) to devise and promote training programs to improve the skills, confidence and participation of Labor women throughout the ALP;
  - (v) to sponsor and expand the NLWN political work experience program;
  - (vi) to develop and promote women within branches and other structures of the ALP as well as to elected office;

- (vii) to organise, in conjunction with the host state, the National Labor Women's Conferences;
- (viii) to administer travel subsidy to the National Labor Women's Conferences;
- (ix) to promote contact between the ALP and women's organisations in the community;
- (x) to assist in the development of policy and ensure women participate in policy making; and
- (xi) to nominate representatives to women's forums, including international women's forums.

### ***NLWN Executive***

- (c) (i) The NLWN Executive will consist of 15 women members of the ALP elected by each triennial National Conference in a single ballot by proportional representation, but so that at least one candidate elected is from each state (in so far as there are nominations from each state).
- (ii) At its first meeting after each triennial National Conference, the NLWN Executive will elect from its members a Convenor, Deputy Convenor, Secretary and any other officers it thinks appropriate. The Convenor and Deputy Convenor will be elected in a single ballot. The NLWN Executive may fill vacancies in officer positions from its members.
- (iii) The National Executive may fill vacancies in the membership of the NLWN Executive in accordance with the principles of proportional representation and state representation in clause 20(c)(i).
- (iv) Women members of the ALP National Executive and the Federal Minister or Shadow Minister for the Status of Women shall be ex-officio members of the NLWN Executive.
- (v) Nominees for the NLWN Executive do not have to be delegates to the National Conference at which they are elected.
- (vi) Members of the NLWN Executive shall be able to nominate their proxy for NLWN Executive meetings.
- (vii) The NLWN Executive will provide an annual report of its activities to the National Executive, state branches and state women's organisations.
- (viii) The NLWN Executive will meet monthly by telephone and twice a year, face to face, with travel funded through the National Secretariat.
- (ix) Accounts and financing will be run through the National Secretariat, within an annual budget, allocated by the National Executive.

### ***State women's groups and interaction***

- (d) (i) The NLWN will co-ordinate contact with state branches of the Labor Women's Network, other Labor women's organisations and women's contact officers.
- (ii) The NLWN will regularly meet with state representatives of the LWN by telephone conference.

- (iii) The structure of state Labor Women's Networks will be determined by each state although uniformity is desirable.
- (iv) The NLWN will continue to develop materials, share programs and information to assist and support state LWNs.

21 Where a member of a national body is entitled to appoint a proxy, women members of that body should appoint other women as proxies.

## **Finance**

- 22
- (a) To meet the general expenses of the Party, each state branch shall pay each year, to the National Executive through the National Secretary, a sum representing a rate per thousand adult members, and a rate per thousand pensioner and student/junior members. The total due shall be paid in four quarterly instalments on 1 January, 1 April, 1 July and 1 October. The National Executive shall have the power to fix sustentation fees.
  - (b) In the event of a state branch being six months in arrears in its contributions to the Party, the National Executive may decide that such branch shall not be entitled to be represented at any meeting of the National Executive or National Conference, or be consulted on any question that may be subject to a ballot of state branches, until such arrears are paid.
  - (c) Upon request, state branches shall report financial information to the National Secretary in a standard format determined by the National Executive.
  - (d) The National Executive shall meet the expenses of the National President and National Vice-Presidents attending National Conference and the expenses of any officers associated with any duty being carried out on behalf of the National Executive.
  - (e) Each branch shall pay to the National Executive not later than 31 December of each year the appropriate fee, to be determined by the National Executive, for international affiliations or activities associated therewith.
  - (f) The National Executive shall authorise the National Secretary to negotiate banking facilities on behalf of the National Executive of the Party and determine the manner in which the Party's accounts shall be operated including the signatories to the Party's bank accounts.
  - (g) Fundraising by the Labor Party at state and national levels and by the Labor Party candidates for public office shall be governed by the ALP Code of Conduct for Fundraising in clause 54.
  - (h) All accounts conducted for candidates whether at Commonwealth, state or municipal elections shall include the Australian Labor Party in their title. Furthermore, they shall be controlled by that level of Party organisation with the identical relevant signatories, be audited at the July meeting of such Party organisations and such annual accounts shall be forwarded to the Party state branch for inclusion in the Party's annual account reporting process to the Australian Electoral Commission.



## **Policy**

- 23 Policy at the national and state level shall be determined by the national and state conferences respectively. Such decisions shall be binding on every member and every section of the Party, or of the relevant state branch.

## **National Policy Forum**

### ***Objectives***

- 24 (a) The National Policy Forum has the following objectives:
- (i) to facilitate policy debate and development amongst the FPLP, Party members and affiliates;
  - (ii) to provide a framework for the partnership between the FPLP and the wider labour movement;
  - (iii) to provide guidance on the causes and aspirations of the modern Labor movement;
  - (iv) to oversee the National Secretariat's policy initiatives;
  - (v) to include Party units, Party members and affiliates in the debate on the direction of the Party;
  - (vi) to maintain the relevance of the national platform by conducting reviews;
  - (vii) to take into account all policy resolutions passed by state conferences;
  - (viii) to undertake long-term planning for the implementation of Labor policy; and
  - (ix) to provide leadership on matters of public concern and interest.

