

Australian Labor Party
(NSW Branch)

Rules

2024

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Basic Principles of the Australian Labor Party (NSW Branch)

A. ORIGINS

The Australian Labor Party has its origins in:

- the aspirations of the Australian people for a decent secure, dignified and constructive way of life;
- 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
- the commitment by the Australian people to the creation of an independent, free and enlightened Australia.

B. OBJECTIVES

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 antisocial features in these fields. To achieve the political and social values of equality, democracy, liberty and social cooperation inherent in this objective, the Australian Labor Party stands for:

1. The use of public power at all times with integrity and honesty, and always in the best interests of the community.
2. 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 relationship which determine their lives.
3. Establishment and development of public enterprises, based upon Federal, State and other forms of social ownership, in appropriate sectors of the economy.
4. Democratic control and strategic social ownership of Australian natural resources for the benefit of all Australians.
5. 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.
6. The right to own private property.
7. Recognition and encouragement of the right of labour to organise for the protection and advancement of its interests.
8. 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.
9. 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.
10. The restoration and maintenance of full employment.
11. The abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity.
12. Social justice and equality for individuals, the family and all social units, and the elimination of exploitation in the home.
13. Equal access and rights to employment, education, information, technology, housing.
14. 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.
15. 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.
16. The development of a democratic communications system, as an integral part of a free society, to which all citizens have opportunities for free access.
17. Elimination of discrimination and exploitation on the grounds of class, race, sex, sexuality, religion, political affiliation, national origin, citizenship, age, disability, regional location, or economic or household status.
18. 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.
19. Recognition and encouragement of diversity of cultural expression and lifestyle within the Australian community.

20. The proper management of Australian resources and protection of the environment, whether created by people or nature, to safeguard the rights of present and future generations.
21. 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 United Nations; and a recognition of the inalienable right of all people to liberty, equality, democracy and social justice.
22. Commitment to and participation in the international democratic socialist movement as represented by the Socialist International.
23. Recognition of the right of citizens to work for progressive changes consistent with the broad principles of democratic socialism.

C. PRINCIPLES OF ACTION

The Australian Labor Party believes that the task of building democratic socialism is a cooperative process which requires:

1. Party members, candidates, elected representatives and party officials to act at all times with integrity and honesty.
2. Constitutional action through the Australian and State Parliaments, municipal and other statutory authorities;
3. Union action; and
4. Ongoing action by organised community groups.

D. MEMBERSHIP AND ORGANISATION

- 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.
- Australian Labor Party policy is made by National Conferences comprising the National and State parliamentary leadership of the Party, together with elected delegates from all States, the Australian Capital Territory, the Northern Territory and Australian Young Labor.
- Party policy within the States and Territories is framed by conferences of delegates elected by constituent branches and affiliated unions.
- 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.

Code of Conduct and Associated Policies

1. CODE OF CONDUCT AND ASSOCIATED POLICIES

- 1.1. Party members must comply with the NSW Code of Conduct, the NSW Policy for Bullying and Harassment Prevention, the NSW Policy for Sexual Harassment Prevention and the NSW Complaints Handling Policy, as amended from time to time (“NSW Code of Conduct Policies”).

2. PROCEDURE FOR COMPLAINTS

- 2.1. Party members acknowledge and agree that any breach of the NSW Code of Conduct Policies will be dealt with in accordance with the NSW Complaints Handling Policy.

3. INTERACTION WITH THE ALP NATIONAL CODE OF CONDUCT AND OTHER LAWS AND POLICIES

- 3.1. Party members must comply with the National Secretariat’s Code of Conduct, the National Secretariat’s Policy for Bullying and Harassment Prevention, the National Secretariat’s Policy for Sexual Harassment Prevention, and the National Secretariat’s Complaints Handling Policy, as amended from time to time (“National Code of Conduct Policies”).
- 3.2. Members acknowledge and agree that any breach of the National Secretariat Code of Conduct Policies will be dealt with in accordance with the National Secretariat’s Complaints Handling Policy.

NSW Labor Code of Conduct

1. PRINCIPLES AND PURPOSE

- 1.1. 1.1. The Code of Conduct (Code) sets out the expectations of the Australian Labor Party (New South Wales Branch), known as NSW Labor for all people involved with NSW Labor. The following policies sit alongside the Code (Associated Policies):
 - 1.1.1. Policy on Sexual Harassment Prevention and Response;
 - 1.1.2. Policy on Harassment and Bullying Prevention and Response; and
 - 1.1.3. Complaints Handling Policy.
- 1.2. The ALP is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity.
- 1.3. NSW Labor is further committed to providing a safe, inclusive and respectful environment in all Party forums for members, officials, employees, contractors and volunteers. This extends to ensuring policies and procedures effectively protect complainants when allegations of misconduct are made.
- 1.4. These same principles apply to all those participating in the democratic processes of NSW Labor.
- 1.5. In order to consistently meet the standards of behaviour demanded by these principles, the Code and Associated Policies have been harmonised across all levels and Branches of the Party. This has been done by modifying each Branch's Rules to incorporate the Code and Associated Policies as binding obligations.
- 1.6. In order to ensure people involved with the Party are aware of, understand and adhere to the Code and the Associated Policies, NSW Labor will promote this Code and the Associated Policies across the organisation.

2. APPLICATION

- 2.1. The Code and Associated Policies apply to the conduct of all NSW Labor members, Parliamentarians, officials, employees, contractors and volunteers, who each agree they are familiar with and are bound by this Code and the Associated Policies. This Code also applies to any person who attends an ALP gathering or event.
- 2.2. The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by the ALP, election campaigns, and meetings and conferences which individuals covered by the Code attend as a result of party-related duties or their involvement with the ALP.

3. INTERACTION WITH OTHER CODES, POLICIES AND PROCEDURES

- 3.1. NSW Labor reserves the right to develop complaints handling policies for individual workplaces or gatherings where appropriate which are consistent with the principles outlined in the Code and Associated Policies. Such policies may apply concurrently with the Code and Associated Policies.
- 3.2. NSW Labor also recognises that particular workplaces, including parliamentary workplaces, are governed by specific codes of conduct, legal and WHS requirements and disciplinary procedures. Such policies and obligations may apply concurrently with the Code and the Associated Policies and may be better suited to handle complaints in some circumstances, particularly where the matter relates to Ministerial or Parliamentary staff and employment relationships.

4. STANDARDS OF CONDUCT

- 4.1. NSW Labor expects all persons covered by this Code and Associated Policies to abide by the following standards and principles:
 - 4.1.1. Every person should be treated with dignity, fairness and respect.
 - 4.1.2. Every Member must engage with other Members in a way which affords them dignity, fairness and respect.
 - 4.1.3. Every person should comply with all relevant laws and regulations that apply to any ALP activities.
 - 4.1.4. Every person should be able to participate in activities of the ALP free from bullying, discrimination and harassment including sexual harassment, intimidation, and victimisation.
 - 4.1.5. Action, including decisions as to whether action should be taken, should not be affected by personal interests and relationships and conflicts of interest should be disclosed as appropriate.
 - 4.1.6. No person should behave or act in a way that harms the reputation of the ALP or impacts the health and safety of any person.

5. BREACHES OF THE CODE

- 5.1. Misconduct under the Code includes but is not limited to situations where someone:
 - 5.1.1. Breaches the law;
 - 5.1.2. Falsifies documents;
 - 5.1.3. Is involved in fraud, bribery or corruption;
 - 5.1.4. Engages in unlawful, disruptive or anti-social behaviour including abuse of legal or illegal drugs;

- 5.1.5. Is negligent or careless or fails in the duty of competence in the performance of duties;
- 5.1.6. Is abusive or uses obscene or threatening language to another person;
- 5.1.7. Is physically or verbally violent against any person;
- 5.1.8. Behaves in a manner that constitutes discrimination as defined in the Policy on Harassment and Bullying Prevention and Response, which includes discrimination or harassment towards a group of persons on the basis of race, ethnicity, gender, gender identity, sexuality, age or disability;
- 5.1.9. Sexually harasses another person, as defined in the Policy on Sexual Harassment Prevention and Response;
- 5.1.10. Sexually assaults another person;
- 5.1.11. Behaves in a manner that constitutes harassment towards a person as defined in the Policy on Harassment and Bullying Prevention and Response, including on the basis of their sex;
- 5.1.12. Behaves in a manner that does not meet the active by-stander obligations contained in the Policy on Harassment and Bullying Prevention and Response, including on the basis of their sex or the Policy on Harassment and Bullying Prevention and Response;
- 5.1.13. Breaches workplace policies or workplace health and safety laws;
- 5.1.14. Attends an ALP gathering or event or when purporting to conduct business on behalf of the ALP or representing the ALP is under the influence of drugs or alcohol which prevents the proper or safe performance of duties;
- 5.1.15. Has unauthorised possession or misuses the property (including information systems) of the ALP;
- 5.1.16. Deliberately fails to declare to the ALP a conflict of interest (and obtain consent where required) which may affect their performance or judgment as an office holder;
- 5.1.17. Behaves in a manner which brings the ALP into disrepute;
- 5.1.18. Misuses ALP confidential information;
- 5.1.19. Fails to abide by the Associated Policies or other internal ALP policies for member conduct;
- 5.1.20. Breaches the confidentiality requirements under the Code and Associated Policies; or
- 5.1.21. Victimises a person for making a complaint or participating in the complaints handling processes under the Code and Associated Policies.

6. SEXUAL HARASSMENT

- 6.1. NSW Labor strives to be an organisation, and a community, that is safe for everyone; and that therefore it is imperative to take positive action to prevent sexual harassment. NSW Labor recognises that sexual harassment is a form of gendered violence.
- 6.2. NSW Labor recognises sexual harassment can constitute serious misconduct. Further details about what conduct is considered sexual harassment and how NSW Labor handles this are outlined in the Policy on Sexual Harassment Prevention and Response.

7. BULLYING AND HARASSMENT

- 7.1. NSW Labor takes a strong stance against bullying and harassment, including harassment on the ground of sex of any person by any individual covered by this Code.
- 7.2. NSW Labor recognises that bullying and harassment can constitute serious misconduct. Further details about what conduct is considered bullying and harassment and how NSW Labor handles this are outlined in the Policy on Bullying and Harassment Prevention and Response.

8. PROCEDURE FOR COMPLAINTS

- 8.1. NSW Labor takes seriously complaints involving alleged breaches of the Code and Associated Policies.
- 8.2. Pathways to make, handle and resolve complaints, either formally or informally, are outlined in the Complaints Handling Policy.
- 8.3. NSW Labor encourages complainants to report criminal conduct to the Police or relevant authorities.
- 8.4. When dealing with allegations of misconduct, the NSW Labor will:
 - 8.4.1. act promptly;
 - 8.4.2. undertake a transparent process having regard to procedural fairness; and
 - 8.4.3. maintain confidentiality.

SECTION A

General

- A.1 The Australian Labor Party (NSW Branch), hereinafter termed “The Party” is a voluntary not-for-profit unincorporated association.
- A.2 The Party has the objective of:
- (i) the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields; and
 - (ii) the pursuit of social justice and equality in all areas of human endeavour. The Party seeks to achieve this objective through constitutional action through the Australian and State Parliaments, Local Government and other statutory authorities.

- A.3 The Party is made up of:
- affiliated trade unions; and
 - individual members.

The Party is an unincorporated entity.

- A.4
- (a) Any trade union wanting to join the Party should apply in writing to the Administrative Committee of the NSW Branch. The union should include a copy of its constitution, Rules and a statement of its financially paid-up membership.
 - (b) The Administrative Committee will consider the application and may decide to make a report to the Party’s Annual Conference.
 - (c) With the authority of the Annual Conference, the Administrative Committee may accept or reject the application. Once a union has been accepted it can send delegates to the Annual Conference. The number of delegates is given in Rule B.25.

A.5 Any person 15 years and over can join the Party.

- A.6
- (a) A person who is a member of another political party or one of its affiliated organisations cannot join the Party.
 - (b) A person who was a member or an active supporter of another political party or one of its affiliated organisations must provide details when they apply for Party membership.

A person who has at any time opposed an officially selected Party candidate during an election must declare this fact.

False statements, or leaving out information on the application form, is grounds for the Administrative Committee to refuse, or withdraw, Party membership.

- (c) A person applying for membership who has been a member or an active supporter of another political Party or one of its affiliated organisations, or who has opposed an officially selected Party candidate during an election, will be asked for further information to have their application considered by the Administrative Committee

before a decision will be made as to whether they can join the Party. If a response is not received within twelve months of the application, the application will lapse.

- A.7
- (a) It is a condition of Party membership that a member must not:
 - (i) Stand for public office, or nominate another person for public office, against an officially selected Party candidate.
 - (ii) Stand for public office, or nominate another person for public office, when the Administrative Committee has decided that Party members should not nominate.
 - (iii) Actively oppose the Party or the Party’s official candidate during an election.
 - (iv) Join, or apply to join, another political party or one of its affiliated organisations.
 - (v) Fail to nominate after being selected as the Party’s official candidate in an election.
 - (vi) Resign from public office without obtaining the permission of the Administrative Committee.
 - (vii) Engage in or have ever engaged in corrupt conduct.

Note: ‘Public Office’ means any Public Office for which a member may be officially selected or appointed to represent the Party, including Local Government.

- (b) Any member who fails to comply with the membership conditions set out in this Rule cannot remain in the Party. They will be regarded as having been expelled from the Party.

The expulsion from membership under this Rule shall take effect at the time and date of any breach of this Rule is subject first to notification to the Administrative Committee members by the General Secretary.

- (c) Any member who has been charged with: bringing the Party into disrepute, disruptive tactics, disloyal or unworthy conduct, action or conduct contrary to the principles and solidarity of the Party; which causes immediate electoral damage to the Party may be suspended by the Party Officers pending charges being referred to the Administrative Committee.

- A.8
- (a) A member’s resignation will not be accepted if the Administrative Committee believes that it has been put forward to avoid the consequences of the membership conditions being broken as stated in Rule A.7. Such a person will be regarded as a Party member until the time and date when the membership conditions were broken and the General Secretary notified the members of the Administrative Committee.

- (b) A member expelled for breaking the membership Rules cannot be readmitted to the Party unless allowed to do so by the Review Tribunal. For more information on the Review Tribunal see Section J.

Life Membership

A.9 The Annual Conference can give Life Membership of the Australian Labor Party (NSW Branch).

- (a) Someone can be nominated (put forward) for Life Membership if they have been an active member of the Party for 40 years or longer and have retired from public office.
- (b) Only the Administrative Committee, Electorate Councils, Labor Action Committees, branches and affiliated unions can nominate a person for Life Membership.
- (c) Nominations for Life Membership must be sent to the General Secretary 6 weeks before the first day of the Annual Conference. Nominations should describe the background and history of service of the person who has been nominated.
- (d) Party Officers will prepare a report for the Administrative Committee. This report will recommend which people are considered suitable for Life Membership.
- (e) The Administrative Committee can recommend to the Annual Conference those people it considers suitable for Life Membership, but three-quarters of the members of the Administrative Committee must agree on each recommendation.
- (f) The Annual Conference can only make people Life Members if they have been recommended by the Administrative Committee.
- (g) A Life Member will be presented with an official badge and certificate.
- (h) Life Members may renew their Party membership free of charge. Their membership tickets will be endorsed "Life Member".

Joining the Party

APPLYING TO JOIN THE PARTY

A.10

- (a) Except as provided in Rule A.23(a), an application to join the Party is only valid if it is made in accordance with this Rule.
- (b) A person must personally apply to join the Party by:
 - (i) Completing a Membership Application Form;
 - (ii) Submitting the Membership Application Form to the Party Office; and
 - (iii) Paying the correct Membership Fee.
- (c) Unless they are applying to join the Party online, a person must sign their own Membership Application Form.
- (d) A person must submit their Membership Application Form to the Party Office and pay the correct Membership Fee by:
 - (i) Mailing the signed Membership Application Form to the Party Office with the correct Membership Fee; or
 - (ii) Personally handing in the signed Membership Application Form at the Party Office with the correct Membership Fee; or

- (iii) Arranging for a person to hand in the signed Membership Application Form at the Party Office with the correct Membership Fee; or
- (iv) Submitting the Membership Application Form online and paying the correct Membership Fee by electronic funds transfer from their personal account, or with their personal credit card.
- (e) A person who hands in a signed Membership Application Form at the Party Office with the correct Membership Fee on behalf of another person under subsection must provide identification.
- (f) The Party Office must keep a record of the identity of a person who hands in a signed Membership Application Form at the Party Office with the correct Membership Fee on behalf of another person under subsection (d) (iii).
- (g) A person who hands in signed Membership Application Forms on behalf of another person must fill in the declaration form in Schedule B. The Party Office must keep a record of these forms.
- (h) The Administrative Committee may establish procedures to ensure that applicants are personally applying for their own membership and paying with their own funds and by traceable means.
- (i) Each new member of the Party shall be provided with a copy of the current Rules. A member shall be provided a copy of the current Rules on request.

INSPECTION

A.11

- (a) All Membership Application Forms must be available for inspection by a member of the Administrative Committee or the Internal Appeals Tribunal on request.
- (b) All records associated with the payment of Membership Fees must be available for inspection by any full-time Party Officer on request.

JOIN DATE

A.12

- (a) A Pending Member is a person:
 - (i) Who applies to join the Party in accordance with Rule A.10; and
 - (ii) To whom Rule A.6 applies.
- (b) A New Member is a person who:
 - (i) Applies to join the Party in accordance with Rule A.10; and;
 - (ii) Is not a Pending Member.
- (c) A New Member's Party membership commences on the day on which the Party Office receives their Membership Application Form and the correct Membership Fee.

- (d) A Pending Member's Party membership commences on the day on which their application is approved by the Administrative Committee.
- (e) Within thirty days of a person's Party membership commencing, the Party Office must:
 - (i) Issue them a Party Membership Card;
 - (ii) Inform them of their relevant branch and other branches in the state electorate; and
 - (iii) Notify the relevant Branch Secretary that the member has joined.

ADMINISTRATIVE COMMITTEE TO BE PROVIDED INFORMATION

A.13

- (a) At each Administrative Committee meeting, the Administrative Committee must be provided with:
 - (i) A list of all New Members who have joined the Party since the last Administrative Committee meeting; and
 - (ii) A list of all Pending Members who have applied to join the Party since the last Administrative Committee meeting.
- (b) These lists must contain the following information:
 - (i) Name;
 - (ii) Address;
 - (iii) Category of membership;
 - (iv) Branch;
 - (v) State/Federal Electorates;
 - (vi) Occupation;
 - (vii) Union membership; and
 - (viii) Details of any membership of another political party.
- (c) Every third month, the Administrative Committee must be provided with:
 - (i) Number of renewals
 - (ii) Number of resignations
 - (iii) Number of deceased members
 - (iv) Number of changes to residential addresses
 - (v) Number of changes to postal addresses

The information shall be reported on the basis of State electorate.
- (d) Every third month, a list of residential or postal addresses that have more than 4 people using that address must be provided to the Administrative Committee.
- (e) These lists must be available for collection by any Administrative Committee Member at least one hour prior to the commencement of an Administrative Committee meeting.

REFERRAL BY THE ADMINISTRATIVE COMMITTEE

A.14

- (a) An Administrative Committee member may request that a New Member's application to join the Party be referred to the Membership Sub-Committee.
- (b) An Administrative Committee member may

request that a Pending Member's application to join the Party be referred to the Membership Sub-Committee.

- (c) If the Administrative Committee identifies membership recruitment patterns which, on a prima facie basis, appear abnormal, it may refer a member, party unit or region to the Membership Sub-Committee to conduct a preliminary investigation. Upon completion the Committee will report back to the Administrative Committee.
- (d) Either proceeding or following findings of the Membership Sub-Committee the Administrative Committee may choose to suspend a branch's charter, impose a freeze on people who live in a state electorate joining a local branch, and/or freeze branch transfers within a state electorate.

MEMBERSHIP SUB-COMMITTEE

A.15

- (a) The Membership Sub-Committee consists of three Administrative Committee members selected by the Administrative Committee from time to time according to the principles of proportional representation.
- (b) The Membership Sub-Committee considers applications to join the Party referred to it by the Administrative Committee.
- (c) The Membership Sub-Committee must be provided with:
 - (i) A copy of each Membership Application Form;
 - (ii) A breakdown of applicants by state and federal electorate; and
 - (iii) If requested by the Sub-Committee, the payment and receipt details for individual New Members, individual Pending Members, groups of New Members or groups of Pending Members.
- (d) The Membership Sub-Committee may decide that a New Member's application to join the Party be:
 - (i) Accepted effective from the day on which the Party Office received their Membership Application Form and the correct Membership Fee; or
 - (ii) Deferred for further information; or
 - (iii) Rescinded.
- (e) The Membership Sub-Committee may decide that a Pending Member's application to join the Party be:
 - (i) Accepted effective from the day on which the Administrative Committee referred the application to the Membership Sub-Committee; or
 - (ii) Deferred for further information; or
 - (iii) Deferred; or
 - (iv) Rejected.
- (f) If a New Member's application to join the Party is referred to the Membership Sub-Committee, their Party membership remains valid and effective unless and until their application to join the Party is rescinded by the Membership Sub-Committee.

UNION MEMBERSHIP

A.16

The Administrative Committee may refuse an application for membership on the following grounds:

- (a) that the applicant is an employer who has actively discouraged employees from Trade Union membership; or
- (b) that the applicant works for remuneration and is eligible for membership of a registered Trade Union and is not a member of the relevant Trade Union which covers the major and substantial part of any work performed.

Joining your local branch

APPLYING TO JOIN A BRANCH

A.17

- (a) A Person applies to join a branch by:
 - (i) Attending an ordinary branch meeting;
 - (ii) Signing the attendance book; and
 - (iii) If their Party Membership Card has been issued, showing it to the Branch Secretary.
- (b) A person's branch membership starts from the branch meeting at which they;
 - (i) Apply to join the branch in accordance with subsection (a); and
 - (ii) Are a Party member when they attend the meeting or become a Party member within 30 days of the meeting.
- (c) All applications to join a branch must be noted in the branch minutes.
 Note: Rule I.7 requires people applying to join a branch to live within the state electorate and be correctly enrolled if they are a citizen of voting age.
 Note: Rule I.9 provides that a different process applies for an existing branch member who transfers into a new branch.

SPECIAL RULE FOR MP'S

A.18

- (a) If a Member of Parliament lives outside the electorate they represent, they may join a branch in the electorate they represent in addition to a branch in the electorate in which they live.
- (b) A Member of Parliament who joins a branch under this Rule does not have voting rights in that branch.

Tripwire

A.19

- (a) A Branch Secretary must send the General Secretary the name, address and membership number of each applicant within seven days of a branch meeting, if:
 - (i) Five or more members apply to join a branch at one ordinary meeting; or
 - (ii) More than fifty members apply to join a branch at one formation meeting; or

- (iii) Five or more members from one SEC apply to join the Central Policy Branch at one ordinary meeting.

- (b) A member applying to transfer from one branch to another is a member applying to join a branch for the purposes of subsection (a).
- (c) The Administrative Committee shall advertise in the political briefing when a branch has met the threshold of subsection (a).
- (d) Where there are five to nine members that have applied to join a branch at one ordinary meeting, a member may object to the Administrative Committee within thirty days of the advertisement. The Administrative Committee may determine what course of action to take with the applicants.
- (e) Where there are ten to nineteen members who have applied to join a branch at one ordinary meeting, the applicants are automatically referred to the Membership Sub-Committee for investigation as to whether the applicants are bona fide, and unless they are proved to be bona fide then the applicants branch membership will be deferred for six months from the date of the branch meeting.
- (f) Where there are twenty or more members who have applied to join a branch at one ordinary meeting, the applicants' branch membership will be deferred for twelve months from the date of the branch meeting.
- (g) If in a three month period, a Branch Secretary has advised of a cumulative thirty people joining the branch, subsection (f) will apply and the Administrative Committee can place a six month deferral on all applications to that branch.
- (h) If in a three month period, multiple branch secretaries across a State Electorate Council have advised a cumulative forty people joining any branch within an SEC, the Administrative Committee can place a six month deferral on all applications to that SEC.
- (i) An applicant is a member of a branch unless and until it is found that their recruitment was not bona fide.
- (j) If the Administrative Committee finds that the recruitment of the applicants was not bona fide then the Administrative Committee may refuse, or withdraw, Party membership.
- (k) The Administrative Committee may refer a matter under this Rule to the Internal Appeals Tribunal.

Joining the Central Policy Branch

A.20

- (a) A Party member joins the Central Policy Branch by attending a meeting and applying for membership of the Branch. The applicant must sign the attendance book and complete an application to join the Branch. (See Rule I.25)
- (b) The application will be passed to the Membership Sub-Committee of the Administrative Committee for consideration and report to the next meeting

of the Administrative Committee for approval.

- (c) The member will be admitted to the Central Policy Branch after being approved by the Administrative Committee.
- (d) An applicant must attend a meeting within four calendar months of applying for membership of the Branch. If the applicant does not attend a meeting within this time, their application will be regarded as having lapsed. They then must make a fresh application to join the Branch.

Party Membership Forms

A.21

- (a) Subject to these Rules and Annual Conference, the Administrative Committee may decide on the form of the following documents:
 - (i) Membership Application Form;
 - (ii) Membership Renewal Form;
 - (iii) Party Membership Card;
 - (iv) Transfer Clearance;
 - (v) Branch Charter Application; and
 - (vi) LAC Application.
- (b) The Membership Application Form and Membership Renewal Form must:
 - (i) Require the applicant or renewing member to sign the form; and
 - (ii) Contain a declaration by any applicant or renewing member paying a concessional Membership Fee that they are entitled to that reduced rate, and indicating the basis on which the entitlement is claimed.
- (c) The Administrative Committee may:
 - (i) Establish levels of documentation required to support a claim of entitlement to a concessional Membership Fee; and
 - (ii) Implement procedures to ensure compliance with subsection (b) .
- (d) The Party Membership Card must show:
 - (i) Member name;
 - (ii) Member address;
 - (iii) Member signature;
 - (iv) Membership number;
 - (v) Renewal date; and
 - (vi) Expiry date.
- (e) The Party Membership Card must contain a declaration that the Party member supports the Party's Rules and Platform.

Party Membership Fee

ADMINISTRATIVE COMMITTEE SETS MEMBERSHIP FEES

A.22

- (a) Subject to these Rules and Annual Conference, the Administrative Committee sets the Membership Fee.
- (b) A Concessional Member is a person who is:

- (i) Under 18 years of age; or
- (ii) Unemployed; or
- (iii) Retired; or
- (iv) A pensioner.

- (c) Concessional Members pay a reduced Membership Fee.
- (d) Life Members need not pay a Membership Fee.
- (e) A person who submits a Membership Application Form on or after 1 July need only pay half of the relevant Membership Fee.
- (f) Membership Fees are not refundable.

REQUIREMENTS IN RELATION TO MEMBERSHIP FEES

A.23

- (a) A person must pay their own Membership Fee.
- (b) The Administrative Committee may establish procedures to ensure that applicants are paying their own Membership Fee.
- (c) A person must pay the Membership Fee that applies to them as determined by the Administrative Committee.
- (d) If it is found after an applicant's Party membership has commenced that they paid an incorrect Membership Fee, they may remedy the defect by paying the outstanding amount within thirty days.
- (e) If it is found after a Party member's renewal date that they paid an incorrect Membership Fee, they may remedy the defect by paying the outstanding amount within thirty days.
- (f) Except as provided in Rule N.21(b), paying an incorrect Membership Fee is not grounds for a credentialling challenge.
- (g) Paying an incorrect Membership Fee is not grounds for a membership disputes charge.

Membership Renewal

MEMBERSHIP YEAR

A.24

- (a) The Membership Year runs from 1 December each year to the following 30 November.
- (b) An annual membership expires on 30 November each year.
- (c) A three year membership expires on the third 30 November occurring after the Party Membership Card was issued, unless the Party Membership Card was issued in November, where the membership expires on the fourth 30 November occurring on or after the Party Membership Card was issued.
- (d) A Party Membership Card may be issued between 1 November of one year and 30 November of the following year.

MEMBERSHIP RENEWAL FORM

A.25

- (a) The General Secretary is responsible for sending a Membership Renewal Form to all

Party members who are required to renew in a given Membership Year.

- (b) A Membership Renewal Form must be sent to all Party members who are required to renew in a given Membership Year but have not yet renewed:
 - (i) In October, prior to the commencement of the new Membership Year; and
 - (ii) In January, after the commencement of the new Membership Year.

HOW TO RENEW

A.26

- (a) A person must personally renew their Party membership by:
 - (i) Completing a Membership Renewal Form;
 - (ii) Submitting the Membership Renewal Form to the Party Office; and
 - (iii) Paying the correct Membership Fee.
- (b) Unless they are renewing their Party membership online or over the phone, a person must sign their own membership renewal form.
- (c) A person must submit their Membership Renewal Form to the Party Office and pay the correct Membership Fee by:
 - (i) Any of the means in Rule A.10; or
 - (ii) Phone, using their personal credit card; or
 - (iii) Signing a standing authority for the renewal of their Party membership and payment of their Membership Fee by electronic funds transfer from their personal account, or with their personal credit card.
- (d) Despite subsection (c), a Party member may renew the Party membership of a dependent family member resident in the same household.
- (e) A Life Member need not complete a Membership Renewal Form.

RENEWAL DATE

A.27

- (a) A Party member is taken to have renewed their membership on the day on which the Party Office receives their Membership Renewal Form.
- (b) In the case of a Life Member or a Party member renewing under Rule A.26(c)(iii), the member is taken to have renewed their membership on 1 November.
- (c) Within thirty days of receiving a person's Membership Renewal Form, the Party Office must issue the member a Party Membership Card for the new Membership Year.
- (d) If a person is a Life Member or a Party member renewing under Rule A.26(c)(iii), they must be automatically sent their new Party Membership Card by 1 November each year for the following Membership Year.

CONTINUITY

A.28

- (a) A Party member only retains continuity of membership if they renew their Party membership on or before 31 March in the Membership Year for which new Party Membership Cards are being

issued.

- (b) If a Party member fails to renew their Party membership in accordance with subsection (a), they may renew their Party membership without having to reapply to join the Party if they pay two years' worth of the correct Membership Fee on or before 31 March of the following year.
- (c) If a Party member fails to renew their membership in accordance with subsection (a) or (b), they must reapply to join the Party.

Central Roll

- A.29 The General Secretary is responsible for compiling and keeping a Central Roll of the Party membership. The Central Roll contains the details supplied by members in their membership applications or renewals. The Central Roll can be examined by any member of the Administrative Committee. The Central Roll must be available as either a visual display or a printout.

Membership Disputes

- A.30 Any member whose name does not appear on the Central Roll can appeal to the Administrative Committee. The Administrative Committee, by unanimous decision, can put the member's name back on the Central Roll without further enquiry if it is satisfied that the name was left out by mistake or it can refer such appeals to the NSW Internal Appeals Tribunal. The NSW Internal Appeals Tribunal will report back to the Administrative Committee within two months with a decision.
- A.31 Any member whose local branch membership is refused, and any member who considers that an application for local branch membership should have been refused, can appeal to the Administrative Committee. When the Administrative Committee has considered the appeal it can direct the branch to allow the member to join, or rescind the acceptance of the application.
- A.32
 - (a) Any member of the Party can appeal to the Administrative Committee against the admission of a new member. The appeal must state the reasons why the individual is not eligible to join the Party.
 - (b) The Administrative Committee will refer any appeals against an individual membership application to the NSW Internal Appeals Tribunal for consideration and determination.
- A.33
 - (a) This Rule A.33 does not apply to complaints made under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the handling of any matters under the NSW Complaints Handling Policy.
 - (b) The Party Officers by unanimous decision, or any member can charge another member with:
 - bringing the Party into disrepute;
 - action or conduct contrary to the principles and solidarity of the Party;

- disloyal or unworthy conduct;
 - disruptive-tactics;
 - making public statements about internal Party matters which may harm the best interests of the Party;
 - not supporting the Platform (policies) and Rules of the Party to the best of the member's ability; or
 - failing to vote and work for officially selected Party candidates.
- (c) The charge when lodged must be accompanied by a fee outlined in Rule J.1(e).
- (d) The Administrative Committee will refer any charge against an individual member to the NSW Internal Appeals Tribunal for consideration and determination.
- (i) The Administrative Committee may, prior to referring a charge to the Internal Appeals Tribunal, decide that the member who is the subject of the charge be suspended.
 - (ii) A member affected by this type of decision can appeal the decision to the Internal Appeals Tribunal.
- (e) The member who has been charged must be notified of the specific charge once the Administrative Committee has referred the charge to the Internal Appeals Tribunal. A member will be given at least fourteen days notice of the charge before the matter is heard by the Internal Appeals Tribunal for consideration and determination
- (f) The Internal Appeals Tribunal can decide that the member charged be reprimanded, or suspended, or suspended with loss of continuity of membership, or expelled, or another appropriate decision, or the charge may be dismissed.
- (g) In accordance with Rule A.7(b) the Administrative Committee may suspend or expel a Party member.
- (h) Where a charge has been upheld against a member, that member can appeal to the Review Tribunal upon payment of the fee prescribed in Rule J.1 within fourteen days of the decision of the Internal Appeals Tribunal.
- (i) Without limiting the generality of (b) above "unworthy conduct" includes the following conduct:
- (i) funding Party memberships for other individuals or groups of individuals who would otherwise be unwilling to pay their own subscriptions;
 - (ii) encouraging person(s) to take out reduced-rate Party membership knowing that those person(s) may not be eligible for that category of membership;
 - (iii) knowingly recruiting member(s) who do not live at their claimed addresses in an attempt to gain advantage at local Party meetings or the outcome of Party ballots;
 - (iv) falsifying attendance or minute books;
 - (v) seeking to improperly influence the decision making of a member of the Internal Appeals Tribunal or the Review Tribunal in any matter that is before the Tribunal or is likely to come before the Tribunal;

(vi) making public statements about a matter before one of the Party's Tribunals.

- (j) Without limiting the generality of subsection (a), 'bringing the party into disrepute' may include members being investigated by a public authority for improper conduct, where that investigation is bringing the Party into disrepute.

A.34

- (a) Any person expelled under Rule A.33 (above), the NSW Complaints Handling Policy or the National Code of Conduct Policies cannot be admitted to the Party again without the authority of the Review Tribunal.
- (b) Unless it is decided otherwise, members who are suspended will not lose continuity of membership. However, members who are suspended between 1 January and 31 March must, to keep their continuity of membership, apply to the Administrative Committee for a membership ticket. If the Administrative Committee agrees to issue a membership ticket under this Rule this will not reduce or end the period of suspension.
- (c) Suspended members continue to be subject to the Rules and Principles of the Party. Suspended members can be charged for an alleged offence during their suspension and are liable for additional disciplinary action under these Rules.

Credential and Ballot Protests

A.35

- (a) A protest can be made to a list of voters, the validity of notice or the validity of nominations for a branch or Electorate Council ballot. A branch member can only protest about the list of voters, validity of notice or validity of nominations for their branch. An Electorate Council delegate can only protest about the list of voters, validity of notice or validity of nominations for their Electorate Council.

All protests are made to the NSW Internal Appeals Tribunal but must:

- (i) Be received in writing at the Party Office by the General Secretary by 5 pm two working days before the Ballot.
Note: Credentialing is the process where by a list of members is determined who can vote in Party ballots.
- (ii) Detail the basis for the protest and include a fee outlined in Rule J.1(e).
- (b) The Internal Appeals Tribunal only deals with specific matters in the protest. It is the final decision-maker, other than the right of appeal under Rule J.2(g).
- (c) There cannot be a protest or appeal by any member over a list of eligible branch or Electorate Council voters after voting has closed.

A.36

- (a) A candidate in a branch or Electorate Council ballot can protest to the Internal Appeals Tribunal over the conduct of the ballot. All protests must:
 - (i) Be received in writing by the General

Secretary, within seven days of the result being announced.

- (ii) Detail the basis for the protest and include a fee outlined in Rule J.1(e).
- (b) The Internal Appeals Tribunal only deals with specific matters in the protest. It is the final decision-maker, other than the right of appeal under Rule J.2(g).

A.37

- (a) A protest can be made after a list of voters has been prepared for preselection for public office. A member can only protest about the list of voters in their electorate. All protests are made to the Internal Appeals Tribunal but must:
 - (i) Be received in writing by the General Secretary, within seven days (or such other period as the Administrative Committee may determine) of the credentialing.
 - (ii) Detail the basis for the protest and include a fee outlined in Rule J.1(e).
- (b) The Internal Appeals Tribunal only deals with specific matters in the protest. It is the final decision-maker, other than the right of appeal under Rule J.2(g).
- (c) There cannot be a protest or appeal over a list of eligible voters after the date for credentialing challenges set by the Administrative Committee has passed.

A.38

- (a) A candidate in a pre-selection ballot for public office can protest to the Internal Appeals Tribunal over the conduct of the ballot. All protests must:
 - (i) Be received in writing by the General Secretary, within seven days of the result being announced.
 - (ii) Detail the basis for the protest and include a fee outlined in Rule J.1(e).
- (b) The Internal Appeals Tribunal only deals with specific matters in the protest. It is the final decision-maker, other than the right of appeal under Rule J.2(g).
- (c) There cannot be a protest or appeal over a list of eligible pre-selection voters after voting has closed.

A.39

All decisions of the internal appeals tribunal are to be reported to the next capped subsequent administrative committee.

Membership and Affiliation Fees

A.40

- (a) Unions pay affiliation fees each year in advance on their membership in the State as it is defined in the Rules and as decided from time to time by the Administrative Committee, subject to the authority of Annual Conference.

From 1 July 2010 the union affiliation fee shall be indexed annually by increases in the annual March quarter Sydney Consumer Price Index.

Unions shall be notified by 1 May in each year of

the proposed change in the affiliation fee.

A form on which to make this return is available from the NSW Party Office.

- (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 31 December as conducted by the Australian Electoral Commission or NSW Electoral Commission; and
 - (ii) The number of members identified in subsection (i) for whom the union received an amount of dues in relation to the period between 1 October and 31 December inclusive for that year.
- (c) Each affiliated union must by 4pm on the last Friday in February each year provide to the General Secretary 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 (which must be equal to or less than the number of members determined by the independent audit for the previous year);
 - (iii) 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.
- (e) Affiliation fees will be payable on a financial year basis.
- (f) In the event of an affiliated union being six months in arrears in its affiliation fees to the Party, the Administrative Committee may decide that such affiliated union shall not be entitled to be represented at any Annual Conference or Special Meeting of Annual Conference, until such arrears are paid.

NSW Young Labor

A.41 NSW Young Labor will operate in accordance with Schedule L.

Involving Union Activists

A.42

- (a) A member of the Party who is currently working for remuneration (including casual workers) and who is eligible for membership of a registered trade union is encouraged to be a financial member of the relevant union which covers the major and substantial part of any work performed.
- (b) An employer who joins the Party must encourage their employees to become and remain members of the relevant trade union covering their work and observe the applicable industrial laws, awards and

agreements.

- (c) All Labor lower house MPs should establish dialogue with local activists from affiliated unions in their electorates, including frequent meetings with those union activists who work in their area.

All Labor Senators and MLCs should meet with local activists from affiliated unions in their duty electorates and may also be invited to meetings in the electorate in which they are resident.

All Local Government Labor Councillors should meet with local activists from affiliated unions in their Local Government Areas (LGA).

Interpretation

A.43

- (a)
- (i) In these Rules, the word “may”, if used to confer a power, indicates that the power may be exercised or not, at discretion.
 - (ii) In these Rules, the word “shall”, if used to impose a duty, indicates that the duty must be performed.
 - (iii) In these Rules “local selection ballot” means a selection ballot, but does not include any selection ballot that is called as a joint selection ballot.
 - (iv) In these Rules “joint selection ballot” means a selection ballot conducted pursuant to Rule N.42.
 - (v) In these Rules, ‘country area’ and ‘Designated Country Area’ mean the geographic area that the Administrative Committee has defined as country for the purposes of these Rules.
 - (vi) In these Rules “Party Unit” includes Young Labor Associations and all branches, committees and councils of the Party referred to in these Rules.
 - (vii) In these Rules “month” has the meaning given by the Interpretation Act 1987 definition for “calendar month”
 - (viii) In these Rules “week” means a period of seven days.
- (b)
- (i) In these Rules a reference to “function” includes a reference to a power, duty and/ or authority.
 - (ii) Any functions delegated in accordance with these Rules may still be exercised by the delegator whilst that delegation is in force.
- (c) If an amendment is made to these Rules relating to the conduct of elections at the Annual Conference that amendment – to the extent it is practicable for it do so – takes effect immediately and applies to the elections conducted at the same Annual Conference. For the purposes of this clause if the Rule changes confer a power that must or may be exercised by the making of an instrument necessary for the conduct of the elections at Annual Conference then:
- (i) an instrument that was made prior to the adoption of the Rules changes by Annual Conference, and
 - (ii) any thing may be done for the purpose of enabling such an instrument to be made or of bringing such an instrument into effect, is valid as if the Rule changes concerned had commenced and been in force at that time.
- (d) If an amendment is made to these Rules relating to the composition of Annual Conference that amendment takes effect upon the conclusion of the Annual Conference which adopts the Rule change.
- (e) Except in so far as the context or subject- matter otherwise indicates or requires, reference in these Rules to a Returning Officer, in relation to:
- (i) an election for an office holder of the Party Unit or a Delegate representing the Party Unit - means the Returning Officer of the Party Unit;
 - (ii) a selection for public office, an election at the Annual Conference, a ballot by a NSW Young Labor Conference and a ballot called by the Administrative Committee – means the General Returning Officer.
- (f) Schedule I applies to meetings of Party Units constituted by these Rules, but it does not apply to any meeting or committee of either the State or Federal Parliamentary Labor Party.
- (g) The schedules referred to in these Rules form a part of these Rules. However, Schedule A (Code of Conduct) Schedule B (Application for Membership Form) and Schedule D (form for Nomination of a Candidate for Public Office), Schedule G (Membership Ticket) and Schedule J (Conduct of Selection Ballots where Party Unit activities are suspended for public health reasons) may be amended by resolution of the Administrative Committee. In the case of Schedule J, the schedule may only be amended by a three-quarters majority vote of the Administrative Committee.
- (h) In these Rules, ‘corrupt conduct’ has the meaning given by the Independent Commission Against Corruption Act 1988 (NSW).
- (i) In these rules unless specifically dealt with “Notice” shall mean seven ‘clear days’ notice in writing.
- (j) In these Rules, ‘property developer’ and ‘close associate of a property developer’ has the meaning given by the Electoral Funding Act 2018.
- (k) In these Rules, “Real estate agent” has the meaning given by the Property, Stock and Business Agents Act 2002.
- (l) In these Rules, ‘Board of Directors’ includes, but is not limited to, a body that oversees the activities of a company or organisation, regardless of the name that is given to that body.

SECTION B

ANNUAL CONFERENCE

Meetings

- B.1 The Party will hold its Conference annually and the date will be decided by the Administrative Committee.

Powers

- B.2 The Annual Conference is the supreme policy making and governing body of the Party in New South Wales. The Annual Conference has the power:
- (i) To alter or change the Rules and Platform (policies) of the Party;
 - (ii) To elect the Party Officers, Trustees, National Conference Delegates, Conference Agenda Committee, Administrative Committee, Women's Forum, General Returning Officer and sixteen Assistant General Returning Officers and to choose the various Officials and Committees needed to conduct Annual Conference and to receive and consider reports from those Committees.
 - (iii) To pre-select candidates for the NSW Legislative Council and Australian Senate.
 - (iv) Annual Conference can decide that certain issues, which have moral and social consequences, will be decided with a free vote rather than being subject to Caucus discipline.

Elections

B.3

- (a) The Administrative Committee must call for nominations for the positions to be elected at an Annual Conference no less than eight weeks before the opening day of that Annual Conference.
- (b) When calling for nominations for positions to be elected at the Annual Conference the Administrative Committee must outline the number of positions which must be held by a woman in accordance with the minimum percentages outlined in Section O.

- B.4 To be eligible to nominate for a position elected by Annual Conference, a person must have one year of continuous financial Party membership immediately prior to the date of calling for nominations.

- B.5 Candidates standing for election by Annual Conference must be nominated in writing by at least five members, each of whom must have been a member of the Party for at least twelve months. Nominations must carry the signed acceptance of the person who has been nominated, and must be lodged with the General Returning Officer in the way, time and date decided by the Administrative Committee.

B.6

Candidates standing for election for the position of General Secretary or Assistant General Secretary are not eligible to stand for public office under circumstances specified in Rule N.9(b).

B.7

- (a) The Annual Conference will elect:
 - (i) The President, who holds office for two conferences;
 - (ii) The Senior Vice-President who holds office for two conferences;
 - (iii) Two Junior Vice-Presidents, who hold office for two conferences. Of the President and Vice Presidents at least one should be a woman;
 - (iv) The General Secretary, who holds office for four Annual Conferences;
 - (v) Two Assistant General Secretaries, who hold office for four Annual Conferences;
 - (vi) Three Trustees, who hold office for two conferences;
 - (vii) The remaining number of National Conference Delegates required elected by the Affiliated Union delegates to the Annual Conference, following the automatic election of the Party Officers as delegates and the delegation elected by Federal Electorate Councils, who hold office for one National Conference;
 - (viii) 36 members of the Administrative Committee, who hold office for two conferences;
 - (ix) 18 members of the NSW Labor Women's Forum, including a Chair, Deputy Chair and Secretary, who hold office for two conferences;
 - (x) 21 members of the Country Labor Committee, including a Chair, Deputy Chair and Secretary, who hold office for two conferences;
 - (xi) 13 members of each Policy Committee (as determined by the Administrative Committee), including a Chair, Deputy Chair and Secretary, who hold office for two conferences;
 - (xii) Two Deputy Chairs of the State Policy Forum, who hold office for the same period as the members of the State Policy Forum;
 - (xiii) Five members of the Conference Agenda Committee who hold office for two conferences; and
 - (xiv) 15 members of the Organising, Recruitment and Training Committee including a Chair, Deputy Chair and Secretary, who hold office for two conferences.

(b)

- (i) In determining whether a term specified in these Rules is due to expire at the forthcoming Annual Conference, the Annual Conference at which the position was last elected is not counted. For example, a term of four annual conferences means a new election is required at the fourth Annual Conference held after the last election.
- (ii) Notwithstanding other provisions of these Rules a person elected to a position by the Annual Conference holds office until the declaration of election of their successor, unless the position falls vacant because the office-holder:
 - dies;
 - resigns the office by instrument in writing addressed to the General Secretary;
 - becomes a mentally incapacitated person;
 - ceases to be a member of the Party, such a vacancy is called as “casual vacancy” in these Rules. A person elected to a position by Annual Conference ceases to hold that position if these Rules do not require the continued existence of the position ceases to exist; or
 - In the case of the General Secretary and two Assistant General Secretaries, is terminated by a vote of three quarters majority vote of the Administrative Committee, as specified in Rule D.11.
 - Is a real estate agent, property developer, or third-party lobbyist
- (iii) When a casual vacancy occurs for any reason in any of the positions ordinarily elected by Annual Conference, the person appointed or elected serves only for the remaining time of their predecessor’s term. An exception is specified in D.15(b).

- (i) The State Executive Board;
- (j) The Rules Committee;
- (k) The NSW Policy Forum;
- (l) The Platform Committee;
- (m) The Administrative Committee;
- (n) Country Labor Conference;
- (o) Young Labor Council;
- (p) The Country Labor Committee;
- (q) A Young Labor Association;
- (r) NSW Young Labor Conference;
- (s) Policy Committees;
- (t) A Labor Action Committee; and
- (u) Local Government Committees.

B.10 Six months before Annual Conference the Administrative Committee notifies all branches and affiliated unions of when and where Annual Conference is to take place and invites them to send items to the relevant Committees for consideration by Conference.

B.11

- (a) Not less than four weeks before the Conference, the Administrative Committee sends out the proposed changes to the Rules and Platform (policies) to all Party Units represented at Annual Conference, so that the units can consider these changes.
- (b) Not less than four weeks before the Conference, the Administrative Committee sends out the Conference Policy to all Party Units represented at Annual Conference, so that the units can consider these changes.
- (c) Not less than seven days before the Annual Conference any Party Unit or affiliated union wanting changes to the Conference Agenda Committee’s report must send them to the NSW Branch Office. Where practicable, those changes and decisions will be printed and sent to Conference delegates.

Notice

- B.8 The General Returning Officer will conduct the elections at Annual Conference.
- B.9 The following Party Units may propose changes to the Party Rules or Platform, or ordinary policy motions, for consideration by Annual Conference:
- (a) A Branch;
 - (b) An Electorate Council;
 - (c) An Affiliated Union;
 - (d) The Federal Parliamentary Labor Party;
 - (e) The State Parliamentary Labor Party;
 - (f) The Women’s Forum;
 - (g) The Review Tribunal;
 - (h) The Internal Appeals Tribunal;

Credentials (at Annual Conference)

B.12

- (a) All units represented at Conference must send the General Secretary the names and addresses of their delegates. These names and addresses can be inspected at the NSW Party Office by any official conference delegate during office hours. This can be done for seven days before Annual Conference.
- (b) Any Party member can challenge the credentials (the right to be at Conference) of a delegate nominated by their Party Unit. This can be done by sending the reason for the objection to the General Secretary. The reasons for the objection will be passed by the General Secretary to the delegate who has been challenged, and also to the Party Unit which has nominated them. This will be

done as quickly as possible.

- (c) The Review Tribunal will hear the challenge, and also listen to the views of the delegate who has been challenged, and to any other concerned Party member. The Review Tribunal will decide who should be the delegate for that particular unit. The decision of the Review Tribunal will be reported to Conference.
If practicable, the meeting of the Review Tribunal should take place prior to Conference.
- (d) If the credentials of a delegate from a trade union is challenged on the grounds that the delegate is not a member of the trade union they are representing, a written statement from the Secretary of the affiliated trade union is taken to be final and conclusive evidence on the subject.

Conference Agenda Committee

B.13

- (a) Annual Conference will elect an Agenda Committee.
- (b) The Agenda Committee will be made up of the Party Officers (that is, the General Secretary, two Assistant General Secretaries, the President and three Vice Presidents) and five Party members. It will hold office for two annual conferences.
- (c) A meeting of the Agenda Committee can only take place when a quorum of at least six members of the Committee are present.
- (d) To be on the Agenda Committee a member must have been a paid-up Party member for at least 12 months before the closing date for nominations.
- (e) The powers and duties of the Agenda Committee are:
 - (i) To decide on the Agenda and the order of business at Annual Conference.
 - (ii) To recommend to Annual Conference any suspension of Standing Orders or urgency motions.

Agenda Committee Proxy Panel

B.14 INABILITY TO ATTEND

- (a) If a Conference Agenda Committee member is unable to attend all or part of a meeting, they may appoint a person from the Agenda Committee Proxy Panel to replace them.
- (b) Any proxy appointed under subsection B.14(a) has the full rights of the member whom they are replacing.
- (c) The Agenda Committee Proxy Panel will be appointed by the Administrative Committee.

Women's Forum

B.15

- (a) The Women's Forum will report regularly to the Administrative Committee and to each Annual Conference. Only women may hold office as members of the Women's Forum.

- (b) The Women's Forum constitutes the NSW Labor Women's Network and its objectives are:
 - (i) To increase membership and involvement of women at all levels of the Australian Labor Party through events, training, organising, networking and communications strategies;
 - (ii) To be the communication channel for Labor women in NSW;
 - (iii) To enhance the levels of representation in public office by ALP women;
 - (iv) Increase participation of women in public life;
 - (v) To promote a gender-equal policy agenda through policy forums, online discussions, Branch and Electorate Council discussions;
 - (vi) Liaising with ALP Parliamentary Parties and policy committees to advise on policy issues;
 - (vii) To promote engagement between the ALP and women's organisations in the community;
 - (viii) To advise the State Executive Board and Administrative Committee about ways to improve the Party's culture towards women, including recommending changes to the NSW Code of Conduct and policies;
 - (ix) To maximise the support of women for the Australian Labor Party; and
 - (x) To hold any statewide, regional or local event deemed necessary to achieve the above objectives.
- (c) The Annual Conference will elect:
 - (i) A Chair of the Women's Forum;
 - (ii) A Deputy Chair of the Women's Forum;
 - (iii) A Secretary of the Women's Forum; and
 - (iv) Fifteen members of the Women's Forum.
- (d) At least three members of the Women's Forum must live in the Designated Country Area.
- (e) The Chair and Deputy Chair must be elected in a single ballot. The first elected is the Chair and the second elected is the Deputy Chair.
- (f) People elected to the Women's Forum hold office for two years.
- (g) Members of the Women's Forum may appoint any other female financial Party member as their proxy for any meeting or series of meetings.
- (h) The General Secretary will nominate an Organiser appointed under D.28 to support the Women's Forum to achieve the objectives outlined in subsection (b). The Organiser must be a woman.

Organising, Recruitment and Training Committee

B.16

- (a) The Organising, Recruitment and Training Committee will report regularly to the Administrative Committee and to each Annual Conference on matters relating to organising, recruitment and training.
- (b) The Administrative Committee may from time to time, delegate responsibility for matters relating to organising, recruitment and training to the

Organising, Recruitment and Training Committee.

- (c) The Committee's objectives are (but not limited) to:
 - (i) Propose strategies to increase membership of the Labor Party;
 - (ii) Increase participation of party members in Campaigns; and
 - (iii) Advise on effective organising, recruitment and training methods to the Party Officers.
- (d) The Annual Conference will elect:
 - (i) A Chair of the Organising, Recruitment and Training Committee;
 - (ii) A Deputy Chair of the Organising, Recruitment and Training Committee;
 - (iii) A Secretary of the Organising, Recruitment and Training Committee; and
 - (iv) Twelve members of the Organising, Recruitment and Training Committee.
- (e) At least three members of the Organising, Recruitment and Training Committee must live in the Designated Country Area.
- (f) The Chair and Deputy Chair must be elected in a single ballot. The first elected is the Chair and the second elected is the Deputy Chair.
- (g) People elected to the Organising, Recruitment and Training Committee hold office for two conferences.
- (h) Members of the Organising, Recruitment and Training Committee may appoint any other financial Party member as their proxy for any meeting or series of meetings.

Trustees

B.17

- (a) The roles and powers of the Trustees are to:
 - (i) Hold property on behalf of the Party;
 - (ii) Sign cheques and approve payments as outlined in Rule K.2(b);
 - (iii) Assist the State Executive Board with the conduct of their duties, as outlined in Rule D.29;
 - (iv) Make necessary payments pursuant to Rule D.43; and
 - (v) Assist with the development of appropriate governance, management and approval of payment policies.
- (b) Candidates for election to the position of Trustee must have professionally recognised financial, accounting, legal, regulatory, compliance or management qualifications as prescribed by the Administrative Committee, the Party's non-voting members of the Administrative Committee, Auditor and any relevant legislation.; and
- (c) Following their election, all new Trustees shall receive a formal induction and an external training outlining their roles and responsibilities.

Rules Committee

B.18

- (a) The Rules Committee is elected by Annual Conference. It is made up of nine members of the Party who have been members for at least twelve months.
- (b) Members on the Rules Committee hold office for two Annual Conferences.
- (c) The Rules Committee is responsible for considering proposals to changes in the Rules of the Party.
- (d) The Rules Committee are authorised to recommend inconsequential and non-substantive amendments to the NSW Labor Rules where required to keep these rules accurate, consistent and up to date. These amendments must be presented to the Administrative Committee meeting for consideration and adoption upon agreement of 75% of the Administrative Committee.
- (e) The General Secretary, or someone representing the General Secretary, can attend Rules Committee meetings with the same rights as a Committee member, but they cannot vote.
- (f) Members of the Rules Committee may appoint any other financial member as their proxy for any meeting or series of meetings.

NSW Policy Forum

B.19

- (a) The NSW Policy Forum has the following objectives:
 - (i) Facilitate policy debate and development amongst the State Parliamentary Labor Party, Party Units and Affiliates, including making recommendations to the Federal Parliamentary Labor Party;
 - (ii) Provide a framework for the partnership between the State Parliamentary Labor Party and the wider labour movement;
 - (iii) Provide guidance on the causes and aspirations of the modern Labor movement;
 - (iv) Include Party Units, Party members and Affiliates in the debate on the direction of the Party;
 - (v) Maintain the relevance of the Labor Platform by conducting reviews;
 - (vi) Undertake long-term planning for the implementation of Labor policy; and
 - (vii) Provide leadership on matters of public concern and interest.
- (b) The NSW Policy Forum is responsible for:
 - (i) Keeping our Platform relevant by conducting 'Platform Reviews'; and
 - (ii) Leading Party debates by forming 'Policy Commissions'.
- (c) During each State Parliamentary term, the NSW Policy Forum shall undertake a complete review of the Party Platform, and recommend Platform

amendments to the Conference.

- (d) The NSW Policy Forum shall involve the Conference Policy and Agenda Committee in any review of the Platform. In particular, members of the Conference Policy and Agenda Committee shall be involved in drafting Platform amendments to be recommended to the NSW Annual Conference.
- (e) The NSW Policy Forum may at any time form a 'Policy Commission' to consider matters referred to it by the:
 - (i) Leader of the State Parliamentary Labor Party; or
 - (ii) Administrative Committee.
- (f) 'Policy Commissions' formed under subsection (e) must consist of nine members, with three representatives each from the groups in subsections (l) (v), (vi) and (vii). One representative each from the groups in subsections (l) (v) and (vii) shall act as co- chairs of a 'Policy Commission'.
- (g) The membership of a 'Policy Commission' must be determined by a ballot of the whole NSW Policy Forum.
- (h) A 'Policy Commission's' membership must satisfy affirmative action requirements under these Rules.
- (i) Any report or recommendation of a 'Policy Commission' must be considered and decided upon by the NSW Policy Forum as a whole before being transmitted to the State Parliamentary Labor Party and/or the NSW Annual Conference for approval.
- (j) The NSW Policy Forum will issue a majority and minority report from a Platform Review or a Policy Commission to the NSW Annual Conference where there is a significant difference of opinion.
- (k) The NSW Policy Forum may co-opt any person as an ex-officio non-voting member of the Forum as a whole or a 'Policy Commission'.
 - (i) The NSW Policy Forum shall:
 - (ii) Be subject to the ordinary Rules of debate in Schedule I;
 - (iii) Require a quorum of a majority of members in order to meet;
 - (iv) Meet at least three times per year; and
 - (v) Decide which of its meetings, or parts of meetings, are open to the wider Party, general public and media.
- (l) The NSW Policy Forum consists of the following voting members:
 - (i) The NSW Labor President and Leader of the NSW Labor Parliamentary Party, who shall act as Co-Chairs;
 - (ii) Two Deputy Chairs, elected by NSW Annual Conference;
 - (iii) The NSW Labor General Secretary;
 - (iv) The two NSW Labor Assistant General Secretaries;
 - (v) The NSW Labor Cabinet or Shadow Cabinet;
 - (vi) A number of trade unionists who are also

financial Party members, appointed by the Administrative Committee; and

- (vii) A number of financial Party members, to be selected according to the principles of proportional representation every four years by a ballot of all Party members with one year of continuous financial membership prior to the date of calling for nominations.
- (viii) Two members of the Federal Parliamentary Labor Party (FPLP), appointed by the Administrative Committee on the principles of proportional representation, from among the FPLP members representing NSW; and
- (ix) The Platform Committee.
- (m) The number of financial Party members selected under subsection (l)(vii), the number of Trade Unionists selected under subsection (l)(vi) and the number of members of the Shadow Cabinet or Cabinet under subsection (l)(v) must be equal in numbers and must be determined by the NSW Labor Administrative Committee.
- (n) The Administrative Committee will determine the rules for selecting financial Party members under subsection (l)(vii) to ensure representatives from outside of Sydney, including Country Designated Areas, are elected to the forum. This may include regional based voting models.
- (o) Members of Parliament are not eligible to be appointed or selected under subsections (l), (vi) or (vii).
- (p) The total voting membership of the Forum must satisfy affirmative action requirements under these Rules. Where these requirements are not met, the Returning Officer must adjust the selection result under subsection (l)(vii) in accordance with Rule 11 in section 5 of Schedule H of these Rules.
- (q) The NSW 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 Rules.

Country Labor Committee

B.20

- (a) The Country Labor Committee will report regularly to the Administrative Committee and to each Annual Conference. Only members who live in the Designated Country Area may hold office as members of the Country Labor Committee.
- (b) The Committee's objectives are:
 - (i) To advocate policies within the Labor movement which are of concern to Labor's country constituency
 - (ii) To support the objectives and platform of the Party and in doing so educate members of the Party in Designated Country Areas, trade unions and other Party bodies
 - (iii) To provide a voice for people in rural and regional NSW communities both within the Party and in the general community
 - (iv) To assist in the election to public office of endorsed NSW Labor candidates at a national, state and local level

- (v) To promote and adopt mechanisms which encourage the participation of rural and regional communities in the Party.
 - (vi) To publish material of any kind, whether print, digital, audio or visual, that may assist in achieving the above objectives.
 - (vii) To advise the Party on matters of policy and the views of rural and regional communities.
 - (viii) To undertake any other duties referred to it by the NSW Branch Annual Conference or Administrative Committee.
- (c) To achieve the objectives outlined in (b) above, the Country Labor Committee is responsible for:
- (i) Making recommendations regarding policy motions affecting country areas submitted to Annual Conference;
 - (ii) Organising the Country Conference, including deciding the agenda and order of business, and making recommendations to Country Conference regarding policy motions submitted to Country Conference; and
 - (iii) Facilitating engagement on policy, training and campaigns between Party Units in the Designated Country Area, affiliated Unions and the Parliamentary Party.
- (d) The Annual Conference will elect:
- (i) A Chair;
 - (ii) A Deputy Chair;
 - (iii) A Secretary; and
 - (iv) Eighteen members who live in the Designated Country Area.
- (e) The Chair and Deputy Chair must be elected in a single ballot. The first elected is the Chair and the second elected is the Deputy Chair.
- (f) The Party's Affirmative Action Rules will apply to the Committee and at least two members must be of Young Labor age.
- (g) A meeting of the Country Labor Committee may take place only when a majority of members are present.
- (h) The General Secretary will nominate an Organiser appointed under D.28 to support the Country Labor Committee and Party Units and campaigns in the Designated Country Area to achieve the objectives outlined in subsection (b). The Organiser may attend Country Labor Committee meetings but is not entitled to vote and cannot be counted for the purposes of quorum under subsection (g).
- (i) The Country Labor Committee will meet at least four times annually. Meetings may be open to all Party members who live in the Designated Country Area, affiliated Union representatives and interested stakeholders.
 - (j) Country Labor Committee meetings and events can take place in-person, by video conference or telephone conference.
 - (k) The following ALP Members of Parliament may attend and speak at Country Labor Committee meetings, but are not entitled to vote:
 - (i) Members of the House of Representatives
 - and NSW Legislative Assembly who represent electorates in the Designated Country Area; and
- (ii) Members of the Senate and the NSW Legislative Council who live in the Designated Country Area..
- (l) Members of the Country Labor Committee may appoint any other member who lives in the Designated Country Area as their proxy for any meeting or series of meetings.
- (m) The Chair of the Country Labor Committee may from time to time make public statements on behalf of the Committee and members in the Country Designated Area, subject to the following:
- (i) The statement is authorised by the Country Labor Committee;
 - (ii) The statement is not in contravention of ALP policy; and
 - (iii) The statement relates to matters or policy affecting rural and regional Party members and/or communities only.
- ### Platform Committee
- B.21
- (a) The Platform Committee consists of a:
- (i) Chair;
 - (ii) Deputy Chair; and
 - (iii) Secretary.
- (b) The Annual Conference will elect the Platform Committee at the first Annual Conference after each NSW General Election.
- (c) The Chair and Deputy Chair must be elected in a single ballot. The first elected is the Chair and the second elected is the Deputy Chair.
- (d) The Platform Committee is responsible for assisting with drafting the NSW Labor Platform.
- (e) The Platform Committee are authorised to recommend inconsequential and non-substantive amendments to the NSW Labor Platform where required to keep the Platform accurate, consistent and up to date. These amendments must be presented to a Administrative Committee meeting for consideration and adoption upon agreement of 75% of the Administrative Committee.
- ### Policy Committees
- B.22
- The Administrative Committee will establish Policy Committees from time to time.
- (a) The Administrative Committee decides on the areas of policy responsibility of each Committee. These policy areas can be changed by the Administrative Committee. The Administrative Committee will create a maximum of 8 Policy Committees.
- (b) Each Policy Committee will consist of fifteen members including:
- (i) A Chair who is a subject matter expert or has demonstrated interest in and commitment to

- the relevant policy area;
- (ii) A Deputy Chair who is a subject matter expert or has demonstrated interest in and commitment to the relevant policy area;
- (iii) A Secretary who is a subject matter expert or has demonstrated interest in and commitment to the relevant policy area;
- (iv) One SPLP representative;
- (v) One FPLP representative; and
- (vi) Ten ordinary members who are subject matter experts or have demonstrated interest in the relevant policy area.

The Policy Committee shall be elected at every second Annual Conference, with the exception of the Parliamentary representative, who shall be appointed by the respective Federal and State Parliamentary Caucuses.

For the purposes of this rule “subject matter expert” shall mean a person employed or previously employed by a university, think tank, research organisation or non-government organisation and/or a person who has recognised expertise in a subject area relevant to the policy focus of the committee.

- (c) The Annual Conference will elect:
 - (i) A Chair of the Policy Committee;
 - (ii) A Deputy Chair of the Policy Committee;
 - (iii) A Secretary of the Policy Committee; and
 - (iv) Ten ordinary members of the Policy Committee.
- (d) The Chair and Deputy Chair must be elected in a single ballot. The first elected is the Chair and the second elected is the Deputy Chair.
- (e) Members of the Party who have been members for twelve months can become members of Policy Committees. No member can serve on more than one Policy Committees at the same time. The Party's Affirmative Action Rules will apply to each Policy Committee membership.
- (f) At least two members of each Policy Committee must live in the Designated Country Area.
- (g) If a Policy Committee member misses three meetings in a row, their membership automatically lapses.
- (h) If a Policy Committee fails to meet, it must explain to the Administrative Committee the reasons for not meeting.
- (i) Policy Committees will meet at least four times annually. One event must be held outside of Sydney. Events may be open to Party members, the public and interested stakeholders.
- (j) Policy Committee meetings and events can take place in-person or by video or telephone conference technology provided this technology is accessible for all Committee members;
- (k) The aim of the Committees are to:
 - (i) Promote policy discussion and debate within the Party through forums, online discussions, research papers and Branch discussions;

- (ii) Provide recommendations to the Annual Conference on Policy motions from Party Units;
- (iii) Consider correspondence, call for and hear evidence and co-opt any Party member whose expert experience may seem valuable. They do this by taking a majority decision at the meeting;
- (iv) Support and promote policy-related campaigns run by Affiliated Trade Unions across Party forums;
- (v) Develop and promote policy-related campaigns to support the work of the Federal and State Parliamentary Parties; and
- (vi) Support Party Units to communicate and engage with the community on relevant policy matters.
- (l) A meeting of any Policy Committee can only take place when at least 8 members of that Committee are present.
- (m) Policy Committees are required to provide reports on recent activity to the June and December meetings of the Administrative Committee.
- (n) Reports of each Policy Committee are to be presented to the Annual Conference by the Chair of each Committee.
- (o) Each Policy Committee will provide three Delegates to Annual Conference, the Chair, Deputy Chair and Secretary of each Committee. If any Delegate cannot attend, they may appoint a general member of the committee in their place.
- (p) Policy Committee meetings will be advertised in the Political Briefing.
- (q) Policy Committees will be open to all Party members to participate in the development of NSW Labor's Policy.
- (r) If a Policy Committee Member is unable to attend all or part of a meeting, they may appoint another party member as their proxy to replace them.

NSW Labor First Nations Network

B.23

- (a) One Policy Committee referred to in Rule B.22 must have responsibility for First Nations People and Reconciliation policy issues. The Committee also constitutes the Executive of the NSW Labor First Nations Network.
- (b) In addition to the eligibility criteria outlined in B.22, only members who identify as a First Nations person may hold office as members of the First Nations Network Executive.
- (c) The NSW Indigenous Labor Network will be open to any member who identifies as a First Nations person.
- (d) The Network is responsible for:
 - (i) Encouraging and supporting the increased involvement of First Nations people in the

Party;

- (ii) Providing a focus for the identification, training and support of First Nations candidates for public office to increase the levels of representation in public office by First Nations people;
- (iii) Increase awareness of First Nations issues;
- (iv) Collecting information and data about First Nations Party members;
- (v) Conducting awareness raising activities for Party Units; and
- (vi) Work to create pathways to Party positions for First Nations people.