### ***Membership***

- (b) The National Policy Forum consists of the following voting members:
- (i) the National President and Leader of the FPLP, who are co- chairs;
  - (ii) two Deputy Chairs, elected by National Conference;
  - (iii) one Secretary, elected by National Conference;
  - (iv) the National Secretary;
  - (v) two Assistant National Secretaries, appointed by the National Secretary;
  - (vi) the President of Australian Young Labor;
  - (vii) twenty federal members of parliament, including representatives from the Cabinet and Ministry, elected at the beginning of each federal parliamentary term by the FPLP according to the principles of proportional representation ("MPs and Senators");
  - (viii) twenty people who are financial members of an affiliated union and financial Party members, elected every three years by the National Executive according to the principles of proportional representation ("trade union representatives"); and

- (ix) twenty financial Party members, each of whom is a member of a local branch, elected every three years according to the principles of proportional representation by Party members with one year of continuous financial membership prior to the date of calling for nominations (“rank and file representatives”). The twenty rank and file representatives are to be divided amongst the state branches in the following way:
  - (A) any state that has less than five per cent of House of Representatives electorates is allocated one rank and file representative;
  - (B) any state that has less than ten per cent but greater than or equal to five per cent of House of Representatives electorates is allocated two rank and file representatives; and
  - (C) the remaining rank and file representatives are allocated to the remaining states and territories according to the relative proportion of House of Representatives electorates in those states and territories.
- (c) Only Party members who live in the state for which rank and file representatives are being elected may vote in a ballot to select rank and file representatives for that state.
- (d) Each state branch must determine the ballot method for electing rank and file representatives in its jurisdiction.
- (e) The rank and file representatives for each state must be elected separately, in a single ballot for each state branch.
- (f) The National Policy Forum members elected under paragraphs (b)(vii), (b)(viii) and (b)(ix) must consist of at least 40 per cent women and at least 40 per cent men in accordance with the principles in clause 19. If these requirements are not met, the returning officer must adjust the selection result under paragraph (b)(ix) to give effect to these requirements.
- (g) State branches may require that at least 40 per cent of their rank and file representatives are enrolled in an electorate that is not “inner metropolitan” as defined by the AEC.
- (h) If there is a tied vote in the National Policy Forum, the Leader of the FPLP has the casting vote.
- (i) The National Policy Forum may co-opt any person as an ex-officio non-voting member of the forum as a whole or a policy commission.

### **Responsibilities**

- (j) The National Policy Forum is responsible for:
  - (i) keeping our platform relevant by conducting platform reviews;
  - (ii) leading Party debates by forming policy commissions; and
  - (iii) providing advice to the National Conference and National Executive on any matter of policy.

- (k) The National Policy Forum must:
  - (i) maintain a quorum of a majority of members in order to meet;
  - (ii) meet at least three times per year;
  - (iii) hold at least one meeting outside a capital city each year; and
  - (iv) decide which of its meetings, or parts of meetings, are open to the wider Party, general public and media.

### **Platform reviews**

- (l) During each Federal Parliamentary term, the National Policy Forum must undertake a complete review of the national platform, and recommend platform amendments to the National Conference.
- (m) The National Policy Forum must involve caucus committees in any review of the sections of the platform that fall within their policy areas.

### **Policy commissions**

- (n) The National Policy Forum may at any time form a policy commission to consider matters referred to it by the:
  - (i) Leader of the FPLP, or
  - (ii) National Executive.
- (o) Policy commissions must consist of nine voting members from the National Policy Forum. Three of the members of a policy commission must be MPs or Senators, three must be trade union representatives, and three must be rank and file representatives.
- (p) The members of a policy commission must be elected by a ballot of the whole National Policy Forum.
- (q) A policy commission's membership must satisfy affirmative action requirements. If these requirements are not met, the returning officer must adjust the election result to give effect to these requirements.
- (r) Policy commissions must elect two co-chairs from amongst their nine members. One of the co- chairs must be an MP or Senator, and one must be a rank and file representative.
- (s) The National Policy Forum may appoint other Party members as non-voting members of a policy commission.
- (t) The policy commission may issue a majority and minority report to the National Policy Forum.
- (u) Any report or recommendation of a policy commission must be considered and decided upon by the National Policy Forum before being transmitted to the FPLP and/or the National Conference for approval.

### **Resources**

- (v) The National Secretary may appoint a National Policy Forum Co-ordinator to provide administrative support to the National Policy Forum.

- (w) The National Executive must allocate the National Policy Forum a budget each year that includes funding for editorial support. The Secretary of the National Policy Forum must administer the National Policy Forum's budget.
- (x) To the extent that they are applicable, the National Policy Forum must operate according to the standing orders and procedures of the National Conference.
- (y) The National Policy Forum may adopt procedures to assist in fulfilling its objectives and responsibilities, so long as they are not inconsistent with any express provisions of the National Constitution.

### **Parliamentary Labor Parties**

- 25 On matters that are not subject to national platform or National Conference or National Executive decisions, or their state equivalents, the majority decision of the relevant Parliamentary Labor Party shall be binding upon all members of the parliament.