Representation (at Annual Conference)

B.24 Annual Conference consists of the following voting delegates:

- (a) Affiliated union delegates determined in accordance with Rules B.24 and B.25;
- (b) Two delegates from each State Electorate Council;
- (c) Three delegates from each Federal Electorate Council;
- (d) Sixteen delegates from NSW Young Labor.
- (e) Sixteen delegates from the Federal Parliamentary Labor Party (FPLP) elected by members of the FPLP representing NSW;
- (f) Sixteen delegates from the State Parliamentary Labor Party (SPLP);
- (g) The Party Officers;
- (h) Chair, Deputy Chair and Secretary of each Policy Committee;
- (i) The Platform Committee;
- (j) The Chair, Deputy Chair and Secretary of the Women's Forum; and
- (k) The Chair, Deputy Chair and Secretary of the Country Labor Committee.

B.25

- (a) At least 50 per cent of the delegates to the Conference must be union delegates. All other delegates are approximately 50 per cent of the total.
- (b) This is the procedure for deciding trade union representation at the Conference:
 - (i) The total number of union members affiliated by trade unions to the Party, calculated by reference to the rolling average of each union affiliation (as per Section A), is divided by the total number of anticipated trade union delegates.
 - (ii) The figure, resulting from the above calculation, will be rounded off to the nearest number, and
 - (iii) That figure will be divided into the number of members affiliated by each trade union which has 1000 or more members who are affiliated, and
 - (iv) That figure will be rounded off to the nearest number and will be the number of delegates

from each trade union concerned who can attend Annual Conference as representatives of their union. Each union with at least 1000 members, but with fewer members than the figure arrived at in the calculation in (ii) above, will be entitled to one delegate.

- (c) Those trade unions which have fewer than 1000 members affiliated join together to elect a number of delegates to the Conference. They do this by dividing the quota in (ii) above, rounded off to the nearest whole number, into the total affiliated membership from unions which have fewer than 1000 members. If the number of members of these unions are less than half of a quota, they are not entitled to representation at Conference.
- (d) The 'total number of anticipated trade union delegates' referred to in (b) (i) above, represents 50 per cent of the total number of Conference delegates. Other delegates (except Party Officers) represent 50 per cent of the total number of delegates. The 'total number of anticipated trade union delegates' must be adjusted to maintain this 50/50 division.
- (e) Each year, the General Secretary decides the number of delegates to represent each union.

B.26

Union delegates are appointed by affiliated trade unions. The trade unions follow their own procedures except that:

- (a) All union delegates must be financial members of the Labor Party;
- (b) All union delegates must be financial members of the Union which they are representing;
- (c) A union can choose to have each position on the delegation filled by one person or it can appoint one delegate to represent two positions.

B.27

- (a) All delegates to Conference elected by State Electorate Councils and Federal Electorate Councils, must have been fully paid-up members of the Party for the twelve months immediately prior to the first day of Annual Conference, unless there are not enough valid nominations or the Affirmative Action requirements have not been met.
- (b) Subsection (a) does not apply to delegates to NSW Young Labor Conference and the Young Labor Delegation to NSW Annual State Conference.
- (c) Delegates representing NSW Young Labor are elected at the NSW Young Labor Annual Conference.
- (d) Delegates representing the State or Federal Parliamentary Parties must be members of the Caucus concerned. Each Caucus can decide how it wants to elect its delegates.
- (e) A delegate can represent only one organisation at Annual Conference.
- (f) A delegate from one Party Unit or affiliated union cannot at the same time be an alternate delegate from any other Party Unit or affiliated union.
- (g) Not less than the "minimum percentage" of a

union's delegation to Annual Conference must be women. Provided that if the level of male or female membership of a union is less than the "minimum percentage", the minimum representation must be set at that level.

- (h) It is the right of each union to determine the criteria and procedures for selection of its delegates in accordance with these Rules, subject to those delegates being members of that union and financial members of the Party.
- (i)
 - (i) If a person holds office as a delegate to Annual Conference because they are a Party Officer, or are a Chair, Deputy Chair or Secretary of a Committee and that person ceases to hold that office during the course of a given Annual Conference that person, nonetheless, continues to hold office as delegate until the conclusion of the given Annual Conference.
 - (ii) Similarly, a person who has not previously been a Party Officer, a Chair, a Deputy Chair or a Secretary of a Committee who assumes such an office during the course of a given Annual Conference, does not take office as a delegate to Annual Conference by virtue of that new position until the conclusion of the given Annual Conference

B.28

- (a) NSW Annual Conference delegates representing State Electorate Councils and Federal Electorate Councils are elected for one year at a time.
- (b) NSW Annual Conference delegates representing State Electorate Councils and Federal Electorate Councils must:
 - (i) Live in the electorate they represent;
 - (ii) Not be a Member of Parliament;
 - (iii) Be a financial Party member; and
 - (iv) Be a member of a Branch affiliated to the Electorate Council concerned.
- (c) Unless it decided otherwise under subsection (d), an Electorate Council elects its delegates and alternate delegates to NSW Annual Conference at its Annual General Meeting in the same way as it elects Electorate Council positions.
- (d) An Electorate Council may decide to elect its NSW Annual Conference delegates and alternate delegates pursuant to the provisions of Rule M.10.

SECTION C

Rights & Responsibilities

C.1 These Rules are binding on all Party members.

C.2 Rights

Every Party member has the right to:

- (i) Equality before the Rules;
- (ii) Be heard;
- (iii) Information regarding Party matters that directly affect them;
- (iv) Receive a prompt response to their correspondence;
- (v) Stand for public office, subject to these Rules;
- (vi) Seek redress of grievances before the Internal Appeals Tribunal, Review Tribunal and Ombudsman;
- (vii) Appeal to the justice system when their rights have been infringed; and
- (viii) Be treated with dignity and respect by other Party members.

C.3 Responsibilities

Every Party member has a responsibility to:

- (i) Uphold the Party's values and principles;
- (ii) Comply with these Rules;
- (iii) Allow others to be heard; and
- (iv) Treat other Party members with dignity and respect.

SECTION D

PARTY MANAGEMENT AND GOVERNANCE BODIES

Administrative Committee

D.1

- (a) The Administrative Committee is responsible for the political administration and strategic decision making of the Party between Annual Conferences.
- (b) The Administrative Committee decides all matters which affect the welfare of the Labor movement, except that it:
 - (i) Cannot make any Rule ineffective;
 - (ii) Cannot overturn any decision of the Annual Conference, except the election of the General Secretary and two Assistant General Secretaries as specified in Rule D.11, and
 - (iii) Cannot create new policy.
- (c) The Administrative Committee can call a special meeting of Conference.
- (d) The powers of the Administrative Committee are also held by Annual Conference.

D.2

- (a) The Administrative Committee consists of:
 - (i) The Party Officers;
 - (ii) 18 members elected by affiliated union delegates at Annual Conference;
 - (iii) 18 members elected by all delegates who are not affiliated union delegates at Annual Conference;
 - (iv) The State Parliamentary Leader and Federal Parliamentary Leader, or someone named to represent them, who must live in NSW and be a member of the Leader's Parliamentary Party.
- (b) The Party's website shall include a list of Administrative Committee members, including their date of their first election.
- (c) The Administrative Committee, under the principles of proportional representation, will appoint ten Proxy Members of the Administrative Committee. These Proxy Members shall have the full rights of the member of the Administrative Committee whom they are replacing and voting rights as detailed in Rule D.16(d).
- (d) A full member of the Administrative Committee may appoint a member of the Proxy Panel to replace them by way of a signed authority stating the name of the Proxy Panel member replacing them. The member shall provide the signed authority to the General Secretary prior to each meeting of the Administrative Committee.
- (e) Permission to be absent at a meeting of the Administrative Committee may be granted by the Administrative Committee if reasonable grounds are provided. The Administrative Committee shall not unreasonably reject a request for a proxy. Reasonable grounds include, but are not limited to:
 - (i) Sickness;
 - (ii) Disability;

- (iii) Immediate family bereavement;
 - (iv) Caring responsibilities;
 - (v) Deployment on government, military or diplomatic postings overseas;
 - (vi) Voluntary emergency management service; or
 - (vii) Where leave has been refused by an employer.
- (f) If a member of the Administrative Committee, elected under Rule D.2(a)(ii-iii) is absent without permission for three ordinary meetings of the Committee in a calendar year, notwithstanding if they have proxied their vote at any of those meetings, their position falls vacant. Such a vacancy is called a "casual vacancy" to be filled in accordance with Rule D.15.
 - (g) Following the election of members of the Administrative Committee and appointment of the Administrative Committee Proxy Panel, any new members shall receive a member's handbook, formal induction and external training program outlining their roles and responsibilities as members of the Administrative Committee.
 - (h) The Administrative Committee shall meet at least five times a year.
 - (i) An official meeting of the Administrative Committee can only take place when a quorum of at least seventeen members is present. If seventeen members are not present after thirty minutes the meeting will not take place.
 - (j) At least six of the members elected under subsection (a)(ii) and (iii) must live in the Designated Country Area at the time of their election.
 - (k) Despite any other provision of these Rules, the results of the separate ballots to elect Administrative Committee members under subsections (a)(ii) and (iii) are to be counted together for the purposes of Section.
 - (l) Members of the Administrative Committee, State Executive Board and Audit and Risk Committee shall complete a material personal interest declaration as prescribed by the Administrative Committee to be held by the President.
- D.3** The State Parliamentary Leader and the Federal Parliamentary Labor Leader have an automatic right to address the Administrative Committee meeting.
- D.4**
- (a) The Administrative Committee is in charge of election campaigns for public office except when this power has been handed on to an Electorate Council or another Party Unit.
 - (b) Subject to other provisions of these Rules, the Administrative Committee will not interfere with the way any Electorate Council selects candidates for local government, State or Federal elections as long as they keep to the Platform, Rules and Constitution of the Party.
 - (c) In its report to Annual Conference the Administrative Committee includes a record of how many meetings each member attended. This

report will at least include the number of meetings held during the period covered by the report, the attendance of each member, and any leave or apologies granted.

D.5

- (a) The Administrative Committee calls and closes nominations for Party selection for public office, in the way decided in the Rules.
- (b) The Administrative Committee decides on endorsement for Party selection for public office. It can decide to endorse or not to endorse the Party's officially selected candidate or candidates for public office in the way stated in the Rules.
- (c) Where no Electorate Council exists, the Administrative Committee is in charge of all matters relating to the selection of parliamentary and local government candidates.
- (d) When the Administrative Committee has called for nominations for Party selection for public office and no nominations have been received by the time nominations close, then the Administrative Committee will, after discussions with the Electorate Council concerned, find and choose a suitable candidate or candidates to represent the Party.
- (e) The Administrative Committee sets nomination fees for selections for public office.

D.6

The Administrative Committee can authorise the President and General Secretary to issue a charter to create a new branch.

The Administrative Committee can also authorise the General Secretary to withdraw the charter of any branch if it is in the best interests of the Party. The Administrative Committee will refer any concerns regarding branches to the Internal Appeals Tribunal which will consider the matter and report back to the Administrative Committee.

D.7

The Administrative Committee can suspend activities of all Party Units by three quarter majority vote to comply with any relevant NSW Public Health Order. For the avoidance of doubt, the Administrative Committee cannot apply this suspension to individual Party Units.

D.8

- (a) The Administrative Committee shall determine position descriptions for the General Secretary and two Assistant General Secretaries which specify:
 - (i) key responsibilities;
 - (ii) expected qualifications and experience;
 - (iii) skills and competencies;
 - (iv) accountabilities and reporting lines; and,
 - (v) key performance indicators.
- (b) The Administrative Committee may determine, from time to time, which of its authorities, roles and responsibilities are to be delegated to the General Secretary.
- (c) The General Secretary shall provide the Administrative Committee with the delegation of substantive and functional responsibilities given

to each of the Assistant General Secretaries for endorsement by the Administrative Committee.

- (d) The General Secretary shall report to the President on the key responsibilities specified in their position description under subsection (a).
 - (e) The two Assistant General Secretaries shall report and be accountable to the General Secretary on the key responsibilities specified in their position description under subsection (a) and duties delegated to them under subsection (c).
 - (f) The Administrative Committee shall determine a position description for the President which shall specify key responsibilities. These key responsibilities shall be made available to party members.
- D.9 The Administrative Committee shall adopt a Committee Charter.
- D.10 The Administrative Committee may recommend an allowance to be paid to the President and members of the Audit and Risk Committee. These allowances are to be approved by the State Executive Board.
- D.11
- (a) The Administrative Committee has the power to terminate the employment and overrule the election of the General Secretary and the two Assistant General Secretaries by way of a three quarters majority vote of the Administrative Committee.
 - (b) Any Party Officer or any two members of the Administrative Committee may place an item on the agenda relating to the termination of employment.
 - (c) Notice shall be given at least 21 days prior to the President and shall detail in writing the conduct or circumstances alleged to justify termination.
 - (d) Grounds for termination of employment of the General Secretary or an Assistant General Secretary include:
 - (i) serious misconduct;
 - (ii) absence without leave; or
 - (iii) refusal to follow lawful and reasonable direction of their supervisor specified in the key responsibilities in their position description and duties delegated to them under Rule D.8.
 - (e) The process for termination of the General Secretary or Assistant General Secretary must take place in accordance with Schedule N.
 - (f) If the Administrative Committee becomes aware that a member, directly or indirectly, provides the media with copies of, or otherwise allows the media access to any submissions or evidence prepared for the purposes of meeting before the Administrative Committee, it may undertake an inquiry to determine whether such possible contravention did occur, and if so, whether the member should be subject to any of the penalties outlined in Rule A.33(f).
 - (g) The vote result shall be recorded in the minutes.
 - (h) If the vote succeeds by support of three quarters majority of the Administrative Committee, the

General Secretary or Assistant General Secretary ceases to occupy their position at the conclusion of the vote.

- D.12 Any Party Officer or member of the Administrative Committee may place an item on the meeting agenda. If a member wishes to do so, they must give at least seven days' notice to the General Secretary.

D.13

- (a) Any financial Party member may petition the Administrative Committee as long as fifty financial Party members have signed the petition. The General Secretary must advise the next meeting of the Administrative Committee that the petition has been received and it will be dealt with at the following meeting. The members who signed the petition must be told of the result.

- (b) Either 50 members or 25% of the members in a federal electorate (whichever is the lesser) may petition the Administrative Committee to investigate any allegation of breaches of these Rules relating to membership recruitment in that electorate.

- D.14 Members of the Administrative Committee have the right to be present at all conferences and meetings of branches, Electorate Councils and Policy Committees. They can take part in those conferences and meetings but cannot vote, or move or second any motion in any Party Unit unless they are a member of that unit.

D.15

- (a) Whenever a casual vacancy occurs for a position ordinarily elected by the Annual Conference by use of proportional representation, it must be filled by the Administrative Committee, on these conditions:

- (i) The vacancy cannot be filled at the meeting of the Administrative Committee when the vacancy is first reported. When there is insufficient time, the Party Officers can expedite the process.
- (ii) The vacancy is filled in a way which follows the practices of proportional representation.

- (b) Wherever a casual vacancy occurs for any other position ordinarily elected by the Annual Conference, it must be filled by a person selected by the Administrative Committee. An election for the position must then be conducted at the next Annual Conference, except in the case of the Secretary of a Committee. A person appointed as Secretary of a Committee serves the remainder of their predecessor's term.

D.16

- (a) Where a member of the Administrative Committee is entitled to vote in a ballot by reason of being a member of the Administrative Committee (other than a ballot conducted at Annual Conference) the member of the Administrative Committee, if they will be located outside the Sydney metropolitan area on the ballot day, may (on the member's request) be sent the ballot paper facsimile or email and may return it in the same way.

- (b) Such a ballot paper is not a secret ballot and must,

when returned by the voter by facsimile or email, clearly bear the name and signature of the person who cast it. For this purpose, the Returning Officer may include provision for a name and signature on ballot paper sent by facsimile or email under this Rule (but only on such ballot papers).

- (c) A ballot paper must actually be received by the Returning Officer prior to the close of voting for the ballot.

- (d) Where it is not practicable for a member of the Administrative Committee to vote in a ballot in which they are entitled to vote by reason of being a member of the Administrative Committee (other than a ballot conducted at Annual Conference) the member may appoint, in writing, an Administrative Committee Proxy to vote on the member's behalf. The Proxy when seeking to exercise the right to vote must present the written letter of appointment to the Returning Officer. A Proxy may only vote once in a ballot under this provision.

D.17

Senators and Members of the Legislative Council are required to provide Reports to the July and December meetings of the Administrative Committee. These reports shall be completed on a form provided by the Administrative Committee and include information on:

- (a) any visits to Duty Seats for announcements, meeting or forums;
- (b) Correspondence or newsletter/leaflets sent to members in Duty Seats; and
- (c) Issues about which representations have been made.

D.18

- (a) The Administrative Committee may refer any organising, recruitment or training matter to the Organising, Recruitment and Training Committee.
- (b) If the State Executive Board approves a budget for local organising and recruitment grants, the Administrative Committee may delegate to the Organising, Recruitment and Training Committee the power to approve payments for these purposes within the budget approved by the State Executive Board.
- (c) The Organising, Recruitment and Training Committee will report annually to the Administrative Committee on the number of people who received training, and the type of training they received. The Administrative Committee will present these reports to the Annual Conference.

- D.19 The Administrative Committee is responsible for approving membership of the Central Policy Branch.

- D.20 The Administrative Committee will appoint the Proxy Delegates to the National Conference, according to the principles of proportional representation and affirmative action.

- D.21 The Administrative Committee may require Members of Parliament to make contributions to or raise money for the Party.

Party Officers

D.22 The Party Officers shall be responsible for:

- (a) all urgent political administration and strategic decision making of the Party between meetings of the Administrative Committee; and
- (b) matters delegated to them by the Administrative Committee.

D.23

- (a) The Party Officers shall consist of the:
 - (i) President, who will chair meetings of the Party Officers;
 - (ii) Senior Vice-President;
 - (iii) Two Junior Vice-Presidents;
 - (iv) General Secretary; and
 - (v) Two Assistant General Secretaries.
- (b) At least one of the positions in (i), (ii) and (iii) above must be held by a member who lives in the Designated Country Area
- (c) In the absence of the President, a Vice President shall act in their place.
- (d) The non-voting members of the Administrative Committee may attend meetings of the Party Officers in a non-voting capacity to advise on issues of governance.

D.24

- (a) An official meeting of the Party Officers can only take place when a quorum of either:
 - (i) at least four are present, including the General Secretary or the first elected Assistant General Secretary; or
 - (ii) at least two are present, including the General Secretary (or the first elected Assistant General Secretary) and the second elected Assistant General Secretary.
- (b) The first elected Assistant General Secretary is the one who holds the position first elected in a ballot conducted under the method of proportional representation.
- (c) If the quorum is not present after thirty minutes the meeting will not take place

D.25 The Party Officers shall be automatically elected as delegates to the National Conference.

D.26 The Party Officers may call a special meeting of the Administrative Committee.

D.27 The minutes of the Party Officers meetings shall be reported to the Administrative Committee and State Executive Board.

D.28

- (a) From time to time the Party Officers may choose to appoint Party Organisers. The process for appointing a new Party Organiser will require:
 - (i) A determination by the Party Officers relating to the scope of the role.
 - (ii) The position is advertised to Party members;
 - (iii) The General Secretary and Assistant General Secretaries form a consensus about the appropriate candidate;

- (iv) Where a consensus cannot be reached a candidate shall be appointed by the Party Officers on the recommendation of the failing consensus, appointment by the Party Officers on the recommendation of the General Secretary.

- (b) The appointment of Organisers must satisfy the Party's affirmative action requirements.

State Executive Board

D.29

The State Executive Board is responsible for the management and administration of the legal and regulatory governance of the Party, including:

- (a) compliance with State and Federal fundraising and disclosure requirements;
- (b) compliance with the Electoral Acts and public funding laws;
- (c) finance and budget expenditure monitoring;
- (d) all other legal and regulatory obligations; and,
- (e) fostering a positive workplace culture within the Party Office;

D.30

The State Executive Board, on advice from the Audit and Risk Committee, appoints an Auditor each year who must be a qualified practising accountant. Each year the Auditor presents a Report on the Statements of Account and Balance Sheet of the Party for the previous financial year. The General Secretary provides the Auditor with all books of account, bank statements, used cheques, duplicate receipts and any other documents or vouchers the General Secretary may be asked to produce for such an audit. It is a condition of the Auditor's appointment that the Auditor agrees to attend Conference and answer any questions from members about the accounts and statements that are presented.

D.31

- (a) The State Executive Board, in relation to subsection D.29(c), shall:
 - (i) Adopt a Committee Charter for the Audit and Risk Committee;
 - (ii) Prepare budgets and consider any proposals that will substantively affect the Party's finances;
 - (iii) Approve additional budgets and expenditure of amounts of \$100,000 or more;
 - (iv) Assist the Party Officers to develop the accounts to be presented at each Annual Conference, adopt those accounts and ensure that what is presented at the Annual Conference is an accurate representation of the Party's finances;
 - (v) Assist the Party Officers to develop the statutory accounts for the Party in accordance with the Party's legal obligations and adopt those accounts;
 - (vi) Receive a report at each meeting regarding the Party's compliance obligations under the Electoral Funding Act 2018 and other relevant legislation;

- (vii) Develop methods, controls, processes and protocols to increase accountability, and transparency to ensure prudent financial management;
- (viii) Implement and maintain purchase orders to control expenditure with appropriate limits set for the General Secretary and Assistant General Secretaries and any other relevant employee of the Party Office; and
- (ix) Adopt a Board Charter.
- (b) The State Executive Board will present to the Administrative Committee, the Annual Conference and Conference delegates:
 - (i) From time to time, a statement of money received and payments made which has been certified by the Auditor;
 - (ii) A balance sheet which has been audited;
 - (iii) A statement of the general financial position of the NSW Branch; and,
 - (iv) The base yearly remuneration provided to the General Secretary and two Assistant General Secretaries.
- (c) Financial reporting shall be based on a financial year ending 30 June.

D.32

- (a) The State Executive Board shall consist of:
 - (i) The President, who will chair meetings of the State Executive Board;
 - (ii) The Senior Vice-President;
 - (iii) The two Junior Vice-Presidents;
 - (iv) Five members elected by a three quarters majority vote of the Administrative Committee;
 - (v) The General Secretary and the two Assistant General Secretaries, as ex-officio non-voting members; and
 - (vi) The three Trustees, as ex-officio non-voting members.
- (b) To be eligible to stand as a member for subsection D.32(a)(iv), a nominee shall have qualifications in one or more of the following:
 - (i) law;
 - (ii) corporate governance;
 - (iii) compliance and risk management;
 - (iv) accounting and financial management;
 - (v) human resources and organisational culture; or
 - (vi) other relevant skills and expertise as prescribed by the Administrative Committee and any relevant legislation.
- (c) The Administrative Committee shall elect candidates for the State Executive Board in compliance with the Party's affirmative action requirements as outlined in Section O.
- (d) The State Executive Board will hold office for two conferences and are to be elected as soon as practicable after the election of a new Administrative Committee at Annual Conference.

- (e) Following the composition of each new State Executive Board all new members shall receive a member's handbook, formal induction and an external training program outlining their roles and responsibilities as members of the Board.
- (f) Whenever a casual vacancy occurs for a position on the State Executive Board, it shall be filled by the Administrative Committee, on these conditions:
 - The vacancy cannot be filled at the meeting of the Administrative Committee when the vacancy is first reported. When there is insufficient time, the Party Officers can expedite the process.
 - The vacancy is filled in a way which follows the practices of proportional representation.
- D.33 An official meeting of the State Executive Board can only take place when a quorum of at least half of the members, including at least two members elected under D.32(a)(iv), is present. If quorum is not met after thirty minutes the meeting will not take place.
- D.34 The State Executive Board shall meet at least five times a year.
- D.35 Any member of the State Executive Board may place an item on the meeting agenda by providing at least seven days' notice to the President.
- D.36 The minutes of State Executive Board meetings shall be reported to the Audit and Risk Committee and Administrative Committee.

Audit and Risk Committee

D.37

- (a) The State Executive Board may, in the management and administration of the legal and regulatory governance of the Party, seek advice from the Audit and Risk Committee on matters including:
 - (i) statutory accounts and annual financial statements;
 - (ii) monitoring and reviewing the external audit process including the effectiveness of the external auditors and the appointment, removal and remuneration of the external auditors;
 - (iii) recommending any internal audit of the Party's regulatory obligations under fundraising disclosure or other laws;
 - (iv) risk management and reviewing the Party's risk management framework; and,
 - (v) compliance monitoring of all regulatory obligations and advising on continuous improvement of the Party Office's culture of compliance.

D.38

- (a) The Audit and Risk Committee shall consist of:
 - (i) four members selected by the State Executive Board through an open and merit-based selection process; and
 - (ii) one member of the State Executive Board nominated by the State Executive Board and who was elected pursuant to Rule D.32(a)(iv).

- (iii) The Audit and Risk Committee shall operate under the Charter adopted by the State Executive Board.
- (b) To be eligible for selection and to remain in office as a member of the Audit and Risk Committee, a person shall:
 - (i) Not be a member of another political party or one of its affiliated organisations;
 - (ii) Not have been suspended or expelled from the Party and has not been readmitted as a member;
 - (iii) Not hold a position on the Administrative Committee, State Executive Board, Internal Appeals Tribunal, Review Tribunal, Country Labor Committee, Rules Committee, Agenda Committee, Platform Committee, Organising, Recruitment and Training Committee, Candidate Review Committee, as Ombudsman or Deputy Ombudsman, or as General Returning Officer.
 - (iv) Not hold public office;
 - (v) Not be actively seeking election or appointment to public office;
 - (vi) Not have any financial or other relationship to the Party Office;
 - (vii) Be of good fame and character; and
 - (viii) Have qualifications in one or more of the following:
 - law;
 - corporate governance;
 - compliance and risk management;
 - accounting and financial management;
 - human resources and organisational culture; or
 - other relevant skills and expertise as prescribed by the Administrative Committee and any relevant legislation.
- (c) The State Executive Board shall select candidates for the Audit and Risk Committee in compliance with the Party's affirmative action requirements as outlined in Section O.
- (d) The Audit and Risk Committee shall elect a chair from its membership following the Committee's election.
- (e) The Audit and Risk Committee will hold office for two conferences and is to be elected as soon as practicable after the election of each new State Executive Board.
- (f) Following the composition of each new Audit and Risk Committee all new members shall receive a member's handbook, formal induction and an external training program outlining their roles and responsibilities as members of the Committee.
- (g) An official meeting of the Audit and Risk Committee can only take place when a quorum of at least three is present. If quorum is not met after thirty minutes the meeting will not take place.

D.39

- (a) The Audit and Risk Committee may meet at least once every three months, or as required by the State Executive Board.
- (b) The Committee may request a joint meeting with the State Executive Board from time to time.

D.40 Any member of the Audit and Risk Committee may place an item on the meeting agenda by providing at least seven days' notice to the Chair.

D.41 The Chair of the Audit and Risk Committee may report directly to the relevant Electoral Commission or any other appropriate regulatory authority any suspected illegalities in the Party's compliance with regulatory and legal obligations which have not been acted upon within a reasonable timeframe by the State Executive Board, Administrative Committee or Party Officers after identification by the Committee.

D.42 The minutes of Audit and Risk Committee meetings shall be reported to the State Executive Board and Administrative Committee.

Indemnity Provisions

D.43

- (a) To the extent permitted by law and subject to the exclusions in subsection (e), in the event that:
 - (i) a Party Officer;
 - (ii) a member of the State Executive Board, Audit and Risk Committee or Administrative Committee;
 - (iii) other persons on recommendation of the General Secretary and approved by the State Executive Board, where it is in the best interests of the Party with; liabilities or costs payable to third parties in connection with their proper duties as a member of a relevant body of the Party, the General Secretary will authorise the payment of those costs from Party funds. This indemnity applies to liabilities and costs incurred while a person was carrying out their duties as a member of a relevant body, regardless of whether they continue to hold that position.
- (b) The Trustees are to make any necessary payment pursuant to the indemnities, subject to there being sufficient funds available for such payments.
- (c) To the extent that there are insufficient funds held by the Trustees to make the payments, the Trustees are authorised to sell property, or borrow money by granting security over the property held pursuant to B.17(a)(i), to make the payments.
- (d) To the extent that there are insufficient funds to make payments under the indemnities, the General Secretary, the trustees, and members of the Party are not liable for the shortfall.
- (e) No indemnity will be provided if the relevant act or omission by the person in connection with their position outlined in subsection (a):
 - (i) constitutes an unlawful act or offence involving intent on their part;

- (ii) is fraudulent, dishonest or a negligent or wilful default of their duties as an officeholder of the Party;
- (iii) involves bad faith, misuse of confidential information, breach of common law duties owed to Party members by that person, or some other improper practice or breach of their duties; or
- (iv) the matter relates to or arises from that person's role in another organisation.

SECTION E

Ombudsman

E.1 PURPOSE

- (a) The position of Ombudsman is established under these Rules to:
 - (i) Provide an informal way for Party members to have grievances heard; and
 - (ii) Mediate disputes between Party members.
- (b) A Party member may complain to the Ombudsman about decisions made by Party Units or the conduct of Party members. All complaints must be submitted in writing.

E.2 APPOINTMENT

- (a) The Administrative Committee must appoint an Ombudsman and Deputy Ombudsman in accordance with this Rule.
- (b) The Ombudsman and Deputy Ombudsman must be elected by a three-quarter majority vote of the Administrative Committee.
- (c) To be eligible for election and to remain in office as Ombudsman or Deputy Ombudsman, a person must:
 - (i) Be a financial Party member;
 - (ii) Not hold a position on the Internal Appeals Tribunal, Review Tribunal, Administrative Committee, State Executive Board, Audit and Risk Committee, , Rules Committee, Platform Committee or Conference Policy and Agenda Committee;
 - (iii) Not hold public office;
 - (iv) Not be actively seeking election or appointment to public office; and
 - (v) Be of good fame and character.
- (d) The Ombudsman and Deputy Ombudsman hold office for two years.
- (e) The Ombudsman may delegate any of their powers to the Deputy Ombudsman on whatever terms they consider appropriate.

E.3 DECISION TO INVESTIGATE OR REFER

- (a) The Ombudsman may investigate a complaint made under Rule E.1(b).
- (b) The Ombudsman may discontinue an investigation commenced under subsection (a).
- (c) The Ombudsman may refer a complaint made under Rule E.1(b) to the Administrative Committee, Party Officers or Internal Appeals Tribunal.
- (d) In deciding whether to investigate a complaint, discontinue an investigation, or refer a complaint, the Ombudsman may have regard to any matter they consider relevant.
- (e) The matters that the Ombudsman may have regard to under subsection (d) include, but are not limited to, whether, in their opinion:
 - (i) The complaint is frivolous, vexatious or not in good faith;
 - (ii) The subject matter of the complaint is trivial;
 - (iii) The conduct complained of occurred at too

remote a time to justify an investigation;

- (iv) There is or was an alternative and satisfactory means of redress available to the complainant; and
- (v) The complainant has no interest or insufficient interest in the conduct complained of.
- (f) The complainant or the person whose conduct is complained of, may request that reports of the Ombudsman to the Administrative Committee be anonymised and subject to confidentiality. The Ombudsman must comply with any requests for confidentiality.
- (g) If the Ombudsman decides not to investigate a complaint, or to discontinue an investigation, they must provide the complainant with a written reason for their decision.

E.4 REPORTS

- (a) If the Ombudsman decides to investigate a complaint, they must report their findings to:
 - (i) The complainant;
 - (ii) Any person whose conduct is complained of; and
 - (iii) The Party Officers.
- (b) The Ombudsman must provide Annual Conference with a report on their work.
- (c) The Ombudsman may advise Annual Conference and the Administrative Committee on ways to improve compliance with the rights and responsibilities under section C.
- (d) In a report under this Rule, the Ombudsman may make any comment or recommendation that they consider appropriate in the circumstances.
- (e) The Administrative Committee must notify the Ombudsman of any action taken, or proposed to be taken, as a result of a report under this Rule.
- (f) Except as provided in this Rule, a report under this Rule must be kept confidential.

SECTION F

Country Conference

- F.1 The Country Conference is held at a time each year (preferably before Annual Conference) and in a country area (with consideration given to travel arrangements) decided by the NSW ALP Administrative Committee.
- F.2 The Country Labor Committee is responsible for arranging the Country Conference. The Country Labor Committee works out the agenda and recommends a meeting place to the Administrative Committee. This recommendation is not binding.
- F.3 Before 15 February each year the ALP (NSW Branch) General Secretary will send out a circular to all ALP Party Units, including SECs, FECs and affiliated trade unions, inviting them to submit items for the Country Conference agenda. Any agenda items must be submitted to the General Secretary at least twenty-eight days before the Conference begins. Country items will come first on the agenda.
- F.4 The Chair and Secretary of the Country Conference will be the Chair and Secretary of the Country Labor Committee.
- F.5 Conference made up of:
- (a) Three delegates from each SEC in the Designated Country Area;
 - (b) Three delegates from each FEC in the Designated Country Area;
 - (c) Up to three delegates from each union affiliated with the NSW ALP provided that they live in the Designated Country Area [see F.7, F.8 and F.9];
 - (d) Members of Parliament who satisfy meet the requirements of F.10;
 - (e) Members of the Administrative Committee who live in the Designated Country Area;
 - (f) Members of the Country Labor Committee; and
 - (g) Four delegates from NSW Young Labor, provided that they live in the Designated Country Area.
- F.6 Delegates to the Country Conference are elected for just that Conference and can be different delegates from the Party Units' delegates to the NSW Annual Conference.
- F.7 Each year the Administrative Committee decides on the number of delegates from trade unions affiliated to the NSW Branch of the Australian Labor Party at the Country Conference. The maximum number of delegates per union is three F.5(c). The size of a union's delegation at the Country Conference will be directly proportional to membership.
- F.8 It is the right of each union to determine the criteria and procedures for selection of its delegates in accordance with these rules, subject to those delegates being members of that union and financial members of the NSW Branch of the Australian Labor Party.
- F.9 Not less than the "minimum percentage" of a union's delegation to the Country Conference must be women. Provided that if the level of male or female membership of a union is less than "the minimum percentage", the minimum representation must be set at that level.
- F.10 The following ALP Members of Parliament can attend the Country Conference as full delegates:
- (a) Members of the House of Representatives and NSW Legislative Assembly who represent electorates in the Designated Country Area;
 - (b) Members of the Senate and the NSW Legislative Council who live in Designated Country Area. MPs can attend and speak at the Conference but cannot vote.
- F.11 Any member of the NSW ALP Administrative Committee may attend and speak at the Country Conference, but shall not vote unless a delegate to that Conference.