### **Federal Parliamentary Labor Party**

- 26 (a) No state branch may direct or discipline members of the FPLP in regard to matters affecting the national platform or policy or upon legislation before the parliament or any matters the subject of consideration by the FPLP.
- (b) The power of direction, advice and/or guidance is reserved for the National Conference and between conferences, the National Executive.

### **Federal Parliamentary Leader**

- 27 (a) This clause applies when the rules of the FPLP require the election of the Leader of the FPLP (in this clause, "the Leader") to include a ballot of Party members other than members of the FPLP.
- (b) The Leader must be elected by:
- (i) a ballot of eligible Party members, and
  - (ii) a ballot of the members of the FPLP,
- where the results of each ballot are given equal weighting and added together.
- (c) In paragraph (b)(i), "eligible Party member":
- (i) means a financial Party member at the time nominations open who has not subsequently resigned or been expelled; but
  - (ii) does not include members of the FPLP.
- (d) The National Executive must make rules for the conduct of the election, including the ballot under paragraph (b)(i), in consultation with the FPLP.
- (e) The FPLP must make rules for the conduct of the election, including the ballot under paragraph (b)(ii), in consultation with the National Executive.

### **National life membership**

- 28 (a) The National Executive can award national life membership of the Australian Labor Party.
- (b) Nominees for national life membership must be longstanding members of the Party and have provided distinguished service to the Party at a national level.
- (c) Only the National Executive, state branches, federal electorate bodies and nationally affiliated unions can make nominations for national life membership. Nominations should describe the background and history of service of the nominee particularly their contribution at a national level.
- (d) Nominations for national life membership must be forwarded to the National Secretary at least one month prior to a meeting of the National Executive.
- (e) National life membership shall only be awarded with the unanimous support of the National Executive.

### **Australian Labor Advisory Council**

- 29 (a) There will be an Australian Labor Advisory Council (ALAC), consisting of the Leader and senior members of the FPLP, the National President and National Secretary or their nominees, and representatives of the Australian Council of Trade Unions.
- (b) The role of ALAC will be to provide a formal consultative mechanism between the Party and the union movement.
- (c) The National Policy Forum must consult with ALAC in relation to Party policy relevant to ALAC's role, and resolutions of ALAC relevant to Party policy must be considered by the National Policy Forum.
- (d) ALAC must meet at least twice each year, the meetings to be resourced by the National Secretariat.
- (e) ALAC will include a Campaigns and Growth Forum based on the ACTU model, to connect affiliated unions, the Party and the FPLP into a more meaningful dialogue on shared challenges.

### **National Appeals Tribunal**

- 30 (a) The National Executive must:
- (i) at its first meeting after each triennial National Conference; and
- (ii) whenever there is a vacancy in a position;
- by a three-quarters majority of all voting members appoint three persons to form the panel for the National Appeals Tribunal.
- (b) A member of the panel may only be removed by a three-quarters majority of all voting members of the National Executive.
- (c) In respect of each appeal, the Tribunal is constituted by a member of the panel determined by lot under the supervision of the National Secretary.

- (d) The Tribunal is responsible on behalf of the National Executive for hearing all appeals by members, affiliated unions and constituent units of the Party that relate to:
  - (i) compliance with the National Constitution; or
  - (ii) enforcement of the rights and obligations of members, affiliated unions and constituent units under the National Constitution;and making recommendations to the National Executive in relation to those appeals.
- (e) No appeal may be heard by the Tribunal until all practicable avenues of appeal have been exhausted under the rules of the relevant state branch.
- (f) The Tribunal must:
  - (i) comply with the rules of procedural fairness in conducting hearings;
  - (ii) (subject to subparagraph (i)) conduct its hearings as expeditiously as possible; and
  - (iii) give the National Executive and all parties to the appeal written reasons for its recommendations.
- (g) The National Executive:
  - (i) must promptly consider all recommendations of the Tribunal; and
  - (ii) may make any decision in relation to the appeal it thinks fit.
- (h) The Tribunal:
  - (i) must prescribe guidelines for the conduct of appeals, including the granting of leave by the Tribunal to hear appeals; and
  - (ii) may otherwise regulate its own procedure;subject to the National Constitution and any direction of the National Executive.
- (i) The powers of the National Executive under this clause are in addition to, and not in derogation from, those contained in clause 16(d).

## **PART D – NATIONAL PRINCIPLES OF ORGANISATION**

### **Status of National Principles of Organisation**

- 31 The National Principles of Organisation in this part are those provisions of the National Constitution intended to be binding specifically on state branches and implemented through their rules.

### **Election of delegates to National Conference**

- 32 (a) State branch delegates to National Conference (including proxy delegates) must be elected in accordance with the rules of that state branch, subject to clause 15.

- (b) The delegates from each state must include:
  - (i) a number of delegates directly elected by the financial members of the state branch that is at least equal to the number of House of Representative electorates in that state as at the previous 31 December; and
  - (ii) delegates from outside metropolitan areas.

### **Composition of state conferences**

- 33 In all states the state conference shall comprise 50 per cent union representatives and 50 per cent constituency Party representatives. (This shall not bind territory branches until the proportion of unions affiliated is equivalent to that in the states. This principle shall apply to all state level Party units comprising direct representatives of unions and constituency units.)