SECTION G

Electorate Councils

G.1

- (a) State or Federal Electorate Councils can be set up by the Administrative Committee in any electorate. The number of delegates (members) from each branch to an Electorate Council is worked out as follows:

Branch Membership of Delegates	Number
15-29	3
30-44	4
45-59	5
60-74	6

For each additional twenty-five members (or part of twenty-five), the branch has one extra delegate. Branch membership is described in Rule I.2 and worked out yearly by counting the branch membership on 30 November of the previous year.

- (b) Where only one branch exists in an electorate it is called an Electorate Branch and acts as an Electorate Council.
- (c) Composite branches which have fewer than fifteen members living in an electorate have the following number of delegates:

Branch Membership of Delegates	Number
1-4	0
5-9	1
10-14	2

Delegates from composite branches are elected by all members who can vote in their branch, but they themselves must live in the electorate for which they are elected.

Note: A Composite branch is a branch whose borders cross two or more State or Federal Electorate Councils.

- (d) Branches which have been allowed by Annual Conference to operate with fewer than fifteen members (as allowed in Rule I.5), are represented on the same scale as composite branches described in (c) above.
- (e) All branches must elect delegates in accordance with the party's affirmative action minimum percentages, as outlined in Section O.
- (f) A branch is not entitled to send delegates to a Federal Electorate Council if the branch's boundaries do not include some part of the Federal Electorate Council area.

Note: This Rule is not intended to disenfranchise preselection voters whose branch is not entitled to send delegates to an FEC.

- (g) The Central Policy Branch is not entitled to send delegates to any State or Federal Electorate Council.

- G.2 Delegates to Electorate Councils take office from 1 April as long as the conditions of Rule I.27(c) and (d) have been met.

G.3

Unless it is decided differently, the business at Electorate Council meetings is carried out in the following order:

- (i) Roll call of delegates: unaffiliated branches (branches which have not sent their return sheets and list of registered branch members to the Secretary of the Council - see Rule G.10).
- (ii) Acknowledgement of Country
- (iii) Confirmation of minutes.
- (iv) Correspondence.
- (v) Reports, including reports from branches and organisers.
- (vi) Motions on notice of which members have already been advised.
- (vii) General business.

G.4

- (a) Each Council must meet at least once every three months in a place decided by the Council, unless the Council is in the designated country area, in which case it must meet at least once every four months.
- (b) Seven days before a meeting, notice of the meeting must be given by the Secretary to Branch Secretaries and credentialed delegates. Notice of a meeting need not be given when the Council meets on the same date and time and in the same place.

For example, the Electorate Council always meets on the fourth Monday of each month, at 7:30pm in the Town Hall. Full details of the meetings arranged for the coming year must be sent to each branch and all delegates after the Annual General Meeting of the Council. At least seven days before the Council meeting, any changes to those details, including cancellation of meetings, must be sent to branches and delegates.

- (c) An official meeting can be held when a majority of the branches are represented or when a majority of the delegates, if the delegates are from more than one branch, are present. If sufficient numbers are not present after thirty minutes the meeting cannot take place.
- (d)
- (i) An Electorate Council may request permission from the Administrative Committee to conduct its meetings by video or telephone conference technology, provided the technology is accessible to all delegates. When requesting to meet using this technology, an Electorate Council must show how it will ensure that the technology is accessible to all delegates.
 - (ii) The request must be advertised in the official journal of the Party at least one calendar month before the first such meeting is scheduled to take place.

- (iii) Any delegate to the Electorate Council will have 14 days to object to the meeting taking place in such a manner. Where an objection is made to the Council meeting in this way, the Administrative Committee will look into the matter. If no objection is raised, everything will be considered to be in order and such meetings may proceed.
- (iv) An Annual General Meeting may only be held in accordance with this rule if, at the close of nominations, the Returning Officer declares that no ballot is required and the requirements of G.6(c)(ii) are met.

G.5

- (a) Unless the Administrative Committee decides differently, each Council holds its Annual General Meeting between 15 April and 31 May. At the Annual General Meeting the Council hears an annual address from the President of the previous year and receives the Secretary's annual report for the previous year.
- (b) At its Annual General Meeting each Council elects a President, two Vice-Presidents (one is the Senior Vice-President), a Secretary, a Treasurer, a Fundraising Officer, an Assistant Secretary, two Auditors, (for a State Electorate Council), two delegates and two alternate delegates to the NSW Annual Conference (and for a Federal Electorate Council) three delegates and three alternate delegates to the NSW Annual Conference, three delegates and three alternate delegates to Country Conference from each Country SEC and Country FEC, and all other representatives needed for the following year. The duties of the Secretary and Treasurer can be combined but, in that case, an extra Vice-President is elected. At the end of the election of officers, a Council Returning Officer and Deputy Returning Officer are elected. No Returning Officer or scrutineer shall be allowed to nominate for any position in any ballot in which they are acting as Returning Officer or scrutineer.

Note: An electorate council can resolve in accordance with Rule B.28(d) to elect Annual Conference delegates in accordance with the provisions of Rule M.10.

- (c) As well as the officers listed in subsection (b), an Electorate Council can also elect a Policy Development Officer, a Women's Officer, a Community Campaigns Officer, and a Trade Union Engagement Officer.
 - (i) The Policy Development Officer is responsible for organising and coordinating policy input, including research, discussion groups, guest speakers, and any other policy activity the Council decides it wants.
 - (ii) The Women's Officer's role is to encourage membership and involvement of women in the local branches.
 - (iii) The Community Campaigns Officer assists the local branches to identify, develop and run policy and issue campaigns in the electorate.
 - (iv) The Trade Union Engagement Officer is responsible for building links between the local branches and affiliated unions.

(d)

- (i) Each Federal Electorate Council will elect one National Conference delegate, the Party Officers will automatically be elected National Conference delegates with the balance of the National Conference delegation elected by Affiliated Union delegates to Annual Conference.
- (ii) National Conference Delegates elected by Federal Electorate Councils are elected in the same year as National Conference Delegates elected by Annual Conference, and hold office for the same term.

(e)

A Federal Electorate Council elects one National Conference delegate for its area pursuant to rule M.10(d). The preferential voting system (described in Schedule I) applies to all Electorate Council elections.

(f)

The President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer and Fundraiser Officer are the Council Executive and as part of their duties are members of all committees of the Council.

G.6

- (a) The Electorate Council Secretary must give written notice of the date, time and place for the closing of nominations for its annual elections.

- (i) The notice must also give the date, time and place of the meeting at which the election is to take place.
- (ii) The notice must list all the positions to be elected at its annual election, and include the number of positions to be held by women as outlined in Section O.
- (iii) The notice must be given at least seven clear days prior to the close of nominations.
- (iv) Nominations for positions must close with the Returning Officer no less than seven days prior to the Annual General Meeting at a time and place agreed by the Electorate Council Executive.
- (v) The notice must be given to: Secretaries of local branches and Credentialed delegates.

(b)

Nominations must be in writing and signed by the candidate and two members of the Party who live in the electorate. However, when there are not enough nominations, written or spoken nominations can be made at the election meeting.

(c)

- (i) If at the close of nominations no ballot is required, the Annual General Meeting may be held under G.4(d).
- (ii) The notice for the Annual General Meeting must advise if the meeting will be conducted using video or telephone conference technology in the event that no ballot is required after the close of nominations.

(d)

Only credentialed Delegates (that is, those who have a right to be Delegates) can hold official positions in any Council (excluding Delegates and Alternative Delegates to Conference), except that:

- (i) Alternate delegates may hold positions only if there are not enough nominations from credentialed Delegates or the Affirmative Action requirements have not been met. Where an Alternate Delegate holds such a position, they will perform the duties of the executive position but will not have automatic voting rights.
- (ii) If despite (i) above there are still not enough nominations for the positions of Policy Development Officer, Women's Officer, Community Campaigns Officer and Trade Union Engagement Officer, these positions can be held by any financial member of the electorate.
- (e) At least fourteen days before the Annual General Meeting the Secretary gives the Returning Officer a list of the names, addresses and contact details of the members who can vote. Any candidate is entitled to be given the list.
- (f) The notice requirements in (a) continue to apply to any elections called pursuant to (e) or (f).
- (g) The Secretary of the Council must notify the General Secretary if a new election is called pursuant to (e) or (f).
- (h) If after two elections, an Electorate Council does not meet the requirements of O.5(b), the Council will not be entitled to seat delegates at the Annual Conference or Country Conference.

G.7

- (a) Notwithstanding other provisions of these Rules Electorate Council officials and delegates representing Electorate Councils hold office until the declaration of election of their successors, unless their position falls vacant because the office-holder:
 - (i) dies;
 - (ii) resigns the office by instrument in writing addressed to the Secretary of the Electorate Council;
 - (iii) becomes a mentally incapacitated person;
 - (iv) ceases to reside within the boundaries of the Electorate Council;
 - (v) ceases to be a member of the Party; or
 - (vi) if a member of the Electorate Council Executive – is absent without permission for three ordinary meetings of the Electorate Council in a row.

A person elected to a position by an Electorate Council ceases to hold that position if these Rules do not require the continued existence of the position and the position ceases to exist. Nothing in this Rule prevents a person who ceases to hold office under (a) (vi) above from re-nominating and being re- elected to the same position.

- (b) If a delegate to the Council misses three ordinary meetings in a row without permission the Council can ask the delegate's branch to elect a new delegate.

G.8 When a position of an Electorate Council official or delegate representing the Electorate Council is vacant or a position is not filled at the annual elections the Council will fill the vacancy in this way:

- (i) It will declare a time, date and place for nominations to close, as long as delegates are given at least seven days notice that nominations have been called for. Notice should be given by sending out a circular to Secretaries of local branches.
- (ii) At the next ordinary Council meeting the vacancy will be filled.

President

G.9 At all meetings at which they are present, the President is the Chair. The President keeps order and makes sure that the meeting follows the Rules of debate. When the President is not present or is sick then the most senior Vice- President who is present takes the Chair. The Chair does not have a casting vote.

Secretary

G.10

The Secretary (or the Assistant Secretary when the Secretary is not there):

- (a) Keeps proper records of Council business, including the delegates' roll, attendance and minute books, and takes care of incoming and outgoing letters for the Council. The attendance and minute books used by the Council should be the official books which are available from the NSW Branch Office.
- (b) SEC Secretaries must keep a list of the branches in their electorate, as certified by the Administrative Committee.
- (c) Pays over to the Treasurer at each meeting or as soon as possible after the meeting any money which has been received for the Council.
- (d) No later than 7 June each year provides the General Secretary with a return sheet with the names and addresses of the delegates as at 30 April, and an up-to-date list of people holding official positions. Failure to lodge required Branch or Electorate Council Annual Financial Returns to the NSW Branch Office may result in the Administrative Committee suspending the charter of the Branch or Electorate Council.
- (e) Until they have sent in the return sheets needed by the General Secretary, Councils do not have the right to be represented at Annual Conference.
- (f) If a delegate elected to represent an Electorate Council at the Annual Conference or the Country Labor Conference is unable to perform a function as a delegate, the Council Secretary may appoint an alternate delegate elected by Council for the Conference to exercise that function.

Treasurer and Fundraising Officer

G.11

- (a) The Treasurer keeps accurate accounts of all money which belongs to the Council. The signature of the Treasurer is needed to take out any funds and they will give that signature only after this has been decided by the Council. At the end of the financial year the Treasurer will present

the Council with an audited balance sheet and statement of income and expenditure.

- (b) The Fundraising Officer is responsible for co-ordinating all fundraising activities for the Electorate Council. The Fundraising Officer must report to the Council on a regular basis. Money raised must be looked after by the Treasurer in the way described in (a) above.

G.12

- (a) The sum of \$30 can, from time to time, be voted to the Secretary for petty cash.
- (b) When necessary, the Electorate Council can put a fair levy on all constituent branches to cover working expenses. All constituent branches must contribute equally per member for those members who live in the electorate except life members. The levy cannot be more than \$2 per member unless all constituent branches agree.

G.13

- (a) A Council has the power to appoint members of the Party as organisers, or local agents, to help the work of the Council in organising and advancing the Policy and Rules of the Party as approved by the Administrative Committee.
- (b) Following Rules G.14 and G.15 (below), a Council can only deal with matters passed on to it in writing by a constituent branch, the Council Executive, the Young Labor Association, and the Administrative Committee.
- (c) Councils can draw up Rules for their own guidance as long as they do not conflict with the principles and general Rules of the Party. Rules made by a Council must be approved by the Administrative Committee.
- (d) Councils act as campaign committees when needed.

State Electorate Councils

G.14

- (a) Notwithstanding Rule I.7 allows a member to join any branch within their State Electorate Council, a State Electorate Council is responsible for assisting to define the boundaries in which each branch operates, to facilitate the process of initial allocation of new members.
- (b) A Branch may request to affiliate to more than one State Electorate Council and become a composite Branch (where its boundaries cross two or more State Electorate Councils.
 - (i) A branch must notify the General Secretary and the relevant State Electorate Council in writing of any request to become a composite Branch.
 - (ii) After consultation with the relevant State Electorate Councils, the Administrative Committee shall decide, at its discretion, to approve or deny the request.

Branch Mergers

G.15

- (a) Two or more Branches with boundaries that

include the same State Electorate may request that the State Electorate Council approve a merger of the Branches.

- (b) If the State Electorate Council approves the merger, the Branches and the State Electorate Council may request that the Administrative Committee approve the merger. The Administrative Committee may decide, at its discretion, to approve, alter or deny the request.
- (c) If the Administrative Committee approves the merger, the newly formed Branch must hold an Annual General Meeting to elect the positions required under Rule I.21.
- (d) The Administrative Committee may appoint a person to act as the Returning Officer for an Annual General Meeting held under subsection (c).

Federal Electorate Councils

- G.16 Federal Electorate Councils deal with matters associated with their Federal Electorates, Federal Parliamentary representation, Federal referenda and other Federal matters. However, the Administrative Committee can refer any matter to Federal Electorate Councils.

Branches

G.17

- (a) Any branch whose return sheets and certified list of branch members are not received by the Council Secretary on or before 1 April in any year, will be regarded as unaffiliated by the Council. The delegates from unaffiliated branches will not be able to vote at any meeting of the Council or to hold office until their branch affiliates. The names of unaffiliated branches will be read out by the Secretary at each Council meeting.
- (b) When the return sheets and certified list of branch members have been received by the Secretary of the Council, a branch is considered to be affiliated and its delegates are able to vote on the Council.
- (c) Notwithstanding Rule G.17(b), in instances where the return sheets and certified list of branch members are received after 1 April, the delegates from that branch will not be able to vote in the Annual General Meeting of the Electorate Council.

Media

G.18

- (a) The media are not allowed into Council meetings but, if the Council decides to do so, the President and Secretary can issue a media release.
- (b) Still photography is permitted at Electorate Council meetings so long as members know that photos are being taken.
- (c) Filming is not permitted unless permitted by a vote of the Electorate Council.
- (d) Members have the right to request to not be photographed whereby they would be identified.
- (e) For the avoidance of doubt, photographs taken in accordance with G.18(b) cannot be used.

FEC Forums

G.19

- (a) A Federal Electorate council may convene two Forums each year, as the FEC desires. The FEC must notify the General Secretary at least two weeks prior to the forum being held. All Party members in the electorate must be invited. The only two speakers at each Forum shall be the Federal Member of Parliament or the Duty Senator and the Guest Speaker. The speeches of the Federal Member of Parliament/Duty Senator shall be limited to ten minutes. The Guest Speaker may also take questions from members.
- (b) The General Secretary's representative will liaise with FECs/Federal Members/Duty Senators to ensure these Forums are being conducted as required under this Rule. Only Party members and invited guests may attend these forums. The Guest Speaker need not be a Party member.
- (c)
 - (i) The FEC attendance book must be made available for all those in attendance to sign. Party members should indicate the branch to which they belong in the attendance book. At the conclusion of the meeting the FEC President (or in the absence of the President, the Vice President or other officer chairing the meeting) must declare the meeting closed and permit any members in attendance to witness the signing off of the attendance book.
 - (ii) Photocopies of the attendance records must be provided to the Secretary of each constituent branch within seven days who must then affix the pages into their branch attendance book.
 - (iii) Attendance at an FEC Forum will count towards attendance requirements for existing Branch members for local selection ballots and the renewal of branch registration.
 - (iv) Applications to join and admissions to a branch cannot be made at an FEC Forum.
 - (v) Branch membership can be renewed by attending an FEC Forum.
- (d)
 - (i) If the usual branch meeting is held in the same month as an FEC Forum, attendance at the branch meeting and the FEC Forum will both count towards attendance requirements for Branch members.
 - (ii) If the branch meeting is held on the same day as the FEC Forum, only one attendance will be counted towards attendance requirements for Branch members.
- (e) Federal Members of Parliament and Duty Senators are required to make every effort to attend FEC Forums. Duty Senators are required to assist their Duty FECs in organising and conducting the Forums.
- (f) Members with one year continuous membership that reside in the relevant Federal Electorate, who attend in person, can vote at the Assembly.
- (g)
 - (i) The Administrative Committee can grant approval for an FEC Forum to be held by video or telephone conference technology, provided the technology is accessible to all members.
 - (ii) G.19(c) and G.19(d) do not apply to FEC Forums held using this technology.
 - (iii) When requesting to meet using this technology, an FEC must show how it will ensure that the technology is accessible to all delegates.
- (h) The requirements of G.4(d)(ii) and G.4(d)(iii) also apply where it is proposed that an FEC Forum is to be held using video or telephone conference technology.

Electorate Assemblies

G.20

- (a) An Electorate Council may convene an Electorate Assembly of all Party members in the Electorate to discuss Labor's policy priorities.
- (b) Branches and Party Units are invited to send all relevant agenda items to the Electorate Council, which will determine the agenda for the assembly.
- (c) The Electorate Council will ensure that all branches are given notice of the Assembly.
- (d) Members with one year continuous membership that reside in the relevant State Electorate, who attend in person, can vote at the Assembly.
- (e) The Administrative Committee can grant approval for an Electorate Assembly to be held by video or telephone conference technology, provided the technology is accessible to all members. When requesting to meet using this technology, an Electorate Council must show how it will ensure that the technology is accessible to all delegates.
- (f) The requirements of G.4(d)(ii) and G.4(d)(iii) also apply where it is proposed that an Electorate Assembly is to be held using video or telephone conference technology.

SECTION H

Local Government

H.1

- (a) The Party will endorse candidates for local government elections. After consultation with local Party Units, the Administrative Committee will decide in which local government areas to endorse candidates.
- (b) The Administrative Committee must endorse candidates in compliance with the party's affirmative action minimum percentages as outlined in Section O.
- (c) Only members with at least 12 months membership in the Party can be endorsed as candidates for local government elections. An exception can be made when a majority of the Administrative Committee decides that a significant advantage would be gained for the ALP if a person with less than 12 months membership in the Party stood as a candidate in a selection ballot.
- (d) In areas where Councillors have embarrassed the Party, endorsement will not be given to candidates until the Administrative Committee is sure that the Party would be best served by allowing those candidates to be endorsed.
- (e)
 - (i) Labor Councillors shall not caucus on:
 - Development Applications (i.e. an application under Section 79c of the EPAA Act or its equivalent); and
 - Spot rezonings.
 - (ii) Labor Councillors shall caucus on Party policy, local election policy, council estimates, finance and rates, staff matters, the election of Mayor, President, Chairpersons and Deputies and members of Standing Committees and other representative bodies.
 - (iii) When Labor has a majority on a Council and when elected representatives are required to serve in a position on Council, including Council committees or other representative bodies, support must be given to a Labor majority of representatives on such committees or bodies, as long as enough Labor representatives are willing to serve. For this Rule, a majority will be understood as a simple majority.
- (f)
 - (i) Councillors should report regularly to local branches.
 - (ii) Local Government Committees must meet at least once every three months so that councillors can meet with and inform the Committees about council matters. In return Councillors need information about the problems of the local government area as a whole from these Committees.

- (g) Branches should give proper consideration to the local needs of the people, but care must be taken to make sure that local government does not take more time and attention than important Federal and State issues.

- (h) Where Young Labor Associations exist in local government areas, they will be entitled to send one non-voting member to the local government committee meeting. Also the committee can consider correspondence from Young Labor Associations.

- (i) Councillors and members involved in Local Government Campaigns must comply with decisions of the Administrative Committee on local government donations as resolved from time to time.

H.2

- (a) At Council meetings Councillors who are members of the Party must support and vote for caucus decisions. Breaches of this Rule should be immediately reported by the Secretary of caucus to the General Secretary of the NSW ALP. The Internal Appeals Tribunal shall hear complaints relating to caucus breaches and local government disputes.
- (b) Where four members of the Party are elected to any Council, these Councillors shall caucus. Where three or less are elected, they should consult.
- (c) Where a deadlock occurs in a Council caucus, the Chair of caucus has the deciding vote. The Chair does not have a casting vote in elections for Mayor, Deputy Mayor, Council Committees and other representative bodies. Deadlocks for these must be determined as specified in Schedule 1.4(5).

H.3

- (a)
 - (i) At the commencement of each Council term and then annually the caucus shall elect a President and Secretary.
 - (ii) Where a popularly elected Mayor is a caucus member, that person shall be caucus President for the term of the Council.
 - (iii) A true record of all decisions taken at caucus meetings is to be kept by the Secretary. These records shall be sent to the NSW ALP General Secretary on request.
- (b) Where Labor has a majority the Labor Mayor, President or Chair will be selected by caucus for the term of the Council or Shire.
- (c) These Rules and the standing orders of State Electorate Councils apply where practicable for caucus meetings.

H.4

- (a) Where a Councillor can be elected under the Local Government Act to any Board, Commission or Committee, the Labor Councillors in the group concerned should meet to select and support a Labor candidate for the position.
- (b) Where Councillors are elected to any board, commission or committee, the Labor members in the group concerned shall meet and caucus as per Rule H.2(b).

H.5 When a vote is being recorded for an endorsed candidate all Councillors who can vote should be able to show a responsible Party official that their votes have been recorded in favour of the endorsed Labor candidate.

H.6 Day labour will be used by all Councils where Labor has a majority, and trade unionists will get preference for all council work. The exception will be where the Administrative Committee, allows a contract system rather than day labour. Where the contract system is chosen, preference will be given to contractors whose employees are members of a registered trade union

H.7 Labor Councillors will ensure that award rates or higher are paid for council work.

H.8 Local organisations that put forward or support Parliamentary or council candidates are political organisations. Under these Rules, Party members are not allowed to be members of such organisations. Party members can join community organisations unless proscribed (not allowed) by the NSW Administrative Committee.

H.9 Where Labor has a majority in a Council or Shire, Labor Councillors must limit their reports at branches, Local Government Committees, or other organisations inside and outside the Party, to explaining and supporting caucus decisions and promoting the carrying out of official Party Local Government policy.

Local Government Committees

H.10

- (a) A majority of branches may request the Administrative Committee of the NSW ALP to approve the formation of a Local Government Committee in that local government area.
- (b) Each branch with 5 or more members in a Local Government Area is entitled to send two delegates to that Local Government Area's Local Government Committee.
- (c) A Local Government Committee shall elect office bearers as per a Council Executive for an Electorate Council.
- (d) Local Government Committees must meet at least once every three months so the Councillors can meet with and inform the Committees about Council matters. In return, Councillors need information about the problems of the local government area as a whole from these Committees.
- (e)
 - (i) Local Government Committee may request permission from the Administrative

Committee to conduct its meetings by video or telephone conference technology, provided the technology is accessible to all delegates. When requesting to meet using this technology, the Local Government Committee must show how it will ensure that the technology is accessible to all delegates.

- (ii) The request must be advertised in the official journal of the Party at least one calendar month before the first such meeting is scheduled to take place.

- (iii) Any delegate to the LGC will have 14 days to object to the meeting taking place in such a manner. Where an objection is made to the LGC meeting in this way, the Administrative Committee will look into the matter. If no objection is raised, everything will be considered to be in order and such meetings may proceed.

- (f) The Local Government Committee can advise but not direct caucus members as to how to vote on an issue. The primary role of each Local Government Committee is to act as a Campaign Committee for Council elections to ensure that Labor representation is maximised.

- (g) Councillors may not be elected as delegates to Local Government Committees but may attend such meetings with all the rights of delegates except voting rights.

H.11

Local Government Committees may convene a local government assembly of all Party members in the local government area, to discuss Labor's policy and approach in local government.

- (a) All Labor councillors, or candidates if appropriate, will be expected to attend.
- (b) Branches and Party Units are invited to send all relevant agenda items to the Local Government Committee, which will determine the agenda for the assembly.
- (c) The Local Government Committee will ensure that all branches are given notice of the assembly.
- (d) Members with one year continuous membership that reside in the relevant local government area can vote at the Assembly.
- (e) Local Government Committees in an area may decide to hold a combined councils assembly. Local Government Committees will have the responsibility of organising the assembly, subject to the approval of the Administrative Committee.

H.12

The Committees cannot tell Councillors how they should vote on Council business. Councillors must report back to the branches. Where a Local Government Committee is not functioning the Administrative Committee of the NSW ALP may appoint a local SEC Returning Officer to act as Deputy Returning Officer for a pre-selection ballot as required.

- (a) Candidates must meet with the Local Government Committee to decide the policy for Council elections.
- (b) These Rules, and the standing orders of State Electoral Councils, apply where needed for Local

Government Committees.

- H.13 When it considers it is in the best interests of the Party to do so, the Administrative Committee can decide not to endorse any candidate as an official Party candidate.
- H.14 The Administrative Committee can decide on the selection of any official Party candidate or candidates, in any local Government electorate, as it thinks suitable in the best interests of the Party. Consultation must first be made with the relevant Local Government Committee.
- H.15
 - (a) All Party members who run unendorsed must gain the approval of the Administrative Committee for their candidacy and for their preference distributions.
 - (b) Where Councillors are elected to official positions in Local Government but are not officially selected or endorsed candidates, they must keep to these Rules just as if they had been officially selected or endorsed.
- H.16 The Secretaries of the Council caucus and Local Government Committee must let the General Secretary know as soon as possible when a by-election is needed.

NSW Labor Local Government Caucus

- H.17
 - (a) Councillors elected to a NSW local government body outlined in Section H, and financial members of the Party (NSW Branch) elected to Aboriginal Land Councils in NSW must form a separate Local Government Caucus.
 - (b) The NSW Labor Local Government Caucus shall adopt its own standing orders and rules, determine its own structure, and adopt procedures to facilitate its business and events.
 - (c) The NSW Labor Local Government Caucus Executive shall be required to meet with representatives from affiliated unions at least once yearly to:
 - (i) Facilitate policy development between the Local Government Caucus and affiliated unions;
 - (ii) Provide a framework for the partnership between the Local Government Caucus and affiliated unions on matters of common concern;
 - (iii) Undertake long-term planning for the implementation of Labor policy in local government; and
 - (iv) Provide a forum for leadership on matters of public concern and interest related to local government.

SECTION I

Role of a Local Branch

I.1

Recognising that branches are the building blocks of the party, local branches shall be established to achieve the following goals:

- (a) To encourage the dissemination of Labor values in their communities;
- (b) To identify, recruit, and develop leaders in their communities;
- (c) To develop the skills and analytical capacity of their members;
- (d) To educate their members about current social and political issues;
- (e) To develop their members' understanding of the party's traditions practices processes and structures;
- (f) To lead and coordinate campaigns on issues in their communities;
- (g) To encourage and support their members to be active in civil society organisations;
- (h) To build organisations in their communities that share and promote Labor's values;
- (i) To create bonds of solidarity and fellowship between party members;
- (j) To provide an avenue for receiving from their communities feedback and input on Labor's policies, initiatives and program;
- (k) To assist in the election of endorsed Labor candidates;
- (l) To contribute to the process of developing party policy; and
- (m) To qualify members to enable them to exercise voting rights in preselections and other party ballots.

Branches

- I.2 All Party members who have been admitted to membership of the branch (see Rule I.7 below) are members of a branch. Only those who have been admitted to the branch in the way set out in the Rules can take part in the affairs of the branch and receive the benefits of membership.

I.3

- (a) A branch which has not met for three months cannot meet again unless:
 - (i) one calendar month's notice is given to the General Secretary and to the local State Electoral Council, where one exists and
 - (ii) the first meeting is advertised in the official journal of the Party or a local newspaper. Where an objection is made to the branch stating up again the Administrative Committee will look into the matter.
- (b) This Rule does not apply to the period 16 March 2020 to 16 October 2022. A Branch which has not met for three months during this period must

meet again before 30 November 2022, otherwise the requirements of (a) above will apply.

- I.4 Where a town is divided into several electorates the Administrative Committee can allow members to meet as one branch.
- I.5 A branch of the Australian Labor Party can be set up in any centre as long as at least fifteen eligible people want to form a branch. In a country area the number of eligible people required to start a new branch is ten.

Setting up a new branch

I.6

- (a) This is the way to set up a branch:
 - (i) A meeting should be called and advertised in the official journal of the Party or a local newspaper. The notice must include the time, date and venue for the meeting. At least two weeks' notice of the meeting should be given in the advertisement.
 - (ii) At least one month's notice should be given to the General Secretary and to the Secretary of the State Electorate Council. The General Secretary will appoint a representative to oversee the conduct of the formation meeting.
 - (iii) The people meeting together (and there must be at least fifteen eligible people or ten in a country area) must accept the Platform and Constitution of the Australian Labor Party (NSW Branch) and move a resolution to set up a branch.
 - (iv) The meeting should then elect a President (for the time being) and a Secretary (for the time being).
 - (v) The President and Secretary should fill in the Form of Declaration supplied by the General Secretary and send it back to the General Secretary, along with applications for membership filled in by people who were at the first meeting and who want to become members.
- (b) After the Branch formation meeting and before the Branch charter meeting, the local State Electoral Council should decide without delay if it wants a new branch to be set up, taking note of the area for which it is suggested, the members or those applying for membership who want to set up the branch, and the need for such a branch. When the State Electoral Council has made its decision it should let the General Secretary know what that decision is without delay.
- (c) The General Secretary will refer the application from those who are acting as President and Secretary, and the applications for membership, together with the decision of the State Electorate Council, to the Administrative Committee for a decision.

In the case of branch formation meetings, where more than fifty people apply to join, the matter will be referred to the Internal Appeals Tribunal for report prior to a decision being made.
- (d) The Administrative Committee may then allow a

charter to be issued to the new branch and Party membership granted.

- (e) When the charter has been received the acting President and Secretary will call a meeting of people who intend to be members by advertising it in the official journal of the Party or local newspaper and informing the Secretary of the State Electorate Council of the meeting in writing. At least two weeks notice of the meeting must be given.
- (f) At this meeting elections will take place for the official positions within the branch and members who want to join the branch will be admitted to membership.
- (g) Only members present at the formation meeting may become members of the branch at this meeting and vote for positions.

Joining a Local Branch

I.7

- (a) Branch members and those wanting to join the branch must live within the State electorate. Members must, at the time of joining or transferring to a Branch either be correctly enrolled with the Australian Electoral Commission to vote in a federal election at their stated address or not be so entitled because they are under 18 years of age or not an Australian citizen. Unless there is overwhelming evidence against this, proof of where a branch member or an applicant for branch membership lives is taken from the up- to-date Commonwealth Electoral Roll or by production of an up-to-date Commonwealth Enrolment Card. For the purpose of this Rule, the Commonwealth Electoral Roll includes supplementary rolls and computer printouts.
- (b) In the case of people who are not citizens, a passport or other documentary proof of non-Australian nationality confirming permanent residency must be produced, along with documentary proof of residence.
- (c) In the case of people who are under eighteen years of age, a birth certificate or the certified copy of entry of birth must be produced.
- (d) If there is no branch in a state electorate, Party members may join the branch nearest to where they live.

Local branch membership

I.8

- (a) Members who want to keep their membership with the branch must do so by attending a meeting of the branch every membership year and signing the attendance book.

Note: The membership year for branches starts on 1 December and finishes on 30 November.

- (b) Where members are prevented from attending a branch meeting and signing the attendance book for the purpose of renewing their branch membership, the member may, in limited circumstances, apply to sign the branch attendance book by making an application to the

General Secretary, in the form determined by the Administrative Committee.

The circumstances where this may be permitted are limited to:

- (i) Sickness;
 - (ii) Disability;
 - (iii) Mobility impairment;
 - (iv) Unpaid carers who care for a person or persons who have a disability, chronic illness or condition, terminal illness or are frail or aged;
 - (v) Deployment on government, military or diplomatic postings overseas;
 - (vi) Family child care commitments.
- (c) The General Secretary will table any I.8 applications at the next Administrative Committee meeting. The Administrative Committee may accept, reject or seek further information on the application.
 - (d) Where the Administrative Committee accepts the application, permission to sign the branch attendance book once in the membership year is granted by the Administrative Committee.
 - (e) The Branch Secretary will arrange with the member for the book to be made available to sign at an agreed and convenient venue.
 - (f) The member concerned must sign a separate page in the Branch attendance book. Next to the name of the member, the Branch Secretary must write in brackets "I.8".
 - (g) An application approved under this section is only valid for the membership year in which it is made.
 - (h) Applications from members to sign branch attendance books under previous iterations of this rule will expire as of 1 August 2017.

Transferring from a Branch

I.9

- (a) An existing branch member who wishes to transfer out of an existing branch must first notify the General Secretary of their intention to transfer in writing or via the Party's website.
- (b) Within fourteen days of receiving a notification under subsection (a), the Party Office must:
 - (i) Issue the transferring member a Transfer Clearance; and
 - (ii) Notify the transferring member's old branch and new branch of the pending transfer.
- (c) An existing branch member applies to transfer into a new branch by:
 - (i) Attending an ordinary branch meeting;
 - (ii) Signing the attendance book;
 - (iii) Showing their Party Membership Card to the Branch Secretary; and
 - (iv) Showing their Transfer Clearance to the Branch Secretary.
- (d) A transferring member's membership of the new

branch starts from the branch meeting at which they apply to transfer into the new branch in accordance with subsection (c).

- (e) Where the Internal Appeals Tribunal or the Review Tribunal is of the view that a member has effectively transferred their membership to another branch, then the Tribunal may confirm the member's branch membership as of a date determined by the Tribunal. For the purposes of this rule, the Tribunal may wish to consider but will not be confined to branch minutes evidencing a transfer of branch membership and proof of regularity of branch attendance.

- (f) A person may transfer their membership interstate by notifying the General Secretary of their intention to transfer in writing or via the Party's website. The General Secretary must forward this information to the Secretary of the interstate branch to which the person is transferring.

- I.10 During April the General Secretary sends all branches a complete list of the names, addresses, ticket numbers, categories of membership and membership fees paid, for Party members who live in each branch area or state electorate and are members of the branch and have renewed their membership by 31 March.

Branch Meetings - In Person

I.11

- (a) Each Branch in NSW must meet in-person at least once every three months at a place within the branch's affiliated SEC area to be decided by the Branch. Meeting venues must be as accessible as possible for all members.

- (b) The Secretary must let each Branch member know the time, date and place of meetings and may send this advice by email.

- (c) All branches must notify the relevant local Labor member of Parliament, State Duty MLCs and Duty Senators of the meeting times, date and place of branch meetings. Any variations to branch meetings, times, dates and locations shall be notified with the appropriate notice (ie: 7 days). The General Secretary must be advised of a permanent change to the meeting time, date and place of a branch.

(d)

- (i) Where a Branch usually holds one meeting a month, in January and February that Branch can hold two ordinary meetings to make it easier for members to renew their branch membership.
- (ii) One meeting must be held at the usual meeting time, date and place. The other ordinary meeting will be held at the usual meeting place when that is possible, at a time and date decided by the Branch.

- (e) Meetings must be at least seven days apart whether these are special or ordinary meetings and all members must be advised of the meetings.

- (f) All meetings must be held in accordance with the principles outlined in Schedule M Women's Participation.

I.12

- (a) Unless a Branch has resolved to suspend standing orders or normal branch business to hold a general discussion, training, policy forum or social event, the business at Branch meetings is carried out in the following order:

- (i) Acknowledgment of Country;
- (ii) Confirmation of meeting minutes, which can be read or provided electronically or in hard copy prior to the meeting;
- (iii) New Members;
- (iv) Policy discussion;
- (v) Correspondence;
- (vi) Accounts;
- (vii) Reports;
- (viii) Motions which have been provided in writing to the meeting; and
- (ix) General Business.

(b)

- (i) The minutes of the previous meeting may be circulated to branch members by email rather than posted, and must be available for inspection at the meeting prior to confirmation. This must be given priority at each ordinary Branch meeting.
- (ii) The President, or whoever is presiding at the meeting, shall sign the minutes immediately after they have been confirmed.
- (iii) Where the minutes are typed, the signed copy shall be pasted into the minute book by the secretary.

- (c) The Secretary is required to give only a brief overview of any major items of correspondence received and table all other correspondence for circulation during the meeting.

I.13

- (a) If at least twelve members ask for one, a special Branch meeting must be arranged by the Secretary. The request must be made in writing and state what issues the members want to discuss. The Secretary must tell all local Branch members of the special meeting by sending out a circular seven days before it will take place. If, after fourteen days from receiving the request, the Secretary has not organised a special Branch meeting, the General Secretary should be told.
- (b) A special Branch meeting cannot overturn a decision made at a Branch meeting during the previous three months.
- (c) A special Branch meeting can only discuss the matters raised when the meeting was first called for. New items cannot be added to the agenda. The business of a special meeting cannot include applications for or acceptance of new members to the branch and attendances at special meetings will not count for preselection purposes.
- (d) Items other than those raised when the meeting was first called for, will be ruled out of order.
- (e) The Branch Executive can call a special Branch meeting but must follow this Rule.

- I.14 A branch meeting can only take place if a quorum is established ie if seven members are present, or five members in a country area. If a quorum is not established after 30 minutes the meeting cannot take place. The quorum must be maintained at all times during the meeting or the meeting will lapse.
- I.15 The media are not allowed in to Branch meetings but, if the Branch decides, the President and Secretary can issue a media release.
- I.16
- (a) A member, or a person applying for membership, is present at the meeting if they sign the official attendance book during the meeting.
 - (b) The Secretary shall ensure that the attendance book is circulated among the attendees at a meeting in a way that allows attendees to peruse the book. The clamping of books with clips is prohibited.
 - (c) At the conclusion of the business of a Branch meeting, the President (or in the absence of the President, the Vice President or other officer chairing the meeting) must declare the meeting closed and must permit any members in attendance to witness the signing off of the attendance book. The chair's signature must go immediately under the last signature and the page must be ruled off.
- I.17 Any member who behaves in an unruly or disorderly way can be ordered to leave the meeting by the Chair.
- I.18
- (a) A member of the Branch may participate in the meeting using video or telephone conference technology, including proposing, seconding and voting on a motion;
 - (b) The name of any member participating in this way must be recorded in the minutes; and
 - (c) Participation in a branch meeting under this rule does not count for the purposes of Rules I.7, I.8 or N.20(c).
- I.19 Any Party member can attend any other Branch meeting, but they can only speak during discussions with the agreement of the Branch they are visiting. A member visiting another Branch cannot vote; cannot propose or second a motion; and cannot hold office.

Branch Meetings - Online

Photography and Filming

- I.20
- (a) Still photography is permitted at branch meetings so long as members know that photos are being taken.
 - (b) Filming is not permitted unless permitted by a vote of the branch
 - (c) Members have the right to request to not be photographed whereby they would be identified.
 - (d) For the avoidance of doubt, photographs taken in accordance with I.20 cannot be used for the purposes of N.20(c).

I.21

- (a) A Branch may request permission from the Administrative Committee to conduct its meetings by video or telephone conference technology, provided the technology is accessible to all delegates. Any Branch using this technology must still meet in-person at least once every three months as per Rule I.11(a)
- (b) When requesting to meet using this technology, a Branch must show how it will ensure that the technology is accessible to all members.
- (c) The request must be advertised in the official journal of the Party at least one calendar month before the first such meeting is scheduled to take place.
- (d) Any member of the Branch will have 14 days to object to the meeting taking place in such a manner. Where an objection is made to the Branch meeting in this way, the Administrative Committee will look into the matter. If no objection is raised, everything will be considered to be in order and such meetings may proceed.
- (e) An Annual General Meeting may be held in accordance with (a) above if, at the close of nominations, the Returning Officer declares that no ballot is required and the requirements of Rule I.20(b) are followed.
- (f) Unless a Branch has resolved to suspend standing orders or normal branch business to hold a general discussion, training, policy forum or social event, the business at Branch meetings is carried out in the following order:
 - (i) Acknowledgment of Country;
 - (ii) Confirmation of meeting minutes, which can be read or provided electronically or in hard copy prior to the meeting;
 - (iii) Policy discussion;
 - (iv) Correspondence;
 - (v) Accounts;
 - (vi) Reports;
 - (vii) Motions which have been provided in writing to the meeting; and
 - (viii) General Business.
- (g) Rules I.7 and I.8 do not apply for the purposes of an online Branch meeting.
- (h) The Secretary must record the names of all members in attendance in the minutes.

Branch Annual General Meeting and Officials

I.22

- (a) At its Annual General Meeting in March each Branch must elect:
 - a President;
 - two Vice-Presidents (one of whom is the Senior Vice-President);
 - a Secretary;
 - a Treasurer;
 - a Fundraising Officer;

- an Assistant Secretary;
- a New Member Officer;
- two Auditors (one of whom is the Senior Auditor);
- Delegates and Alternate Delegates to Federal and State Electorate Councils, Local Government Committee;
- a Branch Returning Officer;
- a Deputy Returning Officer;
- and any other Branch representatives needed for the following year.

The jobs of Secretary and Treasurer can be combined, but if that happens an extra Vice-President must be elected. A member of the Branch Executive other than the President or Secretary can also hold non-executive positions, however no member of the Branch Executive can hold two Executive positions concurrently.

The role of the New Member Officer is to mentor new Branch members and explain how the Branch and other Party Units work.

- (b) The President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer or Secretary-Treasurer and Fundraising Officer are the Branch Executive and are members of all Branch committees. The Branch Executive and any Branch Committees will report back on any decisions made, or actions taken by the Branch Executive and/or Branch Committees, for ratification by the branch members.
- (c) Electorate Branches (that is where there is only one Branch in the electorate) elect the delegates they need at their Annual General Meeting.
- (d) In electing positions set out in (a), the branch must adhere to the party's affirmative action minimum percentages as outlined in Section O.

I.23

- (a) Branch officials are elected at the Annual General Meeting held in March, or another month determined by the Administrative Committee. However if a Branch Annual General Meeting takes place in a month other than March, eligibility to vote and be a candidate at the Annual General Meeting under these Rules is determined as if the Annual General Meeting is taking place in March.

A preferential voting system is to be used (see Schedule I).

- (b)
 - (i) Nominations for Branch Positions must close with the Returning Officer no less than seven days prior to the Annual General Meeting, at a date, time and place agreed by the Branch. Members must be given seven days notice by circular before nominations close.
 - (ii) The notice must advise the number of delegates and alternate delegates to be elected to Electorate Councils from the Branch.
 - (iii) The notice must advise how many delegate and alternative delegate positions are to be elected are required to be filled by women in

compliance of the party's affirmative action minimum percentage as outlined in Section O.

- (iv) Nominations must be made in writing and signed by two other Branch members and the person nominated, showing that the person accepts the nomination. If not enough nominations are received in advance, written or verbal nominations can be made at the meeting during the elections.
- (v) The Returning Officer or their Deputy must be present at the time and place when it was stated nominations would close. After nominations close the Returning Officer (or Deputy) must immediately check that all the nominations are correctly completed (valid). The Returning Officer (or Deputy) must tell the candidates or scrutineers which nominations are correct and which are incorrect. If the Returning Officer (or Deputy) decides certain nominations are incorrect (invalid) they must explain why they have made that decision. If a ballot is needed the Returning Officer must immediately decide the order of the names on the ballot paper. This should be done by drawing lots. Candidates can appoint scrutineers to oversee the drawing.
- (vi) No Returning Officer or scrutineer shall be allowed to nominate for any position in any ballot in which they are acting as Returning Officer or scrutineer.
- (vii) If at the close of nominations no ballot is required, the Annual General Meeting may be held under I.21. The notice for the Annual General Meeting must advise if the meeting will be conducted using video or telephone conference technology in the event that no ballot is required after the close of nominations.

(c)

- (i) If a member wants to stand for a position in the Branch they must be a fully paid-up member by 31 January and have renewed their Branch membership before 1 March. If there are not enough nominations a member can stand for a position as long as they is a fully paid- up member before being nominated.
- (ii) A member must either be present at the meeting when they are nominated or, if they are not able to attend, make it clear in writing that they want to be nominated.
- (iii) A member cannot hold any Branch positions unless they have been a member of the branch for not less than six months immediately before the elections. An exception to this Rule is made when there are not enough nominations from members who have been in a Branch for more than six months.
- (iv) The previous Rule does not apply to new Branches which have existed for less than 12 months.
- (v) Councillors cannot be elected as delegates to

the Local Government Committee.

- (d) To vote in Branch elections members must be:
- fully paid-up by 31 January,
 - must have renewed their membership of the Branch before 1 March and
 - a member of the Branch for at least three months before the elections.
- (e) The Administrative Committee may develop temporary provisions for Annual General Meetings if the requirements of (c) and (d) above cannot be met because Party Unit activities have been suspended in accordance with Rule D.7. For the avoidance of doubt, the Administrative Committee cannot apply these temporary provisions to individual Branches.
- (f) The General Secretary sends each Branch Secretary a complete list of the names, addresses, ticket numbers and categories of membership for all members in the Branch area, or who have joined the Branch, who have renewed their membership by 31 January.
- This list should be received by 14 February.
- (g) At least seven days before the elections the Secretary gives the Returning Officer a list of the names, addresses and contact details of members who can vote. Any candidate is entitled to be given the list.

I.24

Notwithstanding other provisions of these Rules Branch officials and delegates representing Branches hold office until the declaration of election of their successors, unless their position falls vacant because the office-holder:

- (a) dies;
- (b) resigns the office by instrument in writing addressed to the Branch Secretary;
- (c) becomes a mentally incapacitated person;
- (d) ceases to be a member of the Party;
- (e) ceases to be a member of the Branch;
- (f) if a member of the Branch Executive – is absent without permission for three ordinary meetings of the Branch in a row; or
- (g) if a delegate representing the Branch – is absent without permission from three ordinary meetings of the Electorate Council/Local Government Committee in a row.

A person elected to a position by a Branch ceases to hold that position if these Rules do not require the continued existence of the position and the position ceases to exist. Nothing in this Rule prevents a person who ceases to hold office under (f) or (g) above from re-nominating and being re-elected to the same position.

- I.25 If a position of a Branch official or delegate representing the Branch is vacant, or a position is not filled at the Annual General Meeting, then the vacancy is filled by the Branch as follows:
- (i) A time, date and place is set for nominations, but members must be given seven days notice. This can be done by a circular being

sent to members or by advertising it in the official journal of the Party.

- (ii) The vacancy is filled at the next ordinary Branch meeting. If an election is needed preferential voting should be used (see Schedule I).

I.26

- (a) When a person applies to join or transfer into the Branch, the Secretary should ensure that the person is eligible to join the Branch and should note how many people are applying to join at each Branch meeting.
- (b) Any challenges to the eligibility of a person to join the Branch must be referred in writing to the General Secretary who will make a determination within one week of receiving the referral. The determination of the General Secretary may be challenged in writing in accordance with Rule A.35.

Branch President

- I.27 The President chairs Branch meetings when they are present. The President must keep the meeting in order and make sure that the Rules of debate are followed. (The Rules of debate are printed as Schedule K.)

If the President is away, the most senior Vice- President at the meeting takes the chair.

Branch Secretary

I.28

The Secretary (or if they are away, the Assistant Secretary) must:

- (a) Keep proper Branch records. These records include:
 - Branch Attendance Book; and
 - Branch Minute Book.

The Secretary also deals with letters to and from the Branch (correspondence).
 - (b) Pay all monies over to the Branch Treasurer. This should happen either at Branch meetings or as soon as possible afterwards.
 - (c) On or before 1 April each year send the return sheets listing Branch members to the Secretaries of the State and Federal Electorate Councils, Local Government Committees, and to the General Secretary. The return sheets must include names and addresses.
- Failure to lodge required Branch or Electorate Council Annual Financial Returns to the NSW Branch Office may result in the Administrative Committee suspending the charter of the Branch or Electorate Council.
- (d) Branches can only be represented on State or Federal Electorate Councils or Local Government Committees if they have sent in their return sheets.

- (e) As soon as the Electorate Councils have given the Branch Secretary the details of the date, time and place for nominations and the details of the Annual General Meeting, they must tell the Branch delegates to each Electorate Council.
- (f) If a delegate elected to represent a Branch, an Electorate Council or Local Government Committee is unable to perform a function as a delegate, the Branch Secretary may appoint an alternate delegate elected by the Branch for the Council or Committee to exercise that function.

Branch Treasurer and Branch Fundraising Officer

I.29

- (a) The Treasurer must keep accurate accounts of all Branch money. No money can be withdrawn from Branch funds without the Treasurer's signature and they will only sign after a Branch decision. At the end of the financial year the Treasurer must present the Branch with an audited balance sheet and statement of income and expenditure.
 - (i) From time to time \$30 can be voted for use as petty cash by the Secretary.
 - (ii) In every other way the Branch finances are to follow the Rules in Section K of this book.
- (b) The Fundraising Officer co-ordinates all Branch fundraising. They should report to the Branch regularly. All money raised must be given to the Treasurer – see (a) of this Rule.
- (c) The Treasurer must ensure that the Branch complies with requirements of the Electoral Funding Act 2018. At the end of each financial year, the Treasurer must provide the NSW Labor Office with a schedule and details of all income received and expenses paid out by the Branch and associated information during that financial year.

Branch Records

I.30

- (a) The Administrative Committee can demand to see the books, documents, money and business records of any Branch. If that happens the Branch Secretary must deliver the books, documents, money and business records to the General Secretary of the NSW Branch.
- (b) If a Branch Secretary ignores or refuses to meet the Administrative Committee's request, the General Secretary can take proceedings against them to obtain the books, documents, money and business records.

As explained in Section K of the Rules, all local Branch books, documents, money and other material belong to the NSW Branch of the Australian Labor Party.

Policy Branches

Central Policy Branch

I.31

- (a) The Central Policy Branch will meet bi-monthly and hold meetings in both the Central Business

District and from time to time in other areas, including rural and regional areas. Each meeting shall focus on one policy issue.

- (b) The Central Policy Branch will not be conducted in the same manner as existing local branches. Open meetings and forums of Policy Committees, as well as Central Policy Branch forums, will be deemed meetings of the Central Policy Branch and an attendance book will exist for the Central Policy Branch. The purpose of the Central Policy Branch is to allow members who are interested in policy development and discussion, outside the existing branch structures, to participate in Party affairs.
- (c) A Central Policy Branch meeting is only deemed to take place if a quorum is established i.e. if seven members are present. If a quorum is not established after 30 minutes the meeting is not deemed to have taken place. The quorum must be maintained at all times during the period in which the attendance book is open for signature.
- (d) Any member of the ALP (NSW Branch) can apply to join the Central Policy Branch. At the first meeting they attend they must complete an application to join the Branch and must provide proof of their electoral enrolment to the Secretary as detailed in Rule I.7. A member transferring from and/or to another branch must comply with the provisions of Rule I.9.
- (e) The General Secretary will be the Secretary of the Central Policy Branch and will appoint a Chairperson and may appoint an acting Secretary for each meeting and be responsible for the keeping of the Central Policy Branch attendance book. Policy Committees can organise forums and policy discussions that will be considered meetings of the Central Policy Branch.
- (f) The Central Policy Branch does not hold an Annual General Meeting, elect officer bearers, send delegates to electorate councils, keep minutes or have special meetings.
- (g) Members of Central Policy Branch may propose, second, speak to, amend, adjourn, vote on and pass motions at Central Policy Branch pursuant to sections 4 to 10 of Schedule K.

Regional Policy Branches

- (h) A State Electorate Council or State Electorate Councils may request that the Administrative Committee grant a charter for a Policy Branch in their area, so long as it would not detract from existing Branch structures.
- (i) The Administrative Committee may decide, at its discretion, to approve, alter or deny a request under subsection (h). The Administrative Committee may approve no more than three Regional Policy Branches under this subsection in the first twelve months after it becomes operative.
- (j) Regional Policy Branches operate in the same way as the Central Policy Branch, except that only Party members residing in the State Electorates requesting a charter may join a Regional Policy Branch.
- (k) For the avoidance of doubt, subsection (j) means that members of Regional Policy Branches are

eligible to vote in local selection ballots pursuant to Rule N.20(i).

- (l) For the avoidance of doubt, subsection (j) means that Regional Policy Branches may not send delegates to Electorate Councils, as per Rule G.1(f).
- (m) A copy of the relevant pages of a Regional Policy Branch's attendance book shall be forwarded to the NSW Branch Office within seven days of each meeting.
- (n) The NSW Branch Office shall maintain a register of the information provided under subsection (m). This register shall be available for inspection by any member of the Administrative Committee.

Online Policy Branches

- (o) The Administrative Committee may grant a charter for an Online Policy Branch. The Administrative Committee may grant no more than one charter for an Online Policy Branch under this subsection in the first twelve months after it becomes operative. The Online Policy Branch will meet quarterly and focus on one policy issue.
- (p) Except as provided for in this Rule, Online Policy Branches operate in the same way as the Central Policy Branch.
- (q) A member of an Online Policy Branch may concurrently be a member of a Branch in their local area, the Central Policy Branch, or a Regional Policy Branch.
- (r) Despite Rule N.20(i), members of Online Policy Branches are not eligible to vote in local selection ballots in their capacity as an Online Policy Branch member, but may be eligible if they are concurrently a member of a Branch in their local area, the Central Policy Branch, or a Regional Policy Branch.
- (s) For the avoidance of doubt, subsection (p) means that Online Policy Branches may not send delegates to Electorate Councils, as per Rule G.1(f).
- (t) The NSW Branch Office shall maintain a register of attendance for Online Policy Branches. This register shall be available for inspection by any member of the Administrative Committee.

Labor Action Committees

I.32

OBJECTIVES

- (a) Labor Action Committees ('LACs') have the following objectives:
 - (i) To discuss and develop policy on a defined subject, or affecting a defined demographic;
 - (ii) To organise events on a defined subject, or for a defined demographic;
 - (iii) To communicate and engage with the community; and
 - (iv) To grow the Party.

CHARTER

- (b) The Administrative Committee may grant a charter for a LAC where a group submits a valid LAC Application.
- (c) To be valid, a LAC Application must contain the following information:
 - (i) A statement of the group's name, objectives and Rules;
 - (ii) A declaration signed by 30 financial Party members that the group accepts the Party Rules and Platform;
 - (iii) The name of a patron from the State Parliamentary Caucus;
 - (iv) The name of a patron from the Federal Parliamentary Caucus; and
 - (v) The names of the two Party Office Liaison Officers required.
- (d) To maintain its charter, a LAC must at all times have 30 members who are also financial Party members.
- (e) The following people are not eligible for membership of a LAC:
 - (i) A person who is a member of another political party or one of its affiliated organisations; or
 - (ii) A person who has been expelled from the Party and has not been readmitted as a member.
- (f) To maintain its charter, a LAC must hold an Annual General Meeting each year where it elects a Convenor/President, a Secretary/ Treasurer and two Party Office Liaison Officers.
- (g) The Party Office must maintain a register of the names and membership numbers of the members of each LAC. This register must be available for inspection by a member of the Administrative Committee on request.
- (h) The Administrative Committee may approve a set of constitutional rules that a LAC must abide by.
- (i) The Administrative Committee may withdraw the charter of a LAC in a manner consistent with Rule D.6.

DUTIES

- (j) A LAC must be as inclusive as possible.
- (k) A LAC must, on or before 1 April each year, send an annual financial return and annual membership return to the General Secretary.
- (l) A LAC must operate its finances in the same way as a branch under the Rules.
- (m) A LAC must operate its bank account through the Party's bank.

POWERS

- (n) Subject to these Rules, Annual Conference and the Administrative Committee, a LAC may:
 - (i) Subject to rule I.31(h), determine its own structure;

- (ii) Determine how a person becomes a member of the LAC;
- (iii) Adopt procedures to facilitate its business;
- (iv) Promote itself as being associated with the Party;
- (v) Discuss and develop policy on a defined subject, or affecting a defined demographic;
- (vi) Organise events on a defined subject, or for a defined demographic;
- (vii) Request that its events be publicised by the Party;
- (viii) Put motions directly to Annual Conference, Country Labor Conference, the NSW Policy Forum and the National Policy Forum; and
- (ix) Request that the Administrative Committee approve a Membership Application Form or a Membership Renewal Form with the LAC's branding.
- (o) If the Administrative Committee approves, a LAC may charge a membership fee.
- (p) A LAC may not:
 - (i) Send delegates to electorate councils; or
 - (ii) Send delegates to Annual Conference or Country Labor Conference.
- (q) A member of a LAC need not be a financial Party member, but a member of a LAC who is not a financial Party member will not count towards the LAC's membership for the purposes of maintaining its charter under subsection (d).
- (r) A member of a LAC may concurrently be a member of a branch in their local area, the Central Policy Branch, or a Regional Policy Branch.
- (s) A member of a LAC is not eligible to vote in local selection ballots in their capacity as a member of the LAC, but may be eligible if they are concurrently a member of a branch in their local area, the Central Policy Branch, or a Regional Policy Branch.

Auslan Branch Trial

I.33

- (a) The Administrative Committee may grant a charter for a Trial Auslan Language Branch following a request signed by ten (10) members.
- (b) An Auslan Branch must meet at least once per three months. A meeting is only deemed to take place if a quorum is established, i.e. if seven members are present as per the requirements of rule I.14.
- (c) An Auslan Branch must elect a Branch President, Secretary and Treasurer in accordance with rules I.26-I.28, and maintain a Branch Attendance Book to be maintained as per I.29.
- (d) An Auslan Branch will not be conducted in the same manner as existing local branches, but will be an open forum to allow members to participate in Party affairs and policy debate and development in the Auslan language.
- (e) An Auslan Branch is open for membership to all members of the NSW Labor Party.

A member of an Auslan Branch may concurrently be a member of their local branch, the Central Policy Branch or a Regional Policy Branch.
- (f) Attendance at an Auslan Language Branch will not count towards meeting attendance requirements for public selection ballots.

SECTION J

Tribunals

Right of appeal

J.1

- (a) This Rule J.1 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
 - (b) A Party member, Party Unit or Affiliated Union may appeal decisions made by Party Units or the conduct of Party members to the Internal Appeals Tribunal and Review Tribunal.
 - (c) An appeal to the Internal Appeals Tribunal or Review Tribunal is only valid if it:
 - (i) is addressed to the Secretary as per Rule J.11 (d);
 - (ii) Is to be provided in writing by email where possible
 - (iii) States the grounds for the appeal under the Rules;
 - (iv) Provides evidence to substantiate the claim; and
 - (v) Is lodged with the correct fee specified in Rule J.1(e).
 - (d) Subject to these Rules and Annual Conference, the Internal Appeals Tribunal and Review Tribunal may determine the form and manner in which appeals must be made, including whether a hearing is necessary.
 - (e) A fee is required for all appeals as a guarantee of good faith. The fee will be returned if the charge or protest is upheld. The fee structure is as follows:
 - (i) For Internal Appeals Tribunal matters the fee shall be set at \$100 plus \$10 per member.
 - (ii) For a Review Tribunal matters the fee shall be set at \$150 plus \$10 per member.
 - (iii) All refunds will be determined only upon request.
 - (f) In matters that are referred to a Tribunal by the Administrative Committee or Party Officers, they are exempt from paying the prescribed fee.
- ballot;
 - (ii) Appeals regarding the conduct of a ballot;
 - (iii) Appeals regarding credentials for any Conference under these Rules;
 - (iv) Appeals against decisions made by a meeting of the Party Officers;
 - (v) Appeals against decisions made by the Administrative Committee;
 - (vi) Matters referred to it by the Administrative Committee;
 - (vii) Matters referred to it by the Ombudsman;
 - (viii) Matters regarding an alleged breach of these Rules;
 - (ix) Applications for continuity of membership.
 - (c) Continuity applications can only be lodged once for the relevant period of continuity requested, excluding an appeal made to the Review Tribunal.
 - (d) Continuity applications cannot be considered from members who have resigned, been expelled, or suspended with loss of continuity.
 - (e) The Review Tribunal has jurisdiction to hear:
 - (i) Appeals against decisions made by the Internal Appeals Tribunal;
 - (ii) Matters referred to it by the Administrative Committee; and
 - (iii) Applications for re-admission to membership.
 - (f) An appeal to the Review Tribunal against a decision made by the Internal Appeals Tribunal must be lodged within fourteen days of the date of the publication of the reasons for decision.
 - (g) If a member is dissatisfied with a decision of the Internal Appeals Tribunal they may appeal to the Review Tribunal if the member can establish that the Internal Appeals Tribunal in making its decision:
 - (i) overlooked or breached a Rule, or
 - (ii) allowed extraneous or irrelevant matters to guide its decision;
 - (iii) mistook the facts; or
 - (iv) failed to take into account a material consideration.
 - (h) In considering whether the Internal Appeals Tribunal has made an error in its decision in accordance with J.2(f), the Review Tribunal will have regard to the material that was before the Internal Appeals Tribunal in the first instance.
 - (i) In considering whether the Internal Appeals Tribunal has made an error in its decision in accordance with J.2(f), the Review Tribunal may, where extraordinary circumstances dictate, have regard to new or fresh evidence that was not available to the Internal Appeals Tribunal in the first instance. The Review Tribunal may invite a member of the Internal Appeals Tribunal to attend to provide additional information on the decision making process of the original Internal Appeals Tribunal decision.
 - (j) The Internal Appeals Tribunal or Review Tribunal cannot provide general advice on a rules

Jurisdiction

J.2

- (a) This Rule J.2 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) The Internal Appeals Tribunal has jurisdiction to hear:
 - (i) Appeals regarding the list of voters for a

clarification or potential dispute.

Members

J.3

ELECTION

- (a) The Internal Appeals Tribunal shall consist of:
 - (i) A Chair;
 - (ii) Two Deputy Chairs;
 - (iii) Three members; and
 - (iv) Six associate members.
- (b) The Review Tribunal shall consist of:
 - (i) Chair;
 - (ii) Two Deputy Chairs;
 - (iii) Three members; and
 - (iv) Three associate members.
- (c) The positions in subsections (a) and (b) must be elected by a threequarters majority vote of the Administrative Committee.
- (d) A person elected to a position in subsections (a) and (b) holds office for two years.

J.4

ELIGIBILITY

- (a) To be eligible for election and to remain in office as a Chair or as Deputy Chair of the Review Tribunal, a person must:
 - (i) Not hold public office;
 - (ii) Not be actively seeking election or appointment to public office;
 - (iii) Be admitted as a lawyer in the state of New South Wales;
 - (iv) Be a Queen's Counsel, Senior Counsel, partner at a law firm, or retired judge; and
 - (v) Be of good fame and character.
- (b) To be eligible for election and to remain in office as a Chair or as Deputy Chair of the Internal Appeals Tribunal, a person must:
 - (i) Be a financial Party member;
 - (ii) Not hold public office;
 - (iii) Not be actively seeking election or appointment to public office;
 - (iv) Be admitted as a lawyer in the state of New South Wales; and
 - (v) Be of good fame and character.
- (c) To be eligible for election and to remain in office as a member or associate member of the Internal Appeals Tribunal or Review Tribunal, a person must:
 - (i) Be a financial Party member;
 - (ii) Not hold public office;
 - (iii) Not be actively seeking election or appointment to public office;
 - (iv) Be admitted as a lawyer in the state of New South Wales or possess other relevant skills or experience; and

- (v) Be of good fame and character.

- (d) A person who holds a position on the Review Tribunal must not hold a position on the Internal Appeals Tribunal.

J.5

AFFIRMATIVE ACTION

- (a) At least one third of Internal Appeals Tribunal and Review Tribunal members must be women.
- (b) At least one third of Internal Appeals Tribunal and Review Tribunal associate members must be women.

J.6

INABILITY TO ATTEND AND CONFLICTS

- (a) This Rule J.6 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) Inability to attend
 - (i) If a member of a Tribunal is unable to attend all or part of a meeting, they may appoint an associate member to replace them.
 - (ii) If a Chair or Deputy Chair of a Tribunal is unable to attend all or part of a meeting, they may appoint a member or associate member to replace them if for that meeting if:
 - in the case of the Review Tribunal, the member or associate member meets the eligibility requirements in Rule J.4(a); and
 - in the case of the Internal Appeals Tribunal, the member or associate member meets the eligibility requirements in Rule J.4(b).
 - (iii) An associate member appointed under subsections (i) or (ii) has the full rights of the Chair, Deputy Chair or member whom they are replacing for that meeting or part of that meeting.
- (c) Conflict of Interest
 - (i) If a Chair, Deputy Chair or member of a Tribunal is directly involved in any matter being considered by the Tribunal, they must not participate in the meeting when that matter is being considered or vote on that matter.
 - (ii) In the event that a Chair, Deputy Chair or member of a Tribunal is unable to attend the meeting by reason of subsection (c)(i), they may appoint a member or associate member to replace them in accordance with subsection (b)
- (d) An associate member of a Tribunal is not entitled to participate in a meeting or vote unless they have been appointed to replace a Chair, Deputy Chair or member of that Tribunal under subsection (b).

Powers

J.7

PARTY MEMBERS TO PROVIDE INFORMATION ETC

- (a) This Rule J.7 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) The Internal Appeals Tribunal and Review Tribunal may require any Party member to provide:
 - (i) A statement of information; or
 - (ii) Any document or other thing that the Tribunal considers relevant to a matter it is hearing.
- (c) A request made under subsection (a) must:
 - (i) Be provided in writing;
 - (ii) Describe the information, document or thing required; and
 - (iii) Specify a time and place for compliance.

J.8

MAY MAKE DECISIONS OR DISMISS PROCEEDINGS

- (a) This Rule J.8 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) The Internal Appeals Tribunal and Review Tribunal may make decisions on matters referred to them under these Rules.
- (c)
 - (i) In making a decision on a matter referred to them under these Rules, the Internal Appeals Tribunal and Review Tribunal may make any order or determination that they consider appropriate in the circumstances.
 - (ii) In making a decision on a matter before it the Tribunals shall give primacy to the broader interests of the party.
- (d) The Internal Appeals Tribunal and Review Tribunal may dismiss proceedings at any time if they consider that:
 - (i) The appeal is frivolous, vexatious or not in good faith; or
 - (ii) The subject matter of the appeal is trivial; or
 - (iii) The decision or conduct under appeal occurred at too remote a time to justify a hearing; or
 - (iv) The appellant has no interest or insufficient interest in the decision or conduct under appeal.
- (e) In any proceedings before them, the Internal Appeals Tribunal and Review Tribunal must act according to the substantial merits of the case

without regard to technicalities or legal forms.

- (f) The Internal Appeals Tribunal and Review Tribunal may advise the Administrative Committee on ways to improve the Party's Rules and procedures.

J.9

WRITTEN REASONS

- (a) This Rule J.9 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) The Internal Appeals Tribunal and Review Tribunal must provide written reasons for their decisions.
- (c) The Internal Appeals Tribunal and Review Tribunal must report their decisions and reasons to the:
 - (i) Appellant, within fourteen days of the decision;
 - (ii) Respondent, within fourteen days of the decision;
 - (iii) Next subsequent Administrative Committee meeting; and
 - (iv) Next subsequent Annual Conference.
- (d) The Internal Appeals Tribunal and Review Tribunal may make decisions on matters referred to them under these Rules. Tribunal's decisions and reasons must be available for any financial Party member to inspect during office hours.

J.10

ANNUAL CONFERENCE MAY OVERRULE

- (a) Except as provided in subsection (b), decisions made by the Review Tribunal are final, unless the matter was referred to it under the NSW Complaints Handling Policy.
- (b) Annual Conference may overrule decisions made by the Review Tribunal.

Procedures

J.11

MEETINGS

- (a) This Rule J.11 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b)
 - (i) A meeting of the Internal Appeals Tribunal will be held monthly on a regular date from February to November when there are appeals to be heard. The Annual schedule of meeting must be reported to the Administrative Committee.
 - (ii) A meeting of the Review Tribunal will be held monthly on a regular date from February to November when there are appeals to be heard. The Annual schedule of meeting must

be reported to the Administrative Committee.

- (c) Quorum
 - (i) A meeting may take place only when a third of members, including the Chair or Deputy Chair, are present.
 - (ii) If a third of members are not present after thirty minutes, the meeting must not take place.
 - (iii) If a member or associate member has been appointed under Rule J.6(b)(ii), they represent the Chair or Deputy Chair whom they are replacing for the purposes of subsection (i).
- (d) Secretary
 - (i) The General Secretary provides a Secretary for the Internal Appeals Tribunal and Review Tribunal.
 - (ii) The Secretary is not entitled to vote.
 - (iii) The Secretary must not be counted for the purposes of quorum under subsection (a).