### **Membership**

- 34 (a) Membership of the ALP is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political party or proscribed organisation. This right to join shall not be impaired other than in circumstances in which it can be demonstrated clearly that an individual cannot meet the requirement outlined above.
- (b) Members of the Party are encouraged to be members of a union or to employ union labour. However, state branch rules must not require members of the Party to be members of a union or to employ union labour.
- (c) To further encourage union members to join the Party, state branches should offer discounts in membership subscriptions for members of affiliated unions.

### **Membership recruitment**

- 35 (a) It is an abuse of Party rules for an individual or group/s to fund Party membership for other individuals or groups of individuals who would otherwise be unwilling to pay their own subscriptions.
- (b) It is an abuse of Party rules for an individual or group/s to encourage reduced-rate membership to people that may not be eligible for that category of membership.
- (c) It is an abuse of Party rules for an individual or group/s to recruit members who do not live at the claimed addresses in an attempt to gain advantage at local Party meetings or the outcome of Party ballots.
- (d) It is a requirement of Party rules that members either correctly enrol with the Australian Electoral Commission to vote in a federal election at their stated address, or not be eligible to do so because they are under 18 years of age or not an Australian citizen. If members are enrolled to vote, and they join a branch, sub-branch or other party body that has specific geographic coverage under state branch rules, they must do so using the address at which they are enrolled to vote.
- (e) Applicants must personally apply for membership by:
  - (i) signing their own membership application and organising to post the form back to the state branch office with the membership fee;

- (ii) signing their own membership application and personally attending the state branch office to submit the application and pay the membership fee;
  - (iii) if their state branch rules currently permit, signing their own membership application and arranging a person to attend the state branch office on their behalf to submit the application and their membership fee (identification is necessary);
  - (iv) completing an application form online and paying their membership fee by electronic funds transfer from their personal account, or with their personal credit card; or
  - (v) if their state branch rules permit, personally attending their local branch meeting and paying their membership fee to the Secretary during the meeting. The money must be receipted to the member and the member's attendance recorded in any attendance book. The Secretary must forward the money to the state branch office along with the signed application form.
- (f) Members must personally renew their membership by:
- (i) any of the means in paragraph (e);
  - (ii) by phone using their personal credit card; or
  - (iii) by signing a standing authority for the renewal of their membership and payment of their membership fees by electronic funds transfer from their personal account, or with their personal credit card.
- (g) Notwithstanding paragraph (f), a person's membership may also be renewed by a family member resident in the same household.
- (h) Members who apply for membership by completing an application form online must not receive voting rights in any election unless:
- (i) they vote in person, with proof of address and photo ID;
  - (ii) they comply with the maximum possible relevant state eligibility requirement for "length of membership", in order to give effect to the principle that no member who applies online may receive voting rights for any election in a shorter period than any member who applies through a local branch; or
  - (iii) they comply with the relevant state eligibility requirement for "branch attendance" if the election is for Party Conference delegates or candidates for public office.
- (i) In order to prevent the "bulk renewal" of other members, the National Executive must prescribe membership application and renewal forms for use by all state branches that:
- (i) require the signature of the applicant or member authorising the application or renewal; and
  - (ii) contain a declaration by any applicant or member paying a reduced-rate subscription that they are entitled to that reduced rate. The declaration must also indicate the basis on which the member is claiming this entitlement. State branches may also set standard requirements of evidence to be met by members claiming this entitlement.



- (j) All state branches must implement an appropriate cap or limitation/review procedure relating to the number of members that may validly apply to join the ALP at a local branch or sub-branch meeting. Members who seek to transfer into a branch or sub-branch shall be included/counted for the purposes of determining the number of members to which the cap or limitation applies.
- (k) Involvement in such abuses will be considered as behaviour likely to bring the Party into disrepute and will result in disciplinary action which may include expulsion under the rules of the Party.
- (l) All state branch rules must, where necessary, establish a tribunal to effectively resolve disputes concerning membership. All state dispute tribunals will operate according to due process and according to the national membership principles and rules.
- (m) All state branch rules must contain a procedure that permits a decision to admit a person as a Party member to be reviewed, where there is an allegation that the person was ineligible to become a Party member.
- (n) All state branch rules must permit 50 members or 25 per cent of the members in a federal electorate, whichever is the lesser, to petition the Administrative Committee or state Executive to investigate any allegations of breaches of this rule in that electorate.
- (o) In order to ensure that this clause is given effect, the state branches of ALP be required to amend, where necessary, their rules to reflect this clause. Such amended rules will be presented to the National Executive no later than 1 November 2003.
- (p) The National Executive must continue:
  - (i) to monitor and enforce compliance with this clause; and
  - (ii) to review the operation of this clause to ensure the integrity of the Party's membership processes.
- (q) All states branches must provide to the National Executive a complete current branch membership list by no later than 31 July of each year.

## **Members' rights**

36 The following are to be established as minimum standards:

- (a) The process of joining the Party shall be simplified and all unnecessary impediments to that process shall be removed from state branch rules.
- (b) Subject to any attendance requirements in the state or territory, full membership rights in all states and territories shall begin to accrue in accordance with the relevant state requirements and those rights shall accumulate, to a maximum, following two years consecutive membership. These rights include: being eligible for preselection; standing and voting for or standing on, the various Party bodies and executives.