J.12

EVIDENCE

- (a) This Rule J.12 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) All evidence must be submitted to the Secretary of the Tribunal no less than 72 hours before a hearing of a case.
- (c) All evidence must be made available to the appellant and respondent no less than twenty four hours before a hearing of their case.
- (d) Party Unit attendance and minutes books and Party Office records are not subject to subsection (c). Party Unit attendance and minutes book must be provided to the Tribunal upon request. Party Unit attendance and minute books and Party Office records do not have to be made available to the involved parties and are only to be inspected by Tribunal members, unless the Tribunal determines otherwise.
- (e) Any evidence not made available in accordance with subsection (b) is inadmissible.
- (f) The Internal Appeals Tribunal and Review Tribunal are not bound by the rules of evidence.

J.13

RIGHTS AND RESPONSIBILITIES OF THE PARTIES

- (a) This Rule J.13 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to

it under the NSW Complaints Handling Policy.

- (b) The appellant and respondent have the right to:
 - (i) Appear at any hearing of their case;
 - (ii) Have their case heard expeditiously;
 - (iii) Provide a statement of information;
 - (iv) Question witnesses;
 - (v) Present evidence; and
 - (vi) Procedural fairness.
 - (c) Where an appellant or respondent is unable to attend the hearing of their appeal, procedural fairness will be seen to have been accorded where they have been afforded the opportunity to lodge written submissions and written evidence.
 - (d) The appellant and respondent must conduct themselves as directed by the Chair.
- J.14 If the Internal Appeals Tribunal or the Review Tribunal becomes aware that a member, directly or indirectly, provides the media with copies of, or otherwise allows the media access to any submissions or evidence prepared for the purposes of a proceeding before the Internal Appeals Tribunal or Review Tribunal, it may undertake an inquiry to determine whether such possible contravention did occur, and if so, whether the member should be subject to any of the penalties outlined in Rule A.33(f).

Guidelines for conduct of appeals

J.15

REPRESENTATION

- (a) This Rule J.15 does not apply to complaints referred to the Internal Appeals Tribunal or Review Tribunal under the NSW Complaints Handling Policy. The NSW Complaints Handling Policy applies to the Internal Appeals Tribunal and Review Tribunal in relation to a matter referred to it under the NSW Complaints Handling Policy.
- (b) A member may be represented in a matter before a Tribunal only with the express permission of the Tribunal.
- (c) The Tribunals may grant permission for an appearance on behalf of a member only if:
 - (i) it would be unfair not to allow the member to be represented because the member is unable to represent themselves effectively, including but not limited to circumstances where the member is from a non-English speaking background or has difficulty reading or writing; or
 - (ii) it would be unfair not to allow the member to be represented taking into account fairness between the member and other persons in the same matter.
- (d) The Tribunals may only grant permission for an appearance on behalf of a member by a lawyer only if it would enable the matter to be dealt with more efficiently, taking into account the

complexity of the matter.

J.16

THE INTERNAL APPEALS TRIBUNAL AND THE REVIEW TRIBUNAL:

- (a) must prescribe guidelines for the conduct of appeals, including the granting of leave by the Tribunal to hear appeals, and make these guidelines available to all Party members on the Party's website;
- (b) must prepare a practice note outlining how matters will be considered and determined, and make this practice note available to all Party members on the Party's website;
- (c) may regulate their own procedures; subject to these rules and the Annual Conference.

J.17

LEGACY PROCEEDINGS

- (a) A legacy proceeding is a matter before either tribunal that has remained unresolved for two years or more.
- (b) Where a matter before a tribunal is a legacy proceeding the Review Tribunal may dismiss the proceedings if:
 - (i) The matter no longer has currency or relevance, or
 - (ii) The member respondent to the charge has been suspended from the party pending the resolution of the matter and the period of the suspension exceeds the period that in the opinion of the tribunal would have been imposed had the charge been upheld; or
 - (iii) In the opinion of the Review Tribunal it is in the Party's interest that the proceedings be dismissed.
- (c) The Review Tribunal can move to dismiss legacy proceedings:
 - (i) on its own motion; or
 - (ii) on an application by the respondent to the legacy proceedings; or
 - (iii) on an application by the Party Officers or the Administrative Committee.
- (d) The Review Tribunal may deal with a motion to dismiss a legacy proceeding on the papers without a need for a hearing but not before seeking submissions from the respondent.

SECTION K

Finance, Property and Funds

- K.1 All property, including funds, books, furniture, equipment and other assets of the NSW Branch of the Australian Labor Party, is held in the names of three Trustees. The Trustees are elected as in Rule B.7 and have the power to take legal action to recover all or any property of the NSW Branch.
- K.2
- (a) After they have been elected the Trustees hold assets and property on behalf of the NSW Branch. NSW Branch monies are banked in the names of the Trustees. NSW Branch monies are to be used for political, industrial and local government work and the efficient running of the Party offices.
- (b) A payment exceeding the sum of \$1000 may only be made from the bank by:
- (i) a cheque signed by one or more of the Trustees and also signed by the General Secretary; or
- (ii) an electronic transfer of funds specifically approved by one or more of the Trustees and by the General Secretary.
- (c) A payment not exceeding the sum of \$1000 may be made from the bank:
- (i) by a cheque signed by the General Secretary and one Assistant General Secretary or;
- (ii) an electronic transfer of funds approved by the General Secretary and one Assistant General Secretary.
- (d) Money cannot be withdrawn from the bank except by cheque or electronic transfer in accordance with this Rule. Money cannot be withdrawn from the bank by cash withdrawal (excluding petty cash withdrawals), ATM withdrawals or transfers, telephone banking withdrawals or transfers.
- (e) A record must be kept of each payment by cheque or electronic transfer, containing:
- (i) the date and number of the payment;
- (ii) the amount paid;
- (iii) the name and number of the account to which the amount was paid and relevant BSB number;
- (iv) details clearly identifying the name of the person on whose behalf the payment was made and the matter reference;
- (v) details clearly identifying the ledger account to be debited; and
- (vi) particulars sufficient to identify the purpose for which the payment was made.
- K.3
- (a) All property, including funds, books, furniture, equipment and other assets, of a Party Branch, Council or Local Government Committee, is held in the names of the President, Vice- Presidents, Secretary and Treasurer. They have the power to take legal action to recover all or any of this property. Land is excluded under this Rule. [see Rule K.6(a)]
- (b) Money raised for special purposes by Branch, Council or Local Government Committees must be kept by that unit's Treasurer. When the work or campaign is finished any money that remains, plus accounts and balance sheets, must be given to the Branch Secretary.
- (c) All funds raised or claimed for campaign or election purposes are the property of the NSW Branch of the Australian Labor Party.
- K.4 The Branch President must agree to all amounts and bills before they are paid.
- K.5 If for any reason a Branch, Council or Local Government Committee ceases to exist all funds, books, documents and other materials become the property of the NSW Branch of the Australian Labor Party.
- K.6
- (a) Land owned by the Party or any of its Branches should be held in the names of three Trustees. For example, in the case of Branches, Councils and Local Government Committees the three could be the President, one of the Vice- Presidents and the Secretary. The Trustees hold the land on trust as directed by the State Executive Board.
- (b) Any Trustee of the NSW Branch can be removed by a motion passed at an Annual or Special Conference.
- (c) If one or more of the Trustees resigns, is removed or dies, the Administrative Committee can nominate a new Trustee or Trustees. A special meeting of the majority of the Administrative Committee will be held to take the decision.
- (d) Under Section 6(4) of the 1925 Trustee Act the Chair of the Administrative Committee meeting has to nominate the new Trustee or Trustees. The Chair appoints by deed the new Trustee or Trustees. The 1925 Trustee Act applies to these appointments.
- (e) Any fact made by a Trustee in a deed of appointment will be taken to be the truth. In the event of it not being so the Party is not liable.
- K.7 All money must be banked or invested in the name of the Australian Labor Party and the Party Unit in question.
- K.8 Only the President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer or Secretary-Treasurer can:
- open a bank account;
 - make a bank deposit; and
 - buy any securities (investments).
- K.9 Money is not to be deposited in the private bank accounts of officials or members.
- K.10
- When Party money is not being used it must be banked or invested as follows:
- (a) Deposited on any condition with financial institutions or trusts recommended by the General Secretary and approved by the State Executive Board.
- (b) Invested in accordance with an Investment Policy

Statement approved by the State Executive Board.

K.11

Money can only be withdrawn from a bank account or an investment after a Party Unit has passed a resolution deciding to do so. Resolutions to spend funds must be either:

- (a) moved by a member of the Branch Executive; or
- (b) Where a Branch or Electorate Council has an account with a financial institution or trust that is not approved by the State Executive Board, that Branch will be given thirty days to transfer all funds to an account with an approved financial institution or trust. Failure to bank or invest with an approved financial institution or trust may result in the State Executive Board suspending the charter of the Branch or Electorate Council to the Administrative Committee.
- (c) moved on notice in accordance with the Standing Orders in Schedule K.

K.12

Members of Parliament, including members of the Legislative Council and Senate, must provide a copy of all campaign accounts, including income and electoral expenditure on an annual basis or as requested.

K.13

When a bank account has been opened the Secretary must inform the General Secretary. The Secretary must also provide the General Secretary with the names, titles and specimen signatures of the members authorised to run the account.

K.14

When money is to be withdrawn from a bank account it should be done as follows:

- (a) The name of the Party Unit must be clearly written on the cheque.
- (b) Cheques must be signed by any two Branch Officials acting as trustee of the funds, but one of them must be Treasurer or Secretary- Treasurer. Authority forms and specimen signatures (examples of the person's signature) must be given to the bank. This is necessary when a number of people can sign cheques.
- (c) After annual Party Unit elections the people who can sign cheques or documents may change. The new specimen signatures must be sent to the bank or institution where money is deposited or invested.

The Party Rules insist that Rules K.13(a), (b) and (c) are strictly followed.

K.15

- (a) All Party Unit books and vouchers (these are the documents which explain how money was spent) must be audited each year. (An audit is an official check of statements of accounts made by a person or persons appointed by the Party Unit to do so). The auditors must make a report to a meeting of their Party Unit and a copy of the report must be sent to the NSW Branch Office.
- (b) The financial year for the books of Party Units runs

to 30 June. The books are to be made up to that date.

- (c) By 31 July each year all Party Units must send the State Executive Board a copy of the audited balance sheet and a statement of income and expenditure for the previous year which ended on 30 June. This information will be used by the NSW Branch to prepare a consolidated Annual Return for the Australian Electoral Commission and the Party's annual income taxation return.

- K.16 Secretaries of Party Units are responsible for keeping Party records safe. All books, documents, letters, reports and records of any kind, whether they are written, audio or visual, belong to the NSW Branch. Secretaries of Party Units must keep all records in a safe place and make sure they remain in good condition. Secretaries must not get rid of records. When a new member becomes Secretary all records must be handed over to the new Secretary. A Party Unit can decide to place its old records (those not currently in use) in the archives section of the State Library of New South Wales. If a Party Unit decides to do this it must inform the General Secretary and send the records to the NSW Branch office. A central register is kept of such records in the NSW Branch office. A report will be given to the Administrative Committee and, if they agree, the records will be sent to the State Library.

K.17

- (a) Only Party Units have the authority to use the name of the Australian Labor Party when entering into financial commitments. These financial commitments should be recorded in a resolution of the Party Unit concerned. Clause (b) below is an exception to this Rule.
- (b) When expenditure or budgets have been decided on by Party Unit Campaign Committees, the expenditure or budgets should be approved by that Party Unit or its executive within two weeks.
- (c) The General Secretary, or someone named by the General Secretary, can spend money in the name of the Australian Labor Party (New South Wales Branch).
- (d) A person shown to have spent money in the name of the Australian Labor Party (New South Wales Branch) without the authority (permission) described in this clause, can be suspended or expelled from the Party at a meeting of the Administrative Committee on the recommendation of the State Executive Board.

The person accused of unauthorised spending must have fourteen days' notice in writing of this meeting, and be told exactly what the charge or charges are. Such members can appeal to the Review Tribunal. Any member suspended in this way will not have the right to take part in Branch activities during the time they are suspended.

- (e) Rule A.33(g) will apply to members suspended under this Rule.

- K.18 Party Units and campaigns must obtain the approval of the General Secretary for any raffles, guessing competitions or similar fundraising ventures offering a prize, the value of which is greater than \$1000.

Not-for-profit Clause

- K.19 The assets and income of the Party shall be applied solely in furtherance of the Party objective set out in Section A and no portion shall be distributed directly or indirectly to the members of the Party except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

Dissolution Clause

- K.20 In the event of the Party being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with purposes similar to those in the Party objective set out in Section A, which is not carried on for the profit or gain of its individual members.

SECTION L

Party Journal

- L.1 There shall be a Party journal called the “Political Briefing” which shall be the official journal of the Party.
- L.2 The “Political Briefing” shall be issued at least once in the period between each meeting of the Administrative Committee.
- L.3 The “Political Briefing” will be posted or emailed to each Party Unit and will be emailed to each member for whom the Party has a valid email address.
- L.4 The “Political Briefing” will contain matters considered relevant by the Administrative Committee, including notice of Annual Conference and other matters required to be notified in the Party journal by these rules.
- L.5 The General Secretary shall set a closing date for Party units to submit items for inclusion in the Party journal. This can be a regular date. The General Secretary shall advise Party units of when items need to be submitted for inclusion in the next edition of the Party journal.

Home Page / Website

- L.6
 - (a) The NSW Branch is the only Party entity to have the right to establish a home page, website, blog, social media account, or other electronic publication.
 - (b) Other Party Units or groups of members may establish a home page, website, blog, social media account, or other electronic publication but this shall not purport to represent the NSW Branch of the Party.
 - (c) Other Party Units or groups of members may establish websites, home pages, blogs, social media accounts, or other electronic publications on the following conditions:
 - (i) That they are authorised by an individual or incorporated organisation; and
 - (ii) That they display the following disclaimer:
This site and the content contained herein does not represent the views, policies or opinions of the Australian Labor Party (NSW Branch)

SECTION M

Party Elections

RETURNING OFFICERS

M.1

- (a) The Annual Conference will elect a General Returning Officer.
- (b) The Annual Conference will elect sixteen Assistant General Returning Officers to:
 - (i) Assist the General Returning Officer; and
 - (ii) Undertake other duties as directed by the Administrative Committee or General Secretary.
- (c) The term of office for the General Returning Officer and Assistant General Returning Officers will be four (4) years.

M.2

The powers and duties of the General Returning Officer are:

- (i) To conduct all elections at Annual Conference (where the retiring General Returning Officer is again standing for the office of General Returning Officer then the count and the declaration for that position will be undertaken by an Assistant General Returning Officer appointed by the General Secretary).
- (ii) To give general advice to Party Units on how to run elections.
- (iii) To report to Annual Conference on matters which relate to how elections are run.
- (iv) To organise other ballots decided on by the Administrative Committee.
- (v) To attend meetings of the Rules Committee with the same rights as a committee member, but cannot vote.

ALTERNATES

M.3

Alternates will be elected when nominations are called for the following positions:

- (i) Membership delegates to Annual Conference; and
- (ii) Union delegates to Annual Conference.

M.4

- (a) The ordinary members of the following committees are the alternate delegates to Annual Conference for the Chair, Deputy Chair and Secretary of the same committee:
 - (i) Women's Forum
 - (ii) Country Labor Committee
 - (iii) Policy Committees
- (b) A person may not be an alternate delegate to Annual Conference under this Rule if they hold office as a delegate or alternate delegate to Annual Conference from another Party Unit.

M.5

Notwithstanding Rules M.3 and M.4, the Administrative Committee may develop temporary provisions relating to the appointment of alternate delegates to ensure that no delegation is disenfranchised as a result of compliance with a relevant NSW Public Health Order. This rule takes effect on 15 October 2022.

SECRET BALLOTS

M.6

- (a) Where practicable elections should take place in a polling room or part of a room set aside for this. Where practicable the polling room should have separate voting compartments so that voters cannot be watched while they are marking their ballot papers.
- (b) A candidate cannot take part in the running of an election in any way, and nobody will be allowed to come into or stay in the polling room during the polling except with the returning officer's permission. The exceptions to this are the General Returning Officer, the Assistant General Returning Officers and members voting or about to vote.
- (c) Voters cannot leave the polling room or the part of the room set aside for polling during the time between receiving and depositing their ballot papers.

VOTING SYSTEMS

M.7

- (a) Elections at Annual Conference and NSW Young Labor Annual Conference, Elections for the Leader of the NSW Parliamentary Party, and direct elections under Rule M.10, shall take place in accordance with Schedule H.
- (b) Elections at Annual Conference shall specifically be in accordance with:
 - (i) where only one person is to be elected in a single ballot, Rule 4 of Schedule H.
 - (ii) where more than one person is to be elected in a single ballot, Rule 5 of Schedule H.
 - (iii) for the election of the Party President, Rule 6 of Schedule H.
 - (iv) Notwithstanding the foregoing provisions, all other provisions of Schedule H apply to all ballots at Annual Conference.
 - (v) For the avoidance of doubt, the election of the President at NSW Young Labor Annual Conference shall be in accordance with Rule 4 of Schedule H.
- (c) All other elections, including (without limiting the generality of the foregoing) those at Branches, Electorate Councils, Local Government Committees, Young Labor Associations, selection ballots (other than at Annual Conference) and Administrative Committee ballots must take place in accordance with Schedule I.

INDIGENOUS REPRESENTATION

M.8

- (a) The Administrative Committee is responsible for ensuring that members of Aboriginal or Torres Strait Islander descent are preselected for at least 5% of all positions at a General Election for both State and Federal Parliament.

RETURNING OFFICER DELEGATION

M.9

- (a) The Returning Officer of a Party-Unit may delegate to their Deputy Returning Officer any of the functions conferred or imposed on the Returning Officer by or under these Rules (other than this power of delegation).
- (b) The General Returning Officer may delegate any of the functions conferred or imposed on the General Returning Officer by or under these Rules (other than this power of delegation) to:
 - (i) one or more of the Assistant General Returning Officers; or
 - (ii) a Deputy Returning Officer for a selection ballot

M.10

- (a) Where the Rules expressly provide, an Electorate Council may decide to elect positions pursuant to the provisions of this Rule.
- (b) Except as provided for in this Rule, the provisions of Section G governing elections in Electorate Councils shall apply to elections under this Rule.
- (c) A person is eligible to vote in a ballot under this Rule if they:
 - (i) Live in the electorate; and
 - (ii) Have one year of continuous financial membership immediately prior to the date of calling for nominations.
- (d)
 - (i) For the election of delegates from a Federal Electorate Council to the National Conference, nominations will open at a time and date determined by the Administrative Committee; and
 - (ii) For all other elections conducted under this rule, nominations will open no later than fourteen days after the AGM of the electorate council, or as decided otherwise by the Administrative Committee.
- (e) Nominations will close no sooner than seven days after they opened.
- (f) Where a ballot is required, it will be conducted by the General Returning Officer or a person to whom they delegate the responsibility. The person to whom they delegate need not be a person specified in Rule M.9(b).
- (g) The Returning Officer will provide candidates with a list of eligible voters not less than seven days before voting opens.

- (h) Voting will remain open for no less than three weeks.
- (i) A candidates' forum may be held consistent with the provisions relating to Public Office Selection Forums in Section N.
- (j) The Returning Officer will arrange for the ballot papers to be counted in the presence of scrutineers appointed by the candidates, if there are any.
- (k) The Administrative Committee may determine any other matters required for conducting a ballot.
- (l) The Returning Officer will inform the General Secretary of the result of the ballot.

SECTION N

Endorsements and Selections for Public Office

N.1

- (a) The Administrative Committee is responsible for arranging the selection of candidates, throughout New South Wales for the House of Representatives, the Legislative Assembly and Local Government.
- (b) Nominations will be called at least one year before a General Election is expected, unless there are exceptional circumstances that justify acting otherwise. If necessary, for example, if there is a redistribution of electorates, nominations can be reopened and the Administrative Committee shall call for fresh nominations.
- (c) Nominations for public office can be called over different periods if the Administrative Committee agrees that it is in the Party's best interest.
- (d) An eligible member can nominate for more than one electorate in Lower House selection ballots as long as the Administrative Committee agrees.
- (e) Endorsements and Selections for public office must be made in accordance with the party's Affirmative Action minimum percentages, as outlined in Section O.

Senate

N.2

- (a) The first three Senate candidates will be selected by Annual Conference following Schedule H.
- (b) Senate Candidates for additional positions may be appointed by the Administrative Committee subsequent to the selection referred to in (a) above.
- (c) When a double dissolution is announced, any previous Senate ballot order for an upcoming federal election becomes void. The Administrative Committee will determine the new Senate ballot order under the principles of proportional representation.

Note: A double dissolution means when both Houses of the Australian Parliament are dissolved and elections are called.

Legislative Council

N.3

- (a) The Administrative Committee will call for nominations to the Legislative Council at least six months before the election date of each new panel of twenty one members.
- (b) After endorsement Annual Conference will select the candidates using Schedule H.
- (c) Legislative Council candidates for positions considered by the Administrative Committee to be unwinable may be appointed by the Administrative Committee subsequent to the selection referred to in (b) above.

- (d) The Administrative Committee must determine the number of winnable positions to be elected at the time of calling for nominations. At least 30 per cent of candidates in winnable positions must currently be enrolled and have been enrolled in the Designated Country Area for not less than 5 years.

Casual Vacancies

N.4

- (a) Under certain circumstances the Administrative Committee can organise selection ballots. These circumstances include:
 - by-elections;
 - when the call for nominations has failed; and
 - when the candidates are not approved.
- (b) At the request of the local Party Unit, the Administrative Committee can select a candidate if there is no time to hold a selection ballot. The Administrative Committee can make a selection if the local Party Units do not act.

Selection Procedures

- N.5 All selections remain in force, subject to the Rules, until the election for which the selection was made.
- N.6 If a general election for Federal or State Parliament occurs within twelve months of the previous election, the sitting Member of Parliament will be the candidate. In this case, candidates must be re-endorsed by the Administrative Committee.

Calling Of Nominations

N.7

- (a) There are two ways to call for nominations. Either an advertisement must be placed in a local newspaper or a circular sent to members. In both cases there must be:
 - at least seven days notice of the date that nominations close; and
 - a clear statement of when, where and at what time nominations will be received.

- (b) These advertisements or circulars must also state that nominations will be accepted by the General Returning Officer at the NSW Branch Office.
- (c) Immediately after nominations close, all nominations will be given to the Administrative Committee for their endorsement or otherwise.
- N.8 Members whose nominations are received at the NSW Branch Office will be given a receipt. This receipt is a detachable part of the nomination form.

Candidates for Selection

ELIGIBILITY

N.9

To be eligible for selection and endorsement as a candidate for public office, a person must:

- (a) Have one year of continuous financial Party membership immediately prior to the date of calling for nominations;
- (b) Not be the lesser of the following:
 - (i) General Secretary or Assistant General Secretary in their first term of office. For the purposes of this subsection, a term is defined as being elected under Rule B.2(ii) for the first time and holding office for the period defined under Rule B.7(iv)-(v). Where a person holds the position of General Secretary and Assistant General Secretary consecutively, the term commences from the first election to either position; or
 - (ii) General Secretary or Assistant General Secretary within five years of their first appointment or election to one of those positions.

By way of transitional arrangement, this rule will apply to members occupying the position of General Secretary or Assistant General Secretary as at 28 February 2020 and from thereon.
- (c) Be a financial member of a trade union, if eligible;
- (d) Be nominated in writing by ten people, each of whom:
 - (i) Has one year of continuous financial Party membership immediately prior to the date of calling for nominations; and
 - (ii) Lives in the electorate or ward for which the nominee is nominating.
- (e) In the case that the electorate or ward for which the nominee is nominating has less than 50 financial members, the number of nominators required shall be five people.
- (f) Sign declarations stating they accept the:
 - (i) Nomination;
 - (ii) Public Office Candidates' Pledge in Schedule E2; and
 - (iii) Pledge on Campaign Funds in Schedule E3
- (g) Submit their nomination, addressed to the Returning Officer, on the official form in Schedule D, at the place specified by the Administrative Committee, before the close of nominations. Nominations may be received by email to the email address specified in the preselection timetable;
- (h) Pay the nomination fee before the close of nominations;
- (i) Be eligible to nominate, or provide proof that they are taking steps to become eligible, as a candidate under the relevant electoral laws.
- (j) Not be a property developer or a close associate of a property developer;

- (k) Not be a prohibited donor at the level of government for which they are nominating;
- (l) Not be a real estate agent; and
- (m) Never have engaged in corrupt conduct.

EXCEPTIONS

N.10

- (a) Despite Rule N.9(a), a person must have been a financial Party member for at least five years prior to the opening of nominations to be eligible for selection and endorsement as a candidate for public office if they have been readmitted to the Party after being expelled.
- (b) The Administrative Committee may waive the requirements under Rules N.9(a), N.9(c), N.10(a) and N.11(b) if they consider that allowing the person to contest the selection ballot would be a significant benefit for the Party.
- (c) In a local government selection ballot, the Administrative Committee may decide that a nominator need only live in the local government area for which the nominee is nominating for the purposes of Rule N.9(d)(ii) if there are less than ten people who would otherwise satisfy Rule N.9(d).
- (d) The Administrative Committee may waive the requirement to pay a nomination fee under Rule N.9(h) if they consider that doing so would be in the best interests of the Party.

PROOF OF ELIGIBILITY

N.11

- (a) Except as provided in this Rule, it is the General Returning Officer's responsibility to determine whether a person is eligible for selection and endorsement as a candidate for public office in accordance with Rules N.9 and N.10.
- (b) A nominee must before the close of nominations:
 - (i) Provide proof that they satisfy Rule N.9(c); or
 - (ii) Sign a declaration stating that they are not eligible to be a member of a trade union, and the grounds on which they are not eligible.
- (c) Nominee eligibility under relevant electoral laws
 - (i) A nominee must provide proof that they satisfy Rule N.9(i) before the open of nominations date set by the relevant Electoral Commission or equivalent.
 - (ii) The Administrative Committee may establish the form of proof required to satisfy Rule N.9(i).
 - (iii) The Administrative Committee may chose not to endorse or revoke endorsement should a candidate fail to satisfy subsection (ii)
- (d) The onus is on the nominee to demonstrate that they satisfy Rules N.9(f) and N.9(1) in accordance with this Rule.
- (e) The onus is on the nominee to provide the documentation and pay the fee required under Rules N.9(f), (g) and (h).

- (f) Challenges to the eligibility of a nominee must be lodged within seven days of the close of nominations.

CANDIDATE DISCLOSURE

N.12

- (a) Statement of intent
- (i) A nominee for federal or state public office must submit a statement as to why they want to represent the Party.
 - (ii) All statements submitted under subsection (i) must be disclosed to the Administrative Committee, the Candidate Review Committee, selection voters and between Review Committee and selection voters.
- (b) References
- (i) A nominee for federal or state public office must submit two written character references.
 - (ii) All references submitted under subsection (i) must be disclosed to the Administrative Committee, the Candidate Review Committee and selection voters.
- (c) Matters of integrity
- (i) A nominee for public office must disclose matters relating to their integrity.
 - (ii) The Administrative Committee may determine what matters relate to integrity for the purposes of subsection (i).
 - (iii) A nominee for public office must be afforded the opportunity to explain the circumstances surrounding any disclosure under subsection (i).
 - (iv) All references submitted under subsection (i) must be disclosed to the Administrative Committee and the Candidate Review Committee.
- (d) Disclosures by nominees for public office under this Rule are to be made in the form and manner determined by the Administrative Committee.

CANDIDATE REVIEW COMMITTEE

N.13

- (a) The Candidate Review Committee considers the suitability of nominees for public office referred to it by the Administrative Committee or the Party Officers.
- (b) The Candidate Review Committee has four members elected by a two-thirds majority of the Administrative Committee according to the principles of proportional representation.
- (c) Quorum for a meeting of the Candidate Review Committee is two members.
- (d) A member of the Candidate Review Committee must be a person who:
- (i) Has represented the Party in public office;
 - (ii) Is retired from public office; and
 - (iii) Is of good fame and character.

- (e) Despite any other provision of these Rules, a member of the Candidate Review Committee is not eligible for selection and endorsement as a candidate for public office.

WITHDRAWAL OF CANDIDATURE

N.14

- (a) The Candidate Review Committee may recommend that the Administrative Committee withdraw a nominee for public office from a selection ballot, refuse endorsement to a nominee for public office, or withdraw endorsement from a candidate for public office if it considers that:
- (i) The nominee or candidate would bring the Party into disrepute; or
 - (ii) The nominee or candidate is not a fit and proper person for public office; or
 - (iii) The nominee or candidate's past behaviour makes them unworthy of confidence.
- (b) A decision by the Candidate Review Committee under subsection (a) must be passed unanimously.
- (c) If the Candidate Review Committee makes a recommendation under subsection (a), the Administrative Committee may withdraw the nominee for public office from the selection ballot, refuse endorsement to the nominee for public office, or withdraw endorsement from the candidate for public office if it considers that:
- (i) The nominee or candidate would bring the Party into disrepute; or
 - (ii) The nominee or candidate is not a fit and proper person for public office; or
 - (iii) The nominee or candidate's past behaviour makes them unworthy of confidence.
- (d) A decision by the Administrative Committee under subsection (c) must be passed by a three-quarters majority.

N.15

The Administrative Committee can withdraw any candidates from a pre-selection, can refuse their endorsement or withdraw their endorsement if they consider:

- (a) they are not fit for the position; or
- (b) the member's past career makes them unworthy of confidence.

- N.16 After a candidate is endorsed by the Administrative Committee, they cannot withdraw unless it is found that they is not qualified according to the Party Rules or it is agreed by the Administrative Committee.

- N.17 A candidate cannot take any official part in the selection process other than voting. Breaking this Rule may mean disqualification.

- N.18 Following the conclusion of the election for which a candidate was endorsed, where a candidate was unsuccessful, endorsement is automatically withdrawn.

Selection Ballots and Candidate Forums

N.19

- (a)
 - (i) In a contested selection ballot for public office all affected Branches which meet between the close of nominations and the day of the selection ballot must hold a candidates forum at their meeting.
 - (ii) The candidates forum must, as far as practicable, be the first item of business after the nomination and acceptance of new members.
 - (iii) All candidates must be invited to address the forum, may be asked to answer questions and must be given approximately equal time.
 - (iv) Outside of the official Branch candidates forums, persons who have declared themselves to be candidates (whether nominations have closed or not) for a public office selection ballot may address Branch or Union meetings, provided that all candidates are given the same opportunity.
 - (b) Such candidates, and Party members who support them, can canvass for further support.
 - (c) However, candidates are not allowed to employ, directly or indirectly, agents to campaign on their behalf, nor can they, or their supporters, make personal comments about other candidates. Failure to comply with the provisions of this Rule may result in a candidate being excluded from contesting the preselection.
- (i) a member must have been a member of a branch for not less than two years prior to the date of calling for nominations, the branch attendance book must show that the member has attended four meetings in this period and have continuous financial membership for the same period; or
 - (ii) a member must have been a member of a branch for a period not less than four years prior to the calling of nominations, the branch attendance book must show that the member has attended four meetings in this period and have continuous financial membership for the same period; and
 - (iii) a member must satisfy the requirements of Rule I.8(a).
 - (iv) In the event that the member has transferred from an interstate branch during the two year period required under (i) or the four year period required under (ii), if the requisite attendance requirements under (i),(ii) and (iii) are met, then the period of Party membership can be accepted rather than the period of requisite local Branch membership.
 - (v) Where a branch has become defunct under Rule I.3 during the last complete Membership Year or the current Membership Year, a member of that branch does not fail to satisfy subsection (i) or (ii) only by reason that they are no longer a member of a branch.
 - (vi) Where a branch has become defunct under Rule I.3 during the last complete Membership Year, attendance at a branch meeting prior to the branch's failure to meet for three months may be counted for the purposes of subsection (iii).

Selection Voters

(ELIGIBILITY TO VOTE IN SELECTION BALLOTS)

N.20

- (a) In order to vote in a local selection ballot a Branch member must:
 - (i) Live in the electorate;
 - (ii) Be 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.
 - (iii) If a member challenges the right of another member to vote in the ballot (see Rule A.37) they must produce firm evidence that the member does not live at the address claimed.
 - (iv) Any information produced for the Internal Appeals Tribunal must be publicly available. Anecdotes will only be accepted if they are in the form of a statutory declaration. The member being challenged can produce any evidence to support their claim that they live in the electorate.
- (b) If a member has paid the wrong Party membership fee, given their union membership, then they will be given five working days from the date of credentialing to join the union or pay outstanding dues.
- (c) In order to vote in a local selection ballot:
 - (i) In order to vote in a local selecton ballot a branch member must also have joined the Branch according to the Rules.
 - (i) In establishing that a member was admitted to membership of the Branch according to the Rules, in the case of a member relying on the two year Rule [Rule N.20(c)(i)], it will be sufficient to establish that, any member who commenced to be a Branch member in the three years prior to the date of calling for nominations, is eligible provided that they attended the Branch and signed the attendance book and it is noted in the Branch Minute Book that the Branch admitted that member; then they shall be placed on the list of eligible voters.
 - (ii) In establishing that a member was admitted to membership of the Branch according to the Rules, in the case of a member relying on the four year Rule [Rule N.20(c)(ii)], it will be sufficient to establish that, any member who commenced to be a Branch member in the five years prior to the date of calling for nominations, is eligible provided that they attended the Branch and signed the attendance book, and it is noted in the Branch Minute Book that the Branch admitted that member; then they shall be placed on the list of eligible voters.
 - (iii) Where all the criteria described above have

been complied with but the Branch has failed to record the admission of a new member in the minutes, then they will be eligible. This provision does not apply to the Central Policy Branch.

- (e) Attendance or participation at a meeting held under I.18 or I.19 does not count for the purposes of N.20(c) and N.20(d).
- (f) A member cannot be left off the Official Voting List because of problems with their Party membership which are:
 - (i) in the case of the two-year Rule, more than three years old,
 - (ii) in the case of the four-year Rule, more than five years old, except that they must meet the requirements of (a) to (d) above.
- (g) Life members and members with ten years of continuous financial membership immediately prior to the date of calling for nominations are automatically entitled to vote in local selection ballots in the electorate in which they live.
- (h) Provided they meet the requirements of this Rule and Rule I.9, a Branch member transferred to another electorate on clearance will be allowed to vote in the selection ballot. This will include cases where the transferee has applied for but has not yet been admitted to membership of the new branch at the time of the calling of nominations.
- (i)
 - (i) Central Policy Branch members will be eligible to vote in a local selection ballot in the State and Federal Electorates and Local Government Areas in which they reside. This paragraph has been inserted for the avoidance of doubt.
 - (ii) In relation to the Central Policy Branch, a record of the decision of the Administrative Committee to admit a member to the Central Policy Branch must be used in lieu of a reference to a minute book in this Rule.
 - (iii) Central Policy Branch members will not be entitled to vote in local selection ballots held under Rule N.44.