- (c) Each state branch must adopt rules that establish an appeals process in relation to compliance with and enforcement of branch rules by members, affiliated unions and constituent units of the branch, such rules to be submitted to the National Executive for approval by 1 November 2003. The appeals process must include compliance with the rules of procedural fairness, expedited hearings and written reasons for decision.

### **Affiliation of unions**

- 37
- (a) All bona fide unions shall have the right to affiliate to the ALP. This right to affiliate shall not be impaired unless it can be demonstrated clearly that the relevant organisation is not a bona fide union or that the organisation has engaged in conduct that renders it unsuitable to be affiliated.
  - (b) For the purposes of calculating union delegation sizes and affiliation fees, the number of members of each affiliated union must be determined each year by an independent audit by a registered auditor of:
    - (i) the number of members eligible to vote in a ballot for an office in that union at 30 June as conducted by the appropriate Electoral Commission/s, and
    - (ii) the number of members identified in subparagraph (i) for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year.
  - (c) Each affiliated union must by 4.00 pm on the last Friday in February each year provide to the state branch in a sealed envelope:
    - (i) the independent audit report for the previous year, and
    - (ii) advice on the number of members that union will affiliate on for the current year,and all such sealed envelopes must be opened at the same time in the presence of scrutineers appointed by affiliated unions.
  - (d) Union delegation sizes must be based on the three year rolling average of that union's affiliation for the current and two preceding years (except that affiliation figures before 2002 must not be used to determine a union's rolling average).
  - (e) Each state branch (other than the Queensland Branch) must amend its rules to implement paragraphs (b)–(d) in accordance with the model adopted by the National Executive for the Queensland Branch on 12 April 2002.

### **Union delegations**

- 38
- Subject to clause 19(c), it shall be the right of each union to determine the criteria and procedures for selection of its delegates, subject to those delegates being financial members of that union and of the Party.

## **State Labor Advisory Councils**

- 39 (a) In each state there will be a Labor Advisory Council (LAC), consisting of the Leader and senior members of the state Parliamentary Labor Party (SPLP), the state President and Secretary or their nominees, and representatives of the Trades and Labour Council or equivalent body in that state.
- (b) The role of the LAC will be to provide a formal consultative mechanism between the Party and the union movement in that state.
- (c) The LAC will include a Campaigns and Growth Forum based on the ACTU model, to connect affiliated unions, the Party and the SPLP into a more meaningful dialogue on shared challenges.

## **Preselections**

- 40 (a) Any member who meets the membership eligibility requirements shall be entitled to participate in voting for a candidate in any preselection covered by the applicable boundaries within which they reside, subject to paragraph (c).
- (b) The only residential boundaries that can affect that right are those devised by either federal, state or municipal electoral commissions. That is, the entitlement is guaranteed by the publicly known and independently drawn boundaries of respective electoral commissions. Therefore, if you live within the respective electorate and meet other criteria within the rules you are eligible to vote in the preselection.
- (c) To ensure the integrity of preselection ballots, no member shall receive a vote in any preselection unless that member is correctly enrolled with the Australian Electoral Commission to vote in a federal election. The member's address for the purposes of preselection will be their enrolled address.

## **Community preselections**

- 41 (a) Despite clause 40, state branches may preselect lower house candidates by community preselection ballots in accordance with their rules, subject to paragraphs (b)–(d).
- (b) Voters in community preselection ballots must be:
- (i) financial Party members, or
  - (ii) electors who are correctly enrolled to vote in that electorate.
- (c) Electors who wish to vote in a community preselection ballot must first sign a declaration stating that they are:
- (i) a Labor supporter, and
  - (ii) not a member of another political party or one of its affiliated organisations.
- (d) Clause 19 applies to community preselections in the same way as other public office preselections.

## **Country Labor**

- 42 Each state branch may establish a Country Labor group comprising those Party members in country electorates.

## **National membership system**

- 43 The National Executive may make guidelines for a national membership system (including a uniform fee structure), to which state branches may opt in.

## **Affirmative action**

- 44 The chair or convenor of each state Labor Women's Network or equivalent body should be at least an *ex officio* member of that state's Administrative Committee. If there are 2 co-chairs or co-convenors, each should also be at least *ex officio* members.

## **Implementation of National Principles of Organisation**

- 45 The National Executive will monitor the implementation of these National Principles of Organisation in consultation with the state branches. These principles will apply equally to all state branches unless otherwise stated.

## **State branch rule changes**

- 46 All state branch rules must be revised in accordance with these National Principles of Organisation as amended at the National Conference held in December 2011, and be submitted to the National Executive for endorsement no later than 31 December 2013.
- 47 Pursuant to clause 16(d), the National Executive is empowered to amend the rules of any state branch as required to implement the National Principles of Organisation.

## **PART E – REGISTER OF CONFERENCE DECISIONS**

### **Members initiating legal proceedings (decision of the 1955 Conference)**

- 48 This Conference resolves that as a general principle it cannot concede the right of any member of the Party to initiate legal proceedings for the purpose of establishing the constitutional behaviour of the Labor Movement. We emphasise that, with a few isolated exceptions, the history of our Party discloses we have functioned on a basis of complete determination in accordance with our own rules and our own interpretation of them. We insist we must continue to create our own procedures, taking care of our own business without the introduction of lawyers and law courts.

### **Union elections (decision of the 1963 Conference)**

- 49 Conference believes that industrial legislation should provide for trade unions to properly determine their own internal policies in accordance with their rules and constitutions and deplores interference in trade unions activities by any government, outside individuals or organisations. Conference accordingly calls upon all trade unionists to refrain from interference in the internal affairs of another trade union.

### **Grievance procedures (decision of the 1979 Conference)**

- 50 Conference believes that the procedures of the Party at state and national level provide adequate opportunity for people who are dissatisfied to seek redress of grievance and calls upon all members of the Party in respect of matters in dispute to refrain from making comment outside the Party.

### **Affirmative action (decision of the 1981 Conference)**

- 51 (a) That all Party publications and Party ballot papers be given an indication of sex by use of given names.
- (b) That it be the policy of the ALP to investigate, instigate, and fund the provision of childcare facilities at all conferences and large assembly meetings of the Party.
- (c) That it be the policy of the ALP that all Party literature and publications should be free of sexist terms and sexist overtones; similarly all Party conferences, meetings etc. should be free of sexist comments, terms and overtones of any kind and all officers, MPs and members of the Party should be advised accordingly.
- (d) (i) Conference notes the enormous progress that has been made since 2002 towards achieving the targets in clause 19.
- (ii) Conference is of the view that the final attainment of the targets in clause 19 needs to be balanced with the desirability of not interfering in the preselection of sitting MPs.
- (iii) Conference recognises this is a complex issue, which requires detailed consideration by both the National Executive and the National Labor Women's Network.
- (iv) Accordingly, Conference directs the National Executive and the NLWN Executive to establish a joint working group to report back to National Conference on the most appropriate mechanism for implementing the view Conference has expressed in subparagraph (ii).

### **Abortion (decision of the 1984 Conference)**

- 52 Conference resolves that the matter of abortion can be freely debated at any state or federal forum of the Australian Labor Party, but any decision reached is not binding on any member of the Party.

### **Conduct of ballots (decision of the 1994 Conference)**

53 Procedures for conduct of ballots if required:

- (a) that ballots for multiple vacancies be conducted in accordance with the rules of the Victorian Branch;
- (b) that ballots for single vacancies be conducted under the optional preferential system; and
- (c) that ballots for multiple vacancies be conducted in accordance with clause 19(b).

### **ALP Code of Conduct for Fundraising (decision of the 2018 Conference)**

#### **54 Preamble**

Australia's political, economic, and social stability is dependent on the strength of our democratic system.

The Australian Labor Party (ALP) seeks to ensure every Australian is fairly represented in democratic processes and systems; regardless of wealth, education, background, or status.

In striving to achieve this aim, the ALP believes in an independent, well-resourced, transparent, and fair electoral process that is protected from vested interests, both at home and abroad.

The ALP believes that our democracy is strengthened by the ability of the public, including Australian unions and business, to make moderate and transparent financial contributions to further democratic debate, or to support a particular candidate for election. The ALP has a long-standing commitment to moderate and fair public funding of political systems, including political parties.

- a. The following code of conduct establishes the conditions that govern fundraising by the ALP at state and national levels.
- b. This code is binding on all ALP branches, other constituent units, Parliamentarians and candidates for public office.
- c. Funds are raised by the organisational wing of the ALP primarily to assist candidates for public office to gain and/or maintain office.
- d. Funds are needed for policy development, Party administration and, most importantly, campaigning. All these political tasks must be carried out federally and in each state.
- e. The National Secretary and each State Secretary of the ALP has a responsibility to raise funds to support these functions.
- f. Campaign and public responsibilities can overshadow the need for adequate funds to support a strong and effective Party organisation. Lack of funding for Party maintenance and administration not only drains the Party's ability to develop policy and maintain membership, but also undermines Labor's ability to campaign effectively and give a genuine choice to the Australian community in elections.

1. ***Organisation of fundraising***

- a. The National Secretary has ultimate responsibility for fundraising at the national level. State Secretaries have the primary responsibility for fundraising at a state level.
- b. The National Secretariat and each state branch raise funds co-operatively but separately.
- c. Each branch organises its fundraising efforts independently and according to its own methods, subject to the conditions outlined in this code.
- d. The National Secretariat collects funds for national campaigning, administrative support of the Party and the support of various state branches. These funds support the National Secretariat's role of national policy development, assistance to the Federal Parliamentary Labor Party and maintenance of the Party's professional and voluntary organisation throughout Australia.
- e. State and national offices shall operate systems of centralised bank accounts to ensure the efficient and secure expenditure of ALP finances and assist the party to meet its commitment to transparency.
- f. All local campaign and other party accounts will be held under the relevant state central banking system with the relevant Tax File Number. Central bank accounts may be held at a national level where it is appropriate to do so.
- g. It is the legitimate responsibility of the relevant State or National Secretary, finance committee members and/or collectors to accept money on behalf of the ALP.
- h. ALP staff, Parliamentarians and candidates for public office may act as fundraising agents for the ALP and in that capacity receive funds on behalf of the ALP.
- i. The National Secretary has the ultimate responsibility for the maintenance and enforcement of the provisions in this code.