N.21 Notwithstanding Rule N.44, a person who is not enrolled with the Australian Electoral Commission to vote in a federal election is unable to vote in a joint selection ballot (ie. a ballot under the aforementioned Rules). The member's address for the purposes of the preselection will be their enrolling address.

N.22

- (a) The Secretary of each Branch should prepare a list of members who the Secretary believes are able to vote and this should be presented, together with all of the necessary branch records, to the Returning Officer at the credentialling.
- (b) The time, date and place of the credentialling is determined by the Administrative Committee.
- (c) The Administrative Committee may set a different time, date and place for credentialling for the Central Policy Branch, and the credentialling for more than one selection ballot may be combined in a single credentialling, so long as calling of

nominations for each ballot occurred at the same time.

- N.23 It is the function of the Returning Officer to prepare a list of members who can vote as a consequence of the credentialling. This must be done on the official voting sheets supplied by the NSW Branch Office. The Secretary of each Branch must assist and co-operate with the Returning Officer in this process. Candidates may appoint scrutineers (by letter addressed to the Returning Officer) who can be present throughout the credentialling.

The Returning Officer may set a uniform limit on the number of scrutineers each candidate may appoint. Each candidate may obtain a copy of the list from the Returning Officer once the credentialling has been completed.

Polling Procedures

- N.24 The General Secretary will appoint a Returning Officer for selection ballots. They may be assisted by a representative of the Electorate Council Executive.
- N.25 The Presiding Officer at a polling place for a selection ballot is:
- (a) where there is no central polling place - the Branch Returning Officer;
 - (b) where there is a central polling place and there are separate Branch ballot boxes - the Branch Returning Officer in relation to the ballot box for their branch; and
 - (c) in all other circumstances - the Deputy Returning Officer.

The Presiding Officer is (subject to any direction of the Returning Officer or Deputy Returning Officer) responsible for the supervision and conduct of the selection ballot at the polling place concerned.

- N.26 The Administrative Committee can instruct the General Returning Officer to take complete charge and organise any selection ballot in any electorate.
- N.27 The General Returning Officer will send each Deputy Returning Officer the correct number of ballot papers for their electorate. The Deputy Returning Officer then gives the correct number of ballot papers to the Presiding Officer. The number of ballot papers will be the same as the number of members who can officially vote plus 10% or four (whichever is the greater number). The Presiding Officer will also be given written instructions about returning the used and unused papers in separate and sealed packets, along with the official voting list. The list must be signed by all members who have been given ballot papers.
- N.28 The Party Unit organising the selection ballot can decide to have a central polling place and the time of the polling. But polling must be for at least four consecutive hours, unless the Administrative Committee agrees otherwise.
- N.29
- (a) Subject to Rule N.28, the time and place of Branch ballots are decided by the Branch but polling must be for at least four consecutive hours, unless the

Administrative Committee agrees otherwise. Also, a Branch ballot cannot start before or finish after the hours of voting decided by the Party Unit controlling the ballot in the electorate.

- (b) Branch members must be told seven days in advance by circular of the date, time and place of the ballot.
 - (c) Prepoll voting for State and Federal lower house seats will be available for two hour periods each day at the ALP Office for the first three days in the week preceding the ballot. The times and dates will be determined by the Administrative Committee when setting the preselection timetables.
 - (d) Eligible Central Policy Branch members can either cast their vote by pre-poll voting or at a local polling place determined by the Returning Officer and advised in writing to the Central Policy Branch voter.
- N.30 Where practicable, the ballot and the counting of votes must take place in the presence of a representative or representatives of the local Party Unit. Each candidate can appoint one scrutineer (by letter addressed to the Returning Officer) who can be present throughout.

The result of the ballot must be sent to the Administrative Committee. The Administrative

Committee can decide to appoint a person to supervise the ballot.

- N.31 A candidate's scrutineer must be a member of the Party and have the candidate's authorisation in writing.
- N.32 Before polling begins the Presiding Officer must show those present that the ballot box is empty. The ballot box is then sealed.
- N.33 The ballot box, or boxes, must not be moved during the ballot.
- N.34 Members can vote only once. They must vote during the agreed voting hours and at their Branch polling venue. Before a ballot paper can be given to a member they must give their address and sign the official voting list.
- N.35 The Presiding Officer must check that each member signs the official voting list correctly.

If there is any doubt the signature should be compared to the voter's signature in the Branch Attendance Book.
- N.36 The Branch Secretary must provide the Branch Attendance Book to the Presiding Officer.
- N.37 The name of each member who votes must be marked off the official voting list in a clear way.
- N.38 Scrutineers, the Returning Officer, or Deputy Returning Officer or Presiding Officer can challenge any vote. If such a challenge is accepted by the Returning Officer, Deputy Returning Officer, or Presiding Officer as the case may be, that vote must be put in a sealed envelope and the reason for the challenge written on the outside.

N.39

- (a) If there is more than one polling place, the ballot boxes must be sealed and taken to the central polling place to be counted after voting ends.
- (b) The Deputy Returning Officer must give scrutineers reasonable notice of the time when the votes are to be counted. Under no circumstances can the Returning Officer break or interfere with the seals on the ballot boxes prior to the appointed time unless scrutineers for all candidates in the ballot are present.
- (c) After reconciling the number of ballot papers for each branch, the ballot papers will be combined and counted in one lot, except as provided in Rule N.44(c).

Appeals

N.40

- (a) If it is shown that the Rules for a selection ballot have been broken, the Administrative Committee can:
 - suspend the offender from the Party for any length of time;
 - withdraw the candidate's name from the poll;
 - order a new ballot;
 - refuse to endorse the selected candidate;
 - take any steps to ensure that the Rules are followed correctly.
 - (b) The Administrative Committee can insist that any evidence about a disputed selection ballot be supported by a statutory declaration.
- N.41 A member of the Internal Appeals Tribunal cannot hold an official position in connection with a selection ballot.

Suspension Of Selection Ballots

N.42

- (a) The Administrative Committee may, in consultation with the Parliamentary Leadership and the local Electorate Council, conduct a selection for public office pursuant to the provisions of this Rule:
 - (i) In the case of a State by-election, unless determined otherwise by the Joint Campaign Committee; or
 - (ii) In the case of any other by-election; or
 - (iii) In exceptional circumstances.
 - (iv) In order to meet the Affirmative Action requirements set out in Section O.
- (b) Where the Administrative Committee decides to conduct a selection for public office under this Rule, the candidate will be selected by a Committee made up of equal numbers from the Administrative Committee and the Local Electorate Council. The Committee's candidate will become the endorsed Labor candidate.

N.43

Where the Administrative Committee has suspended activities of all Party Units, and this suspension prevents

members from meeting the requirements outlined in N.20(c)(i-ii), selection ballots shall be conducted in accordance with Schedule J.

Selection Ballots In Fowler

N.44

- (a) In this Rule “the designated area” is the Federal electorate of Fowler as it existed in 1998.
- (b)
 - (i) The Administrative Committee may cap (on a branch basis) the value of the votes cast by residents of the designated area in a selection ballot.
 - (ii) When this occurs, a cap must be set for each branch participating in the given selection ballot. The Administrative Committee (having regard to the historical participation in the branch) sets each branch’s cap.
- (c)
 - (i) Where the number of voters resident in the designated area appearing on the voting list for a branch exceeds its cap, there must be a separate ballot box specific to those voters in that branch.
 - (ii) The ballot papers for those voters must not be combined with other ballot papers during the count until their value has been adjusted as provided below.
- (d)
 - (i) Where the number of formal votes cast by the voters resident in the designated area referred to in (c) above exceeds the cap, the Returning Officer must adjust the value of each of the formal votes, so the total formal vote cast by those voters in that branch equals the relevant cap.
 - (ii) The adjustment referred to above must occur prior to the elimination of any candidate and prior to the application of the affirmative action weighting required by Rule O.2.
 - (iii) No adjustment is required under this Rule to votes cast by residents in the designated area in a given branch if the number of formal votes they cast in that branch is equal to or less than the relevant cap.
- (d) Despite the provisions of Rule G.1, if a branch’s actual membership resident in the designated area exceeds a cap, it is deemed only to have membership in the designated area equal to the cap when working out the number of delegates a branch may elect to a local Electorate Council.
- (e) This Rule only applies until the Administrative Committee determines it is no longer necessary.

N.45 In this section, in relation to a selection ballot for a local government public office a reference to an “Electorate Council” is a reference to the “Local Government Committee”.

SECTION O

Affirmative Action

PRINCIPLES OF AFFIRMATIVE ACTION

O.1

- (a) The ALP is committed to men and women in the Party working in equal partnership. It is our objective to have at least 50 per cent of Party organisation and public office positions held by women. To achieve this, the party adopts the affirmative action model in this rule.
- (b) In this section, “minimum percentage” means 40%. From 2022, it means 45%; and from 2025 it means 50%.
- (c) For all party and office bearer positions (other than public office preselections and party employees), appointed or elected on a statewide 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.
- (d) In calculating the minimum percentage for the purposes of this section, a fraction of one half or more must be rounded up to the next whole number, and a fraction of less than one half must be rounded down to the next whole number.

AFFIRMATIVE ACTION FOR STATE AND FEDERAL PUBLIC OFFICE PRESELECTIONS

O.2

Public office preselections

- (a) For all public office preselections (except Local Government preselections which are subject to Rule O.3), 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.
- (b) For the purposes of paragraph (a), the relevant seats shall be considered in each of the following separate groups:
 - (i) The seats currently held by the ALP.
 - (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.
 - (iii) The Administrative Committee must declare the winnable seats for each preselection before nominations for preselection open.
 - (iv) All other seats to be preselected.
- (c) Upper and lower house seats shall be grouped together for the purpose of subsection (b).
- (d) 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.
- (e) For casual vacancies in the Legislative Council and the Legislative Assembly, if less than the minimum

percentage of the remaining positions are held by women, the vacancy must be filled by a woman.

- (f) If at the close of nominations for a preselection for a group of seats or positions the requirements of paragraphs (a) - (e) cannot be met, nominations for that group of seats or positions must be reopened.
- (g) If after a ballot for a preselection for a group of seats or positions the requirements of paragraphs (a) - (e) are not met, nominations for that group of seats or positions must be reopened and a fresh ballot (if necessary) conducted.
- (h) The General Secretary must no later than 1 November each year provide a report to the Administrative Committee and to the National Executive on the progress of implementation of this clause.
- (i) It is the function of the Administrative Committee to ensure that the NSW Branch is in a position to fully comply with O.2 (a) above. This means that the Administrative Committee may, in co-operation with local Party members, determine the outcome in any public office preselection progressively between now and the year 2023 to ensure that the NSW Branch will be in full compliance with Rule O.2(a).
- (j) Until the Administrative Committee certifies that the NSW Branch has achieved the minimum affirmative action target set out in Section O, in any lower house selection ballot, primary votes for or preferences distributed to women candidates in ballots must be weighted by a factor of 20% (i.e. valued at 1.2).

AFFIRMATIVE ACTION FOR LOCAL GOVERNMENT PRESELECTIONS

O.3

- (a) For Local Government preselections the minimum percentage must be achieved for each council where the Party endorses candidates.
- (b) The Administrative Committee must determine the winnable positions for each Local Government preselection at the time of calling for nominations.
- (c) All winnable positions in a council shall be grouped together for the purposes of this Rule.
- (d) If at the close of nominations for a preselection for a group of seats or positions the requirements of O.3(a) to O.3(c) cannot be met, nominations for that group of seats or positions must be reopened.
- (e) If after a ballot for a preselection for the positions the requirements of O.3(a) to O.3(c) are not met, the Administrative Committee may:
 - (i) Reorder the candidates across the local government area (if necessary) to ensure that the minimum number of women are in winnable positions or
 - (ii) Reopen nominations for that group of seats or positions and a fresh ballot (if necessary) conducted.
- (f) The Administrative Committee should consult with local party units in making decisions under rule O.3(e).

- (g) For casual vacancies in a council area, if less than the minimum percentage of the remaining positions are held by women, the vacancy must be filled by a woman.
- (h) Until the Administrative Committee certifies that the NSW Branch has achieved the minimum affirmative action target set out in Section O at a local government level, in any local government selection ballot for councillors or a popularly elected mayor, primary votes for or preferences distributed to women candidates in ballots must be weighted by a factor of 20% (i.e. valued at 1.2).

AFFIRMATIVE ACTION FOR BRANCH POSITIONS

O.4

- (a) For the election of Branch Executive positions listed in I.20(b), at least the minimum percentage of the total positions must be filled by women as shown in O.4(d).
- (b) For the election of all Branch delegates elected to Electorate Councils, at least the minimum percentage of the position must be filled by women as shown in O.4(d).
- (c) For all Branch alternate delegates elected to Electorate Councils, at least the minimum percentage of the position must be filled by women as shown in O.4(d).
- (d)

Affirmative Action For Branch Positions

Number of Positions	40%	45%	50%
2	1	1	1
3	1	1	2
4	2	2	2
5	2	2	3
6	2	3	3
7	3	3	4

- (e) If there are not enough women to meet the minimum percentage requirements in O.4(a) to O.4(c) at the close of nominations for the Branch AGM, the following steps are to be taken:
 - (i) The positions are to be deemed vacant to be filled by a woman from the floor at the AGM.
 - (ii) If the position cannot be filled at the AGM, then the position is to be held vacant until the next ordinary meeting.
- (f) If the position cannot be filled at both the AGM and the next ordinary meeting, then the branch may request a dispensation from the Administrative Committee for the position to be filled by any branch member. In deciding whether or not to grant a dispensation, the Administrative Committee must have regard to:
 - (i) Any reasons given by the Branch for why the position cannot be filled
 - (ii) the Branch membership lists and
 - (iii) steps that the Branch is seeking to take to recruit more women into their branch.

- (g) Having a vacant position by the close of the AGM will not stop a Branch from affiliating to an Electorate Council.

AFFIRMATIVE ACTION FOR ELECTORATE COUNCIL POSITIONS

O.5

- (a) For all Electorate Council Executive positions listed in G.5(f), at least the minimum percentage of the total positions must be filled by women calculated as per Rule O.1(d) and outlined in the table at Rule O.4(d).
- (b) For all NSW Annual Conference Delegates and Alternate Delegates, and Country Conference Delegates and Alternate Delegates, at least the minimum percentage of positions elected together, must be filled by women calculated as per rule O.1(d) and outlined in the table at rule O.4(d).
- (c) If there are not enough women to meet the minimum percentage requirements in O.5(a) and O.5(b) at the close of nominations for the Electorate Council AGM, the positions are to be deemed vacant to be filled by a woman from the floor at the AGM.
- (d) If the position cannot be filled at the AGM, then the Electorate Council may request a dispensation from the Administrative Committee for the position to be filled by any council member. In deciding whether or not to grant a dispensation, the Administrative Committee must have regard to:
 - (i) Any reasons given by the Electorate Council for why the position cannot be filled
 - (ii) the Electorate Council delegate lists and
 - (iii) steps that the Electorate Council is seeking to take to recruit more women in their area.

AFFIRMATIVE ACTION FOR UNION DELEGATIONS

O.6

Union delegations

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.

SECTION P

NSW Parliamentary Party

- P.1 Members elected to the NSW Parliament under the auspices of the NSW Branch (officially representing and supported by the NSW Branch) must form a separate Parliamentary Party.
 - P.2 In Parliament only endorsed members of the NSW ALP can join the Parliamentary Labor Party.
 - P.3 After 28 March 2015, the Leader of the NSW Parliamentary Party, in the Legislative Assembly, will be elected 50% by a ballot of rank-and-file Labor members and 50% by the State Parliamentary Party, subject to any criteria in the NSW Parliamentary Labor Party rules.
- (a) For the rank-and-file ballot, the Administrative Committee may determine:
 - (i) Rules and donation and expenditure limits for campaigning;
 - (ii) Eligibility criteria for voters;
 - (iii) Procedures for voter registration;
 - (iv) Procedures for credentialling voters;
 - (v) Procedures for handling disputes;
 - (vi) How and when voting will take place; and
 - (vii) Any other matters required for conducting a ballot.
 - (b) Where a ballot is required of the rank-and-file Labor members, it will be conducted by the Party General Returning Officer or a person to whom they delegate responsibility. The person whom they delegate need not be a person specified in Rule M.9(b).
 - (c) A candidates' forum may be held consistent with the provisions relating to Public Office Selection Forums in Section N.
 - (d) The Party Returning Officer will arrange for the ballot papers to be counted in the presence of scrutineers appointed by the candidates, if there are any.
 - (e) The Party Returning Officer will be responsible for the Party Ballot, the SPLP will appoint a Parliamentary representative as the Returning Officer of the State Parliamentary Party ballot, and together they will determine the overall result of the ballot.

SECTION Q

Parliamentary Levy

Q.1

- (a) NSW Members of the State and Federal Parliaments pay a levy of 6% of salaries, including base salaries and additional salaries, to the NSW Branch of the Party.
- (b) All Local Government councillors, endorsed by the Party or granted permission by the Administrative Committee to run unendorsed, shall pay a levy on their allowances as follows:
 - (i) allowances less than \$6000 pa pay no levy;
 - (ii) allowances over \$6000 pa pay a levy of 3%.

Q.2 These levies are deducted at source via an authority signed by the Members.

Q.3 A person's agreement to pay this levy is a precondition before they are allowed to contest an election for the upper or lower houses of State or Federal Parliament or local government. Before nominating for Party selection, all candidates must agree in writing to pay the levy if they are successful.

Q.4

- (a) The Levy is paid into the respective Federal, State and Local Government Campaign Accounts of the NSW Branch. It is used only for campaigning. The General Secretary administers the Levy following the Party Rules, but is accountable to the State Executive Board, the Administrative Committee and the Parliamentary Levy Advisory Committee of the NSW Branch.
- (b) The Local Government levy shall be kept in a separate account and used to assist in local government campaigns. The release of funds will be the responsibility of the General Secretary in consultation with the Assistant General Secretaries.

Q.5 Members of Parliament can draw on funds in the Levy account for genuine campaign expenses, provided these are approved by the NSW Branch Party Officers. Members of Parliament can claim expenses when asked by Party Officers to work outside their electorates or home bases. Campaign expenses include travel, accommodation and daily allowances, when these have not been met from any other source.

Q.6

The Parliamentary Levy Advisory Committee exists as a body to decide about the Levy and is made up of:

- two members elected by the State Parliamentary Labor Party in the Legislative Assembly;
- one member elected by the State Parliamentary Labor Party in the Legislative Council;
- two members elected by the NSW representatives in the Federal Parliamentary Labor Party;
- the General Secretary and Assistant General Secretaries.

The Parliamentary Levy Advisory Committee can check how funds are being used and must ensure that funds are being used fairly. All Members or groups of Members must be treated equally in the distribution of funds from the levy.

SECTION R

Labor Advisory Council

R.1

There is a Labor Advisory Council consisting of:

- (a) The Leader and Deputy Leader of the State Parliamentary Labor Party;
- (b) Senior members of the State Parliamentary Labor Party appointed by the Leader;
- (c) The NSW Branch President or nominee;
- (d) The General Secretary or nominee;
- (e) The other Party Officers;
- (f) Union representatives, including union representatives nominated by Unions NSW.

The procedure and relative composition of the Council will be determined by the Administrative Committee.

R.2 The role of the Labor Advisory Council is to provide a formal consultative mechanism between the Party and the union movement in NSW.

R.3 An official meeting of the Labor Advisory Council can only take place when a quorum of not less than one half the membership are present. If the quorum is not present after thirty minutes the meeting will not take place.

SECTION S

Joint Campaign Committee

S.1

The Joint Campaign Committee consists of:

- (i) The Leader and Deputy Leader of the State Parliamentary Labor Party in the Legislative Assembly and Legislative Council.
- (ii) The officers of the NSW Branch.
- (iii) Two members elected by and from the State Parliamentary Caucus.

S.2 The Parliamentary Leader will chair the Committee and the General Secretary will be the secretary to the Committee.

S.3 The Committee will meet regularly to develop and review electoral strategies and priorities.

S.4 An official meeting of the Joint Campaign Committee can only take place when a quorum of not less than one half the membership are present. If the quorum is not present after thirty minutes the meeting will not take place.

S.5 The Committee will report regularly to the Administrative Committee and the State Parliamentary Labor Party.

Schedules

SCHEDULE A

NSW Labor Code of Conduct is located at page 6-7

Labor

**SIGN UP
ONLINE**



Mail: Membership Services, NSW Labor, PO Box K408, Haymarket NSW 1240

☐ **Like** ☐ **Dislike** ☐ **Like** ☐ **Dislike** ☐ **Other**

Given Name(s) _____ Surname _____

Date of Birth: _____ ☐ Male ☐ Female ☐ Other

Address (as currently): _____ Postcode: _____

Postal Address: _____ **Postcode:** _____

Mobile No. _____ Home No. _____

Rank	Occupation
------	------------

Are you (if Abused or Thrown Sheet) Interfered please? ☐ Yes ☐ No Are you an Admin user? ☐ Yes ☐ No

Have you previously been a member of the AIP? ☐ Yes ☐ No

Do any of the following statements apply to you:

af. I have been member / affiliate / secretary of another political party

b) I have stood against the Labor Party during an election

c) I have avoided a candidate opposing the Labor Party during an

[!\[\]\(83bbbd261710c59db0214aa27b2edc0d_img.jpg\)](#)
[!\[\]\(d6bd620f45f20291c3c3dab29f2286e8_img.jpg\)](#)
[!\[\]\(ac4fcea21db844807030be74b3ff0b7a_img.jpg\)](#)

☐ Yes - You will need to complete the New Member Questionnaire on the back of this form. ☐ No

3 MEMBERSHIP FEE

Please select your category of membership:	1 YEAR	3 YEARS		MONTHLY SUPPORTER DONATION (OPTIONAL)		
Waged (A)	☐ \$30	☐ \$200		☐ \$6	☐ \$20	☐ \$60
Member of Affiliated Union (B)* Union Name: _____	☐ \$40	☐ \$108	+	☐ \$6	☐ \$20	☐ \$60
Concession (C)**	☐ \$20	☐ \$66		☐ \$6	☐ \$20	☐ \$60

* From large, selected Category 2B, we found 100% were Affiliated Males, only in the list of Affiliated Males posted.

^a If more than one child is reported, the parent is asked to indicate the child who is most affected by the condition.

ADD A ONE OFF DONATION TO OUR NEW LATEST ELECTION FIGHTING FUND

\$

By signing below I declare that:

• I am not an individual or have supplied to the NSW Electoral Commission information that is acceptable to the NSW Electoral Commission, allowing the individual influence and no distribution and listed with me.

It takes weeks to complete an application

* The direction is not made by or on behalf of a "political donor" (being a "properly identified," "known" "natural business entity" or "figure or qualifying business entity") or by a "non-member" of a "political donor" (as defined in Division 7 of Part 2 of the Electoral Funding Act 2003) or, by a registered sub-50 that makes a contribution to the registered sub-50 in breach of any condition, binding or otherwise, which includes a person who is the secretary, or a member of the governing body or the spouse of the secretary, or member of the governing body, or by a "trust" (within the meaning of the definition in Division 7 of Part 2 of the Electoral Funding Act 2003).

* Research revealed the structure can decrease in NBN Litter in the areas that should have been

I will not use and cannot be used in NEJM Letter describing my name and the content of my donation on the website. My donation supports or exceeds \$2,500 for a single contribution or aggregated during a fiscal year.

If you make a political donation (including your membership subscription) of \$250 or more (in a single contribution or aggregated within a financial year), you must complete and lodge a declaration with the NSW Electoral Commission in accordance with section 26 of the Electoral Funding Act 2003 (EFPA). A political donation includes a contribution of \$50 or more to any individual. You must also declare a political donation of less than \$250 if the total annual aggregated donations made by you in support of the same party for associated political, electoral, or other purposes, exceeds \$250 in any financial year. Political donations made by you in support of the same party for associated political, electoral, or other purposes, exceeding \$250 in any financial year, must be disclosed by you to the NSW Electoral Commission. For more information, visit www.nsw.gov.au/elections.

By attesting a membership fee sheet, I certify that the American Labor Party (ALP) Branch is not for sale and paid for by the amount of my membership fee for the current indicated sheet. These membership fees are collected from those who enter this sheet and by monthly amounts for dues from all other dues-paying members.

SIGNATURE

DATE

CASH/CHEQUE

☐ I have enclosed cash (limit of \$100)

☐ I have enclosed a personal cheque/ money order for \$ made payable to ALP (NSW Branch).

CREDIT CARD

Expiry /

NAME ON CARD

Receipt No.

Member Not

OFFICE USE ONLY Paid by:

Downloaded by [] at []

NEW MEMBER QUESTIONNAIRE

Please attach a separate response answering the below questions.

1. What was your previous political party/parties, or independent (excluding the Labor Party)?
2. What was the period of your involvement with the above party/parties, or independent? (include start date and end date)
3. What was your reason for joining or supporting the previous political party or independent?
4. What was your reason for leaving the previous political party or independent or discontinuing your support?
5. Please summarise your involvement in the previous political party or with the independent? (eg. I volunteered regularly handing out pamphlets and donating)
6. Have you ever run for public office or actively campaigned against the Labor Party or a Labor Candidate?
7. What is your reason for wanting to join the Labor Party?
8. Are there any Labor Federal Members of Parliament, State Members of Parliament, Councillors, or Administrative Committee members who would support your application to join?
9. Are there any other Party Members who would support your application?
10. Would you like to provide any additional information that may assist the NSW Labor Administrative Committee in assessing your application. (Optional)

AFFILIATED UNIONS

- Australian Manufacturing Workers Union (AMWU)
- Australian Services Union (ASU)
- Australasian Meat Industries Employees Union (AMIEU), NSW Branch
- Australasian Meat Industries Employees Union (AMIEU), Newcastle Branch
- Australian Workers Union (AWU)
- CFMEU Manufacturing Division
- CFMEU, Maritime Union of Australia (MUA) Division
- Communication Workers Union (CWU), Central Branch
- Communication Workers Union (CWU), Telecommunications and Services Branch
- Community and Public Sector Union (CPSU)
- Electrical Trades Union (ETU)
- Finance Sector Union (FSU)
- Health Services Union (HSU)
- Media, Entertainment and Arts Alliance (MEAA)
- Mining and Energy Union Northern Mining and Energy (MEU)
- Mining and Energy Union South West (MEU)
- NSW Plumbers Union (PPTU)
- Rail, Tram and Bus Union (RTBU)
- Shop, Distributive and Allied Employees Association (SDA), NSW Branch
- Shop, Distributive and Allied Employees Association (SDA), Newcastle and Northern Branch
- Transport Workers Union (TWU)
- United Services Union (USU)
- United Workers Union (UWU)

Labor

RENEW
ONLINE

Mail: Membership Services, NSW Labor, PO Box K408, Haymarket NSW 1240

☐ Mr. ☐ Mrs. ☐ Miss ☐ Mlle. ☐ Other _____

Membership No. _____ ☐ Male ☐ Female ☐ Other

If your details have changed, please update below:

Are you of Aboriginal or Torres Strait Islander descent? ☐ Yes ☐ No Are you an Arabic user? ☐ Yes ☐ No

Please select your category of membership:	1 YEAR	3 YEARS		MONTHLY SUPPORTER DONATION (OPTIONAL)		
Waged (A)	☐ \$30	☐ \$200		☐ \$6	☐ \$20	☐ \$50
Member of Affiliated Union (B)* Union Name: _____	☐ \$40	☐ \$100	+	☐ \$6	☐ \$20	☐ \$50
Concession (C)**	☐ \$20	☐ \$60		☐ \$6	☐ \$20	☐ \$50

* From June 2004 to February 2005, we used the 2004 survey. All other data are from the 2005 survey.

☐ If you have selected "Domestic" as your preferred method for communicating from:

ADD A ONE DLT DONATION TO OUR NEW LABOR ELECTION FIGHTING FUND

3 PLEASE SIGN

Buy additional products | view more products

- * I am not a member of the National Rifle Association and have not been supplied by the NEW England's Commission on the Status of Women. I am not a member of the NEW England's Commission on the Status of Women and am not a member of the National Rifle Association.

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 111–118

- I am not and have not been a "prohibited donor" (being a "properly identified", "known business business entity" or "known or potential business business entity"), or a "close associate" of a "prohibited donor" as defined in Section 7 of Part 4 of the Election Funding Act, 2008 (EFA).

If you make a political donation (including your membership subscription) of \$250 or more (in a single contribution or aggregated within a financial year), you must complete and lodge a declaration with the NSW Electoral Commission in accordance with section 10 of the Electoral Funding Act 2003 (EFPA). A political donation includes a contribution or entry fee or an amount or other subscription. You must also declare a political donation of less than \$250 if the total annual aggregated donations made by you in support of the same party for associated political, electoral, member group, candidate, third party campaign or person in the same financial year is \$250 or more. Donations apply for money in large contributions, in accordance with Rule 4.1 of the NSW Labor Party Rules, available at www.nsw.org.au.

By making a membership fee check, you authorize the Australian Labor Party (ALP Branch) to debit my credit card and provide for the amount of my membership fee for the period indicated above. My membership fee is authorised from credit line only. Only debit and to enable account debits (ATM and credit card) further action.

SIGNATURE

DATE

OFFICE USE ONLY Paid by: Receipt No:

Processed by: _____
Member No: _____

4 PAYMENT DETAILS

CASH/CHEQUE

- ☐ I have enclosed cash (limit of \$100)
- ☐ I have enclosed a personal cheque/ money order for \$ made payable to ALP (NSW Branch).

CREDIT CARD

- ☐ Visa ☐ Mastercard ☐ Amex

Expiry /

NAME ON CARD



Declaration for the Payment of Membership Applications

I _____ declare that all persons I am renewing/applying on behalf of:

- (a) Are aware that their membership is being applied for/renewed;
- (b) Agree to have their membership applied for/renewed;
- (c) Have paid the correct membership fee;
- (d) Have signed their own Membership Application/Renewal Form; and
- (e) Have provided me the authority to submit their signed Membership Application/Renewal Form at the Party Office with the correct Membership Fee.

I declare that I understand that:

- Membership fees represent a “political donation” and that attempts to pay donations on behalf of another could constitute a breach of the Electoral Funding Act 2018; and
- The Australian Labor Party (NSW Branch) Rule A.23(a) states that “A person must pay their own Membership Fee.” and that paying a membership fee on behalf of another person constitutes a breach of the Party Rules, and could result in disciplinary action being taken against me.

Signature

____/____/____
Date

Office use only:
Number of
applications:

Receipt #:

SCHEDULE D



NOMINATION FOR CANDIDATE FOR PUBLIC OFFICE

EMAIL TO: nominations@nswlabor.org.au

mandatory as Party Office authorised person may not be in office

We hereby nominate Membership Number
As the NSW Labor Candidate for

RULE N.9(d) MUST BE SIGNED BY NOT LESS THAN TEN BONA FIDE MEMBERS OF THE ALP RESIDENT IN THE ELECTORATE OR LOCAL GOVERNMENT WARD AREA FOR WHICH THE NOMINEE IS NOMINATING

Nominator’s Full Name	Membership Number	Nominator’s Signature	Name of Branch

Explanatory Notes For Candidates: Conditions Of NSW Labor Candidacy

A Candidate for NSW Labor selection and endorsement must:

- Have 12 months continuous financial membership as at the calling of nominations;
- Be a financial member of a bona fide trade union if eligible for membership;
- Not have any outstanding debts to NSW Labor;
- Not be a property developer or close associate of a property developer as defined under the Electoral Funding Act (2018);
- Not be a real estate agent;
- Never have engaged in corrupt conduct;
- Be eligible under the relevant electoral laws to nominate;

A Candidate for NSW Labor selection and endorsement must include with this form:

- A copy of trade union membership as set out in Rule N.9(c)
- A copy of the nominee's birth certificate, passport and/or naturalisation certificate (this will be destroyed following Party Office endorsement of the candidate)
- A signed acceptance of nominations as set out on page 2;
- A signed pledge as set out on page 2;
- An authorised payment of a levy in writing, as set out in Rule Q.3.

FOR STATE AND FEDERAL CANDIDATES ONLY

- An Equifax questionnaire;
- Your online driving record and a Working with Children Check (this can be requested through Service NSW);
- Proof of the nominee's most recent ATO Tax lodgement and payment confirmation;
- A statutory declaration relating to payment of child support. Please ensure non-applicable statements are crossed out;
- Two written character references, as set out in Rule N.12(b). The references should:
 - Include the name and address of the person providing the reference;
 - Specify the qualifications of the person providing the reference;
 - Give details of the relationship between the person providing the reference and the nominee; and
 - Be signed by the person providing the reference.
- A Statement of Intent as set out in Rule N.12(a), in approximately 500 words, why the nominee wants to represent the Party.

SCHEDULE E

1 Candidate's Consent And Declaration

I, **Party Membership No.:**

Address:

Phone: **Mobile:** **Occupation:**

hereby consent to the above nomination and DECLARE that: I am a financial member of NSW Labor and have 12 months continuous membership as at the calling of nominations.

	Ticket No	Date of Issue	Branch Membership
Present Year			
Last Year			

- ☐ am enrolled for the electorate of
- ☐ am a financial member of union
- ☐ am an Australian Citizen (if not born in Australia, country of birth and place of naturalisation)
- ☐ are you of Aboriginal or Torres Strait Islander descent? ☐ Yes ☐ No

Signature of Candidate **Date**

2 Public Office Candidate's Pledge

I hereby pledge myself to comply with the Rules of NSW Labor and without in any way limiting the generality of the foregoing, pledge myself:

- As a condition of membership to comply with Rule A.7(a) and Rule Q.3 of the said Rules (as amended from time to time by Annual Conference).
- If returned to Parliament, on all occasions to do my utmost to ensure the carrying out of the principles embodied in the Labor Platform and on all such questions, especially on questions affecting the fate of a Government, to vote as a majority of the Labor Party as decided by Caucus.
- To support and to be in attendance to vote fully and loyally, without equivocation, for whatever measure or measures are placed before the Legislative Council of NSW by the Labor Caucus in the form submitted by the said Caucus without any amendment, alteration or addition, unless such amendment, alteration or addition shall be accepted by the Caucus.
- At all times to conduct myself in Local Government public office in the best interests and solidarity of the Party.
- If appointed to the Legislative Council of NSW or to the Senate, I will report to the Administrative Committee by the timeline set out in Rule D.17.
- I declare that:
 - I (or my spouse including de facto partner) are not Property Developers or Real Estate Agents, or a close associate of a Property Developer
 - I (or my spouse including de facto partner) are not Third Party Lobbyists
 - I (or my spouse including de facto partner) are not a director of a registered club.
 - I do not hold Life Membership of the Australian Labor Party (NSW Branch)

I undertake to resign from any position or office that would make me ineligible to hold the elected office for which I am nominating in a timely and practical manner as required by the relevant legislation or as directed by the General Secretary. I understand that should I fail or neglect to resign from such position or office, I hereby grant NSW Labor an irrevocable power of attorney to resign on my behalf. Further I will take all steps legally required to revoke or renounce any dual citizenship held by me that would make me ineligible to hold the elected office for which I am nominating.