2. ***Conditions of this Code***

- a. The ALP and its constituent units observe the following fundraising code of conduct. This code is fundamental to the integrity of the ALP and its organisational and Parliamentary members.
- b. Parliamentarians and candidates, acknowledging the collective party effort to secure their election as representatives of the ALP, can and should voice the party's need for both support and funds. This may include appeal emails and correspondence, together with regular appearances at ALP fundraising events.
- c. All funds raised for, by, or in the name of the ALP, must comply with the relevant provisions of the Commonwealth Electoral Act 1918, and any other relevant legislation or associated regulation. Any funds raised by constituent units of the party, including state branches, must comply with any relevant state legislation.

- d. Donations raised or accepted as part of any ALP fundraising effort must be held in a central banking account, which the National Secretariat or relevant state branch has visibility of and control over. It must, in its name, indicate that it is an ALP account. No funds raised by, for or in the name of the ALP may be held in personal accounts.
- e. Any funds held in other accounts, or otherwise not under an ALP central banking system with the relevant Tax File Number, will be regarded by the ALP and any other interested party as “personal accounts”.
- f. Cheques, direct online donations and direct financial transfers (for example through online banking) should be made payable to a central, ALP-named account, not individuals.
- g. Any intermediary accounts set up on a digital platforms (e.g. paypal) for the purpose of fundraising must be directly linked to a central, ALP-named account. All outflows from these intermediary accounts should be restricted to a central, ALP-named account.
- h. The detail of donations shall be publicly disclosed as per the requirements of the Commonwealth Electoral Act 1918.
- i. Parliamentarians should never use the resources of public office to assist in their own or the ALP’s fundraising efforts.
- j. The ALP at a national level, and all federal Parliamentarians and candidates for public office, will not accept donations from foreign sources. Funds raised for, by, or in the name of the federal ALP or federal Parliamentarians or candidates for public office must be obtained from a verified domestic source. This includes, without limitation, funds obtained from individuals, corporate entities, unincorporated associations or any other type of entity. For the purpose of enforcing this clause, the National Executive will from time-to-time establish guidelines to help Party agents determine the origins of donations so as to ensure that only donations from domestic sources are received.
- k. Without limiting the conditions imposed on the federal ALP and federal Parliamentarians and candidates for public office by the preceding paragraph, where possible, all ALP fundraising agents should seek reasonable assurance that funds raised have no connection to foreign or prohibited sources.
- l. All fundraising bodies, including ALP fundraising agents, should give due consideration to the possible perception of any individual donation and whether it may reflect negatively on the party as a whole.
- m. The ALP does not accept funds that are subject to conditions of any kind, whether they be explicit or implied.
- n. Under no circumstances will the ALP accept funds which, even if only by inference, are intended to obtain the Party’s support for specific actions, attitudes or public statements.



- o. Donors retain a right to put forward views to the Party or individual Parliamentarians, however this right does not exceed that of any other general member of the Party or Australian enrolled voter or citizen.
- p. The ALP and its constituent units never raise funds on behalf of any other party or organisation.
- q. Under no circumstances will the ALP, its Parliamentarians, or any of its endorsed candidates for public office accept donations from the tobacco industry.
- r. Parliamentarians or candidates for public office who act outside these guidelines will be liable to sanctions by the National Executive, relevant ALP Caucus, state Administrative Committee or other interested parties.

### **National Conference decisions**

- 55 That decisions of National Conference are equally binding on all members of the Party whether determined as platform or as a decision of Conference. However, decisions of Conference which relate to matters of policy lapse if they are not reaffirmed by the subsequent Conference. Decisions of Conference which relate to organisational, administrative or rules matters continue in force until a subsequent Conference otherwise determines.

### **Same sex marriage**

- 56 Conference resolves that the matter of same sex marriage can be freely debated at any state or federal forum of the Australian Labor Party, but any decision reached is not binding on any member of the Party. This resolution is rescinded upon the commencement of the 46th parliament.

## **PART F – NATIONAL CONFERENCE STANDING ORDERS**

### **Chair of Conference**

- 57 The National President shall preside over Conference. In the President's absence the senior officer present shall preside. If no officers are present, a delegate shall be appointed by Conference to preside.

### **Credentials**

- 58 (a) Each body represented at National Conference or National Executive shall lodge with the National Secretary the names and addresses of its delegates as early as practicable before the meeting. These names and addresses shall be sent by the National Secretary to all members of the National Executive and other bodies represented at the National Conference as soon as possible.

- (b) Any body or delegate may challenge the credentials of any delegate by lodging with the National Secretary the grounds of objection in writing within 14 days of being notified of the nomination of that delegate.
- (c) The grounds of the objection shall be conveyed to the delegate challenged and to the body nominating the delegate by the quickest possible means. The National Executive shall hear and determine the challenge. An appeal shall lie to the National Conference. Pending the outcome of any such appeal, the decision of the National Executive shall stand.

### **Session times**

59 Conference shall meet at the following times:

Day 1 – 9.30 am to 12.45 pm

2.15 pm to 5.00 pm

Day 2 – 9.30 am to 12.45 pm

2.15 pm to 5.30 pm

Day 3 – 9.30 am to 12.45 pm

2.15 pm to 5.30 pm

subject to Conference at any time determining on motion or amendment without debate, and without rescission of any previous decisions as to meeting times, to meet at any other times.

### **Order of business**

60 The agenda of the National Conference shall be as distributed by the National Secretary pursuant to clause 15(k)(ii). The order of business shall be as determined by Conference from time to time.

61 No discussion shall be allowed except on motion or amendment duly proposed and seconded.

62 Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must address the Chair. No member shall address the Conference unless called by the Chair of Conference.

63 All questions shall be determined in the following manner:

(a) Unless before debate on the question has commenced Conference resolves without debate to permit a specified number of additional speakers, there shall be no more than two speakers for and two speakers against each question.

(b) The mover of the motion shall have five minutes to present argument in support of the motion and one minute to reply.

- (c) The seconder of such motion, and all other speakers, shall be limited to three minutes.
- (d) The movers and seconders of motions and amendments must exercise the right to speak at the time of moving and not subsequently, subject to the right of reply by the mover of the motion.
- (e) Conference on motion without debate may extend the time of any speaker; such extension of time shall not exceed three minutes. Conference may agree to further extensions on the same basis.
- (f) The Chair shall call attention to the time of all speakers one minute before such time expires. Motions for extensions may be made when the Chair so calls, but no later.
- (g) All votes of Conference shall be subject to the following procedure:
  - (i) the Chair shall call upon those who support the question to say “Aye” and those who are opposed to say “No”; and
  - (ii) the Chair shall then declare the question carried or lost.
- (h) Any delegate not satisfied with the Chair’s decision may, by standing in their place, call for a show of hands. The Chair shall proceed to determine the question by calling upon those who support the motion to raise their hands, and those opposed to act similarly. The Chair shall appoint two tellers to take the count and they shall be representative of the opposing viewpoints. When the tellers are agreed upon their count the Chair shall declare the result by quoting the figures for and against.
- (i) When any question voted upon by Conference results in equal numbers for and against, the Chair shall declare such question lost.
- (j) Any motion or amendment affecting the pledge, platform or National Constitution of the Party shall be declared lost if less than a majority of delegates credentialled to the Conference vote for it.

### **Cognate debate**

- 64 (a) If two or more motions relate to the same subject-matter and are inconsistent with each other, they may be debated together.
- (b) The Chair must rule on the order the motions are to be moved (subject to clause 74).
- (c) The rights of reply must be exercised in the reverse order to the moving of the motions.
- (d) The motions must be put in the order they were moved, until either a motion is carried, in which case the remaining motions lapse, or until all motions are lost.
- (e) Despite clause 65, no amendment may be moved to a motion while in cognate debate. However, a motion carried in cognate debate may subsequently be amended in accordance with clause 65.

## **Amendments**

- 65 (a) At any time during debate on any motion it shall be competent for any delegate to move an amendment. All amendments must be seconded. Motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place, providing that the effect of any proposed amendment is not to establish a direct negative to the question contained in the motion.
- (b) Any number of amendments may be proposed and discussed simultaneously with the original motion, notwithstanding clause 71. At the close of debate amendments shall be put in the order they have been moved.
- 66 No member shall speak more than once to any question before the Chair, unless by way of personal explanation or with the consent of the Conference. Such consent shall not be given unless by a majority of those present.
- 67 At any time during debate on any question it shall be competent for the Chair to accept a motion “that the question be adjourned,” “that the question be put”, or “that the next business be proceeded with”, provided at least two speakers have spoken for and against. A member having spoken to the question shall not be competent so to move. Such motions shall be immediately put without debate, provided that in the event of Conference agreeing “that the question be now put” the mover of the original motion shall have the right of reply.
- 68 On Conference agreeing “that the question be now put” it shall mean not only the question contained in the motion, but including any and all amendments.
- 69 No question shall be debated for a longer period than one and a half hours, subject to Conference agreeing on motion or amendment put without debate to extend such time. A two-thirds majority of those present shall be required to approve any such extension.
- 70 Motions directed towards the re-consideration of any decision reached by Conference shall fail unless carried by a three-fourths majority of the delegates credentialled to Conference.
- 71 Not more than two delegates in succession shall speak for or against any question.
- 72 All questions involving an interpretation of policy on any section of the platform or the direction of members of the parliament in accordance with the principles and methods of the Party, shall be subject to decision by Conference on the basis of these Standing Orders and not by ruling of the President.
- 73 Questions other than those contained on the agenda shall not be discussed unless agreed to by two-thirds of the delegates credentialled to Conference, and no delegate shall canvass the subject matter of the proposed new business when seeking Conference approval for discussion of same.
- 74 Rulings given by the Chair on any question shall be subject to a motion calling upon Conference to disagree with any ruling. In the event of such motion, the mover shall be permitted not more than five minutes to support the motion and the Chair shall be permitted not more than five minutes to defend the Chair’s ruling. There shall be no

other speakers. The Vice-President or any other delegate appointed by Conference shall occupy the Chair during the currency of such motion.