Signature of Candidate **Date**

Signature of Witness **Date**

3 Public Office Candidate's Pledge On Campaign Funds

I agree that all funds donated, advanced or paid to me or raised on my behalf to assist in my election to the Parliament of the Commonwealth of Australia or the Parliament of New South Wales, or to, in general, support the Australian Labor Party (NSW Branch) ("ALP NSW") will be deposited or invested in the name of the ALP NSW (as appropriate) and the appropriate Federal or State Campaign Account, and dealt with in accordance with Section K (Finance, Property and Funds) of the ALP NSW Rules. I agree to use election funds for bona fide campaign and election purposes to ensure my election as an endorsed candidate for the ALP NSW.

I agree that any public funding payable under the Electoral Funding Act 2018 (NSW) or the Electoral Act 1918 (Cth) belongs to the ALP NSW Branch and upon receipt will be immediately paid to the ALP NSW. I acknowledge that, as a candidate for public office, and if I should be elected, as a Member of Parliament or Councillor, the management and disclosure of income and expenditure for my campaign is governed by the Electoral Act 1918 (Cth) and/or the Electoral Funding Act 2018 (NSW).

I pledge that, in my capacity as a candidate, and, if applicable, as a Member of Parliament or Councillor, I will comply with my responsibilities under the aforementioned Acts, and will establish adequate controls to ensure that my campaign team complies with its responsibilities under the aforementioned Acts.

Signature of Candidate **Date**

Signature of Witness **Date**

SCHEDULE F

Membership Pledge

I hereby pledge myself to comply with the Rules of the Australian Labor Party (NSW Branch) and without in any way limiting the generality of the foregoing pledge myself as a condition of membership to comply with Rule A.7(c) of the said Rules. I further pledge that I will actively support the Constitution, Platform and Principles of the Australian Labor Party including the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields and the pursuit of social justice and equality in all areas of human endeavour. I also commit to vote and assist in the return of endorsed ALP candidates.

Bob Nanva, General Secretary

SCHEDULE G



SCHEDULE H

Conduct of Ballots at Annual Conference

1. METHOD OF VOTING

There are three methods of voting used under this Schedule, i.e.: “preferential voting”, “proportional representation” and “three quarters majority”. Preferential applies where only one person is to be elected in a single ballot. Proportional representation applies where more than one person is to be elected in a single ballot. Three quarters majority applies to the election of President only.

2. BALLOT PAPERS

1. To conduct a ballot the General Returning Officer must have ballot papers prepared including names and given names of candidates, a statement of the number of people to be elected, and this instruction:

“Place the number “1” in the square opposite the name of the candidate for whom you desire to give your first preference vote. You may vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates in the order of your preferences for them. The more boxes you number, the more you maximise the value of your vote.”

2. More than one ballot may appear on a single Annual Conference ballot paper.
3. The names of candidates must appear on a ballot paper in the order determined by lot.
4. Candidates may appoint scrutineers to attend the drawing of positions should they desire to do so.

3. FORMALITY

1. Informal ballot-papers must be rejected by the General Returning Officer at the scrutiny.
2. A voter must place the number “1” in a square opposite the name of a candidate. The voter may vote for additional candidates by placing consecutive numbers beginning with the number “2” in the squares opposite the names of those additional candidates. However:
 - (a) if the same preference (other than a first preference) has been recorded on a ballot-paper for more than one candidate, the ballot-paper must be treated as if those preferences and any subsequent preferences had not been recorded on the ballot-paper,
 - (b) if there is a break in the order of preferences recorded on a ballot-paper, the ballot-paper must be treated as if any subsequent preference had not been recorded on the ballot-paper.
3. Notwithstanding anything to the contrary in this schedule:
 - (a) a ballot-paper on which the voter has recorded their vote by placing in one square the number “1” must not be treated as informal by reason only that:
 - (i) the same preference (other than their first preference) has been recorded on the

ballot-paper for more than one candidate, or

- (ii) there is a break in the order of preferences recorded on the ballot- paper.

- (b) a ballot-paper is not informal by reason only that the voter has recorded a vote by placing a cross or a tick in a square and not placing any mark or writing in any other square, but the ballot-paper is treated as if the cross or tick were the number “1”.
- (c) a ballot-paper is not informal by reason only that the voter has recorded a vote by placing the number “1” or a tick in a square and placing a cross in (or a line through) all or some of the other squares on the ballot-paper, but the ballot-paper is treated as if the marks in those other squares did not appear on the ballot- paper and any such tick were the number “1”.

4. A Party member must not encourage a voter in a Party ballot to cast an informal vote or place a cross or a tick in a square on a ballot-paper.

4. PREFERENTIAL VOTING

1. In this paragraph:
 - (a) “continuing candidate”, in relation to a count, means a candidate not excluded at a previous count.
 - (b) A reference in this paragraph to an exhausted ballot-paper in relation to any count is a reference to a ballot-paper on which there is not recorded a vote for a continuing candidate.
2. The General Returning Officer must ascertain the total number of first preference votes recorded for each candidate on all ballot-papers not rejected by the General Returning Officer as informal.
3. If a candidate has a majority of the first preference votes, the candidate must be elected.
4. If no candidate is elected under subparagraph 3, the General Returning Officer must make a second count:
 - (a) On the second count, the candidate who has the fewest first preference votes must be excluded, and each of the candidate’s ballot-papers that is not exhausted must be transferred to the candidate next in the order of the voter’s preference and counted to that candidate as a vote.
 - (b) If, on the second count, a candidate has a majority of the votes remaining in the count, the candidate must be elected.
5.
 - (a) If, on the second count, no candidate has a majority of the votes remaining in the count, the process of excluding the candidate who has the fewest votes, transferring each of the ballot- papers that is not exhausted to the continuing candidate next in the order of the voter’s preference and counting it to that candidate as a vote must be repeated by the General Returning Officer until one candidate has a majority of the votes remaining in the count.

(b) The candidate who, in accordance with clause (a) above, has a majority of the votes remaining in the count must be elected.

6. Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates):

(a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes must be excluded, or

(b) if they had an equal number of votes at all preceding counts, the candidate whose name is drawn by lot from the names of the candidates who have an equal number of votes must be excluded.

7. In the event that a fraction arises during the course of a count, the fraction should be rounded to the nearest one tenth (i.e. to one decimal place).

5. PROPORTIONAL REPRESENTATION

If the method used is to be “proportional representation”, then the count shall be conducted as described in the following:

1. After rejecting all informal voting papers, the number of first preferences indicated for each candidate shall be counted and recorded each voting paper having the value of 1,000 points.
2. Total the number of formal votes and work out the “quota” in accordance with the following formula: Total number of formal votes cast multiplied by 1,000 points divided by the number exceeding by one the number of vacancies to be filled. The result obtained is taken to the next whole number which becomes the “quota”.

Example: To elect six candidates from a total of 923 formal votes polled.

$$923 \times 1,000 = 923,000 \text{ divided by } 7 (6 + 1) = 131,857.1429 = 131,858 \text{ points}$$

3. Any candidate who has a value of first preferences equal to or greater than the quota shall be recorded as elected and any surplus over the quota transferred in the following manner (the “surplus” is the total number of points in excess of the quota held by that candidate at the time of the candidate’s election).

(a) Distribute the first preference voting papers of the elected candidate to the next preference shown for an unelected candidate. First preference voting papers of the elected candidate that have no continuing preference cease to be included in the counting process after the election of the candidate and do not participate in the transfer.

(b) Calculate the transfer value of each voting paper according to the following formula.

Transfer Value = Surplus of Points to be transferred

Number of Voting papers participating in transfer

(c) The number of voting papers transferred to each unelected candidate, according to

Section 3(a), is then multiplied by the transfer value, and the whole number remaining after any fraction is rounded off to the nearest whole number, is the number of points that are transferred to that unelected candidate.

4. If the progress total of any candidate becomes equal to or greater than the quota by the transfer of a surplus, They shall be recorded as elected and any surplus over the quota transferred in the following manner. (the “surplus” is the total number of points in excess of the quota held by that candidate at the time of the candidate’s election)

(a) The voting papers allotted to the elected candidate in the last transfer shall be distributed to the unelected candidates according to the continuing preference. The voting papers allotted to the elected candidate in the last transfer that have no continuing preference, the first preference voting papers of the elected candidate and other voting papers allotted to the elected candidate prior to the last transfer do not participate in the new transfer and cease to be included in the counting process.

(b) The transfer value shall be obtained by dividing the surplus by the number of voting papers participating in the transfer (ie. the number of voting papers allotted to the elected candidate in the last transfer).

(c) The number of voting papers transferred to each unelected candidate according to Section 4(a) is then multiplied by the transfer value and the whole number remaining after any fraction in the result is rounded off to the nearest whole number, is the number of points that are transferred to that unrelated candidate.

5. No votes shall be transferred to any candidate whose progress points total exceeds the quota or who has been excluded in accordance with section 7 below.

6. If more than one candidate has a surplus, the surpluses shall be transferred in order of size, beginning with the largest, provided that no surplus shall be transferred before a surplus that arose earlier in the counting.

7. If after the transfer of all surpluses, any vacancies remain unfilled, the candidate whose progress points total is lowest shall be excluded and all voting papers allotted to them shall be distributed to the unelected candidates in accordance with the continuing preference shown on the voting papers, and at a value determined as follows:

(a) Voting papers with first preference indicated for the excluded candidates shall be transferred at their full value (1,000 points for each such voting paper).

(b) The other voting papers of the excluded candidate shall be distributed at the value at which they were transferred to them.

The voting papers allotted to the candidate that have no continuing preference do not participate in the new transfer and cease to be included in the counting process.

8. If the progress points total of any candidate becomes equal to or greater than the quota by the transfer of votes resulting from the exclusion of a candidate, they shall be recorded as elected and any surplus transferred according to Section 4.
9. The process of excluding the candidate with the lowest progress points total and allotting their voting papers to the remaining unelected candidates shall be repeated and any surpluses transferred until all vacancies are filled or until the number remaining unfilled is equal to the number of remaining candidates in which case those candidates shall be recorded as elected.
10. Immediately after each transfer of voting papers and immediately after each election or exclusion of a candidate where there is no such transfer the quota must be recalculated in accordance with the following formula:

The total value (i.e. in points) of the votes remaining in the count divided by the number exceeding by one the number of vacancies yet to be filled. The result obtained is taken to the next whole number which becomes the new “quota”.

11.
 - (a) In this section, “affirmative action rules” means any Party Rule that mandates a minimum number of candidates of either or both genders must be members of a body elected by Annual Conference by proportional representation.
 - (b) Prior to declaring the result for an election under this schedule the General Returning Officer must verify that the proposed declaration would satisfy the provisions of the affirmative action rules. If those rules would not be satisfied by the proposed declaration the General Returning Officer must adjust the proposed declaration to give effect to the affirmative action rules in accordance with the principles of proportional representation and make the declaration accordingly.
 - (c) If, under (b) above, it is not possible to so adjust the proposed declaration because there is an insufficient number of candidates of the required gender for a given group participating in the ballot, the General Returning Officer must, as part of the declaration for the ballot, declare the relevant positions as casual vacancies. Such casual vacancies must be filled in accordance with Party Rules.
12. The General Returning Officer may adopt an expedited process in lieu of the counting process prescribed by this schedule if:
 - (a) the Assistant General Returning Officers and scrutineers present are all in agreement on the process; and
 - (b) the outcome of the declaration is unaffected by the expedited process.

6. THREE QUARTERS MAJORITY

If the method used is to be a three-quarter majority vote of Conference delegates, then the count shall be conducted as described in the following:

1. In this paragraph:
 - (a) “continuing candidate”, in relation to a count, means a candidate not excluded at a previous count.
 - (b) A reference in this paragraph to an exhausted ballot-paper in relation to any count is a reference to a ballot-paper on which there is not recorded a vote for a continuing candidate.
 - (c) “formal votes cast” means the total formal votes cast in the first count
 - (d) Three quarters means equal to or greater than 75%, where the percentage is equal to the total number of formal votes cast for an individual candidate divided by the total number of formal ballots cast, multiplied by 100.
 - (e) In the event that a fraction arises in calculating a three quarters majority the result should be calculated to three decimal places.
2. The General Returning Officer must ascertain the total number of first preference votes recorded for each candidate on all formal ballot-papers.
3. If a candidate has a three-quarter majority of the first preference votes, the candidate will be declared elected.
4. If no candidate is elected under subparagraph 3, the General Returning Officer must make a second count:
 - (a) On the second count, the candidate who has the fewest first preference votes must be excluded, and each of the candidate’s ballot-papers that is not exhausted must be transferred to the candidate next in the order of the voter’s preference and counted to that candidate as a vote.
 - (b) If, after the second count, a candidate has achieved a three quarters majority of the formal votes cast, the candidate must be elected.
5.
 - (a) If, after the second count, no candidate has a three quarters majority of the formal votes cast, the process of excluding the candidate who has the fewest votes, transferring each of the ballot papers that is not exhausted to the continuing candidate next in the order of the voter’s preference and counting it to that candidate as a vote must be repeated by the General Returning Officer until one candidate has a three quarters majority of the formal votes cast.
 - (b) The candidate who, in accordance with clause (a) above, has a three quarters majority of the formal votes cast, the candidate must be elected.
6. Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates):

- (a) Such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes must be excluded, or
 - (b) If they had an equal number of votes at all preceding counts, the candidate whose name is drawn by lot from the names of the candidates who have an equal number of votes must be excluded.
7. In the event that a fraction arises during the course of a count, the fraction should be rounded to the nearest one tenth (i.e. to one decimal place).
8.
 - (a) In the event that no candidate is elected under subparagraphs 3-6, the General Returning Officer will return to the floor of the conference immediately following the conclusion of the count of the President's ballot and advise delegates that no candidate received a three quarters majority and advise delegates the results as they stand.
 - (b) The Agenda Committee shall meet to set a time for a vote of delegates on the floor to occur during Conference proceedings.
 - (c) In descending order of the candidate's preferential vote from the ballot, the General Returning Officer will conduct a count of delegates by a show of hands for each of the two continuing candidates from the ballot.
 - (d) Delegates may vote for multiple candidates.
 - (e) Any candidate to reach a three-quarter majority of the total number of delegates eligible to vote by way of a show of hands will be declared elected and the count will discontinue.
9. In the event that no candidate is elected under subparagraph 8, the Conference may vote on a method to determine the election of the President.
 - (b) If it is apparent that the challenge votes may affect the outcome of the ballot, the Returning Officer must not declare the ballot and must instead seal all ballot material in the ballot box and deliver the ballot box into the custody of either the General Returning Officer or the General Secretary (or a representative of the General Secretary)
 - (c) The Returning Officer may declare the ballot prior to the resolution of the challenges if, after counting other ballot papers, it is clear that the challenge votes will not affect the outcome of the ballot.
 - (d) The subsequent count and declaration of the ballot (after the challenges have been determined) may be made by the General Returning Officer or a person authorised by them.
2. Where, during the conduct of a ballot, it is alleged that the requirements of the party Rules are not being adhered to, the matter must dealt with (in the first instance) by the Returning Officer. In the event that the matter is not resolved and it is alleged that the issue requires urgent resolution to ensure the integrity of the ballot process, the General Returning Officer or the General Secretary (or a representative of the General Secretary appointed in relation to that ballot) may be consulted, and may give instructions to determine the issue consistent with the Party Rules.

7. DISPOSAL OF BALLOT MATERIALS

After the declaration of the ballot, the Returning Officer must seal all ballot papers and material in the ballot box or other secure container and retain the ballot box for at least seven days.

8. PROCEDURES FOR CHALLENGES

In any ballot conducted under this Schedule the following applies:

1. Where a challenge has been made to inclusion or non-inclusion of a person on the voting list for a ballot within time provided for by the NSW Branch Rules, and that challenge has not yet been finally determined in accordance with those Rules, the person concerned must be included on the voting list provisionally (i.e. subject to "challenge"). This means that:
 - (a) They may be issued with a ballot paper in accordance with the Rules, but that ballot paper (once completed) must be placed in a blank envelope that does not bear the voter's name and handed directly back to the Returning Officer who will seal it in a second

SCHEDULE I

Conduct of Ballots at all other Party Units

1. BALLOT PAPERS

- (a) Positions on all ballot papers shall be drawn by lot. Candidates may appoint scrutineers to attend the drawing for positions should they desire. The full names, including given names, of candidates shall appear on ballot papers. In the event of more candidates being nominated than there are vacancies to be filled, a ballot shall be taken on the preferential system. Preferential system shall mean that a voter must vote for all candidates in order of their preference.
- (b) The Returning Officer must tell voters that for their ballot papers to be counted in the vote, they must number all the candidates. For example, if there are six candidates, the candidates must be numbered 1 to 6. This requirement is satisfied if the Returning Officer includes written advice to this effect on the ballot paper itself.

2. FORMALITY

- (a) Informal ballot-papers must be rejected by the Returning Officer at the scrutiny.
- (b) A voter must vote for all candidates in order of the voter's preference in accordance with this Rule. A vote must not be regarded as formal unless either:
 - (i) all squares are numbered consecutively from "1", without repetition of any number; or
 - (ii) all squares are numbered consecutively from "1", without repetition of any number, but the last square in the numerical sequence is left blank.
- (c) A Party member must not encourage a voter in a Party ballot to cast an informal vote.

3. PREFERENTIAL VOTING FOR ELECTION OF ONE CANDIDATE

A candidate who received a number of first preference votes greater than half the total number of formal ballot papers shall thereupon be declared elected.

If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny, as follows:

- (a) The candidate who received the fewest first preference votes shall be excluded, and each ballot paper counted to them shall be counted to the candidate next in order of the voter's preference.
- (b) Then if no candidate has an absolute majority of votes, the process shall be repeated by excluding the next candidate who has the fewest votes, and counting each of their ballot papers to the unexcluded candidates next in the order of the voter's preference, until one candidate has received an absolute majority of votes and is elected.
- (c) In the event that a fraction arises during the

course of a count, the fraction should be rounded to the nearest one tenth (i.e. to one decimal place). This requirement does not apply to the weighting factor used to proportionately adjust the relative value of groups of votes, but does apply to product of that equation. For example, if there is a requirement for a group of 30 votes and a group of 23 votes to be equal, the 23 would be weighted up by multiplying by a weighting that is precise as is practicable (say 1.3043478) and the product of that equation (29.999999) would then be rounded to 30.0 or 30).

4. PREFERENTIAL VOTING FOR ELECTION OF MORE THAN ONE CANDIDATE

In any case where two or more candidates are to be elected, the Returning Officer shall act in accordance with the following procedure:

1. The votes shall be classified into two categories as follows:
 - (a) Votes marked 1, 2, 3, etc., according to the number of vacancies shall be termed the "primary" votes and have equal value in the first count.
 - (b) Preference votes shall be termed the "secondary" votes and shall have rank according to their numerical order.
2. The "primary" votes shall first be counted and a list shall be prepared of the candidates in order according to the "primary" votes cast for them. The candidate who is last on the list thus compiled shall be excluded from the election.
3. Each ballot paper on which such excluded candidate received a number 1 vote shall then be scrutinised and the next available preference following the "primary" vote as defined in 1(a) shall be added to the total credited to each unexcluded candidate on the first count.
4. The candidate next last on the list shall then be excluded. Each ballot paper on which such candidate received a number 1 vote shall then be scrutinised and the next available preference vote to the "primary" vote as determined in 1(a) shall be added to the total credited to the respective remaining candidates. Should the next available preference vote be cast in the favour of an excluded candidate, it shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the total credited to that candidate. This process of exclusion and distribution of preference votes shall be repeated until only the number of candidates required to fill the vacancies remain.
5. In the case of two or more candidates being equal during the progress of the count, you eliminate the candidate with the lowest number (first preference) votes. If there should still be equality then the Returning Officer should draw, in the presence of scrutineers, and the candidate whose name is drawn will remain in the ballot.
6. In determining which candidate is next in order of preference the votes which have been counted for any candidate who has been excluded shall not be considered and the order of voter's preferences shall be determined on the next available

preference which ballot paper has not been previously transferred.

7. All candidates must be voted for.
8. No Returning Officer or scrutineer shall be allowed to nominate for any position in any ballot in which they are acting as Returning Officer or scrutineer, except in the case of the General Returning Officer and the Assistant General Returning Officers. In calling for nominations, the Returning Officer shall be deemed to have participated in the ballot, except in the case of the General Returning Officer and the Assistant General Returning Officers. Where the Returning Officer is renominating for that position, they must arrange for the Deputy Returning Officer or another member of the Branch Executive to receive these nominations.

5. **PREFERENTIAL VOTING FOR ELECTION OF MORE THAN ONE CANDIDATE FOR PUBLIC OFFICE TO DETERMINE THE ORDER OF CANDIDATES SELECTED**

In any case where two or more candidates are to be elected the Returning Officer shall act in accordance with the following procedure:

1. In relation to the count of first preference votes, they shall:
 - (a) arrange all the formal ballot papers against the names of the respective candidates by placing in a separate bundle all those on which a first preference is indicated for the same candidate; and
 - (b) count the first preference votes given for the candidates on all ballot papers.
2. If any candidate has more than half the total number of first preference votes, they shall be declared elected. If, however, no candidate has an absolute majority, a process of elimination of those candidates with the lowest number of first preference votes and the distribution of their preferences will continue until such time as one candidate attains an absolute majority and is then declared elected. When a candidate is excluded, all ballot papers counted to them and contained in their bundle at the time of their exclusion must be transferred to the unexcluded candidates next in order of the voter's preference. This process will be repeated, until one candidate has received an absolute majority to the votes in the election.
3. Second vacancy
 - (a) In filling the second vacancy the returning officer will:
 - (i) re-arrange the whole of the ballot papers under the names of all candidates (including the elected candidate) in accordance with the first preference votes indicated thereon;
 - (ii) transfer each ballot paper on which a first preference is indicated for the ELECTED CANDIDATE to the bundles of the candidates next in order of the voter's preference; and when that is concluded,
 - (iii) count the ballot papers in the bundle of each unexcluded candidate, and

- (iv) If a candidate thus attains an absolute majority of votes cast, that candidate shall be declared elected.

- (b) If no candidate has received an absolute majority of votes, the returning officer will exclude the candidate who has received the fewest votes and will transfer each ballot paper distributed to them at the time of that candidate's exclusion, to the continuing candidates (ie, not the candidate elected in the first count) next in order of the voter's preference. This procedure will continue until one candidate has an absolute majority and is declared elected.

4. Third vacancy

- (a) The procedure in filling the third vacancy is similar to that followed in filling the second vacancy. The returning officer will:
 - (i) re-arrange the whole of the ballot papers under the names of the respective candidates (including the two elected candidates) in accordance with the first preference votes indicated thereon;
 - (ii) transfer each ballot paper on which a first preference vote is indicated for the candidate first elected to the bundle of each continuing candidate (ie, any candidate not being the second elected candidate) next in the order of the voter's preference;
 - (iii) transfer each ballot paper on which a first preference vote is indicated for the candidate second elected to the parcel of each continuing candidate (ie, any candidate not being the candidate first elected) next in order of the voter's preference;
 - (iv) count the ballot papers contained in the bundle of each (continuing) candidate; and
 - (v) if a candidate thus attains an absolute majority of votes cast, they shall be declared elected.
- (b) If no candidate then has an absolute majority of votes, the returning officer excludes the candidate who has received the fewest votes, and transfers each ballot paper which has been counted to them to each continuing candidate (that is, to any candidate not being an elected candidate) next in the order of the voter's preference. If no candidate then has an absolute majority of votes, the returning officer excludes that candidate who has the fewest votes, and transfers each ballot paper which has been counted to them (ie contained in that candidate's bundle at the time of their exclusion) to the continuing candidate (ie, any candidate not being an elected or excluded candidate) next in the order of the voter's preference, and so on, stage by stage, until one candidate has received an absolute majority of votes and is elected to fill the third vacancy.

5. Further vacancies shall be filled one by one in the manner provided in the last preceding subsection referring to the filling of the third vacancy, provided that at all times a ballot paper on which a first preference for any elected candidate is marked, shall be placed in the bundle of each continuing candidate next in order of the voter's preference.
6. In this schedule "continuing candidate" means a candidate not already elected or excluded from the count.
7. In this schedule "an absolute majority of votes" means a greater number than one-half of the whole number of formal ballot papers.
8. If at any stage of the count, two or more candidates have an equal number of votes and one of them has to be excluded, the tie shall be broken by a draw from the hat, the candidate whose name is drawn being the candidate who remains in the ballot.
9. Notwithstanding anything contained in the preceding provisions of this schedule, two or more candidates lowest in the poll may be excluded from any count at the same time provided:
 - (a) that the total number of votes of the lowest candidates does not in the aggregate exceed in number the votes of the candidate next higher in the poll;
 - (b) that the number of continuing candidates is not thereby reduced below the number to be elected; and
 - (c) that in the filling of a second or any subsequent vacancy, the votes of the elected candidate or candidates have already been distributed as provided in this schedule.
10. In the event that a fraction arises during the course of a count, the fraction should be rounded to the nearest one tenth (i.e. to one decimal place). This requirement does not apply to the weighting factor used to proportionately adjust the relative value of groups of votes, but does apply to product of that equation. For example, if there is a requirement for a group of 30 votes and a group of 23 votes to be equal, the 23 would be weighted up by multiplying by a weighting that is precise as is practicable (say 1.3043478) and the product of that equation (29.999999) would then be rounded to 30.0 or 30).

6. PROCEDURES FOR CHALLENGES, ETC

In any ballot conducted under this Schedule the following applies:

1. Where a challenge has been made to inclusion or non-inclusion of a person on the voting list for a ballot within time provided for by the NSW Branch Rules, and that challenge as not yet been finally determined in accordance with those Rules, the person concerned must be included on the voting list provisionally (i.e. subject to "challenge"). This means that:
 - (a) they may be issued with a ballot paper in accordance with the Rules, but that ballot paper (once completed) must be handed directly back to the Returning Officer or Presiding Officer (as applicable) by the voter, the Returning Officer or Presiding Officer must place the paper in a sealed envelope that does not bear the voters name and then in second sealed envelope marked with the voter's name. The enveloped vote must then be placed in the ballot box.
 - (b) If it is apparent that the challenge votes may affect the outcome of the ballot, the Returning Officer must not declare the ballot and must instead seal all ballot material in the ballot box and deliver the ballot box into the custody of either the General Returning Officer or the General Secretary (or a representative of the General Secretary).
 - (c) The Returning Officer may declare the ballot prior to the resolution of the challenges if, after counting other ballot papers, it is clear that the challenge votes will not affect the outcome of the ballot.
 - (d) The subsequent count and declaration of the ballot (after the challenges have been determined) may be made by the General Returning Officer or a person authorised by them.
2. Where, during the conduct of a ballot, it is alleged that the requirements of the party Rules are not being adhered to, the matter must dealt with (in the first instance) by the Returning Officer. In the event that the matter is not resolved and it is alleged that the issue requires urgent resolution to ensure the integrity of the ballot process, the General Returning Officer or the General Secretary (or a representative of the General Secretary appointed in relation to that ballot) may be consulted, and may give instructions to determine the issue consistent with the Party Rules.

SCHEDULE J

Conduct of Selection Ballots where Party Unit activities are suspended for public health reasons

1. PRINCIPLES

1. A suspension of Party Unit activities under rule D.7, prevents members from meeting branch membership requirements to vote in a public office selection ballot under rule N.20 (c)(i-ii).
2. This schedule intends to enfranchise members of their voting rights where suspension of Party Unit activities have affected their ability to attend the required meetings.
3. The Administrative Committee in suspending activities of all party units must determine the 'designated period' being the period that party unit activities are suspended. This period may be updated as necessary.
4. These Rules should only influence the eligibility for selection ballots and those sections of the rules specifically referenced.

2. ESTABLISHING BRANCH MEMBERSHIP

1. Where a member was not able to join a branch for the purposes of branch membership during the designated period, the member is considered to be a member of the branch as required by rule N.20(c)(i) or rule N.20(c)(ii), and I.8(a).
2. In establishing that a member was admitted to membership of the branch, in the case of a member relying on Rule N.20(c)(i), if the member would have commenced their branch membership during the designated period (in the three years prior to the date of calling for nominations), but was unable to do so due to the suspension of Branch Meetings, if they meet all other requirements under Rule N.20(c)(i), they shall be placed on the list of eligible voters.
3. In establishing that a member was admitted to membership of the branch, in the case of a member relying on Rule N.20(c)(ii), if the member would have commenced their branch membership during the designated period (in the five years prior to the date of calling for nominations), but was unable to do so due to the suspension of Branch Meetings, if they meet all other requirements under Rule N.20(c)(ii), they shall be placed on the list of eligible voters.
4. In establishing that a member was admitted to membership of the branch, in the case of a member relying on Rule N.20(c)(ii), if the member would have commenced their branch membership during the designated period (in the five years prior to the date of calling for nominations), but was unable to do so due to the suspension of Branch Meetings, if they meet all other requirements under Rule N.20(c)(ii), they shall be placed on the list of eligible voters.

3. ATTENDANCE REQUIREMENTS

1. Where the designated period is for more than three months, but less than six months, the member will be considered to have attended one meeting during the designated period automatically as part of the four meetings as required by rule Rule N.20(c)(i).
2. Where the designated period is for more than six months, but less than twelve months, the member will be considered to have attended two meetings during the designated period automatically as part of the four meetings as required by rule Rule N.20(c)(i).
3. Thereafter, for each additional six-month period or part thereof of the designated period, the member will be considered to have attended one meeting per each six-month period during the designated period automatically as part of the four meetings as required by rule N.20(c)(i).
4. Where the designated period if for more than three months, but less than twelve months, the member will be considered to have attended one meeting during the designated period automatically as part of the four meetings required by rule N.20(c)(ii).
5. Thereafter, for each additional twelve-month period or part thereof of the designated period, the member will be considered to have attended one meeting per each twelve month period during the designated period automatically as part of the four meetings required by rule N.20(c)(ii).

4. GENERAL

1. Attendance of branch meetings that occurred during the designated period will not be considered for determining branch membership or attendance requirements.
2. Rule I.11(a) shall not apply for the designated period in determining whether a member shall be placed on the eligible voters list.
3. Rule N.44 and N.45 shall not apply during the designated period.
4. Rule H.1(f)(ii) and H.11(d) shall not apply for the designated period in determining whether a member shall be placed on the eligible voters list.
5. Rule I.3(a) and (b), and I.11(a) shall not apply for the designated period in determining whether a member shall be placed on the eligible voters list.
6. Rule I.30(a) shall not apply for the designated period in determining whether a member shall be placed on the eligible voters list.
7. Schedule H, Part 4.7(g) shall not apply during the designated period.
8. Rule G.4(a) shall not apply during the designated period in determining whether a member shall be placed on the eligible voters list. Each Electorate Council must meet at within three months in a place decided by the Council, or within four months in designated country area, of the end of the designated period.

9. Rule I.11(a) shall not apply for the designated period in determining whether a member shall be placed on the eligible voters list. Each Branch must meet within three months of the end of the designated period. in a place decided by the Branch.
10. Seven days before the first three meetings after the designated period, notice of the meeting must be given by the Branch or Electorate Council meeting even if the Council or Branch meets on the same date and time in the same place.
11. Rule A.19(d) shall not apply during the designated period.
12. Rule G.19(a) shall not apply during the designated period. Attendance of an FEC Forum that occurred during the designated period should not be considered for determining branch membership or attendance requirements.

5. INTERPRETATION

1. Schedule J applies to provide for meeting attendance during the designated period, being the period during which the Administrative Committee considered branches to be unable to meet due to COVID-19. The designated period is from 16 March 2020 to 28 February 2022, a period of 1 year, 11 months and 12 days.

Schedule J should be read in conjunction with Schedule I, specifically Rule I.3(b) which provides an amnesty for Branch meeting occurrence and states:

- (b) This Rule does not apply to the period 16 March 2020 to 16 October 2022. A Branch which has not met for three months during this period must meet again before 30 November 2022, otherwise the requirements of (a) above will apply.
2. Schedule J was drafted to provide enfranchisement at a period in which regular meetings of the ALP could not take place. As the relevant period of coverage begins to wane The Rules Committee thought it appropriate to provide an interpretation of the rule.
3. This interpretation relies on and is consistent with how Schedule J has been used for Public Office Selection Ballots since its inception with the intent of enfranchising members in accordance with Schedule J.1(2), while avoiding interpretations of Schedule J that could significantly vary the outcomes between Public Office Selection Ballots.
4. Schedule J.2 should be and has been interpreted such that it allows for branch membership to be presumed to have occurred (both for the purposes of membership being established prior to a particular date, and for branch registration during a membership year) if it could be satisfied by a presumed meeting during the designated period.
 - This will cease being relevant for Public Office Selection Ballots for the purposes of Rule N.20(c)(i) [two-year rule] after the conclusion of the 2023-24 membership year (the current membership year)
 - This will cease for the purposes of Rule N.20(c)(ii) [four-year rule] after the conclusion of the 2025-26 membership year (e.g., from 1 December 2026).

5. Schedule J.3 should be and has been interpreted such that the maximum number of meetings possible be credited against the member for the purposes of the relevant credentialling rule based on the amount of the designated period which overlaps with the two- or four-year period prior to the calling of preselections:
 - For the purposes of the two-year rule, this period has already ceased.
 - For the purposes of the four-year rule, meetings may still be credited against attendance requirements for preselections called before 28 February 2026.
 - For Public Office Selection Ballots called before 28 February 2025, this may include up to two meetings, assumed to have occurred favourably to the member based on one having occurred during the period from 1 March 2021 to 28 February 2022, and one meeting occurring within whatever period then remains which is less than four years from the calling of nominations and 28 February 2021.
 - For Public Office Selection Ballots called from 1 March 2025 but before 28 February 2026, this may include one meeting assumed to have occurred favourably to the member within whatever period then remains which is less than four years from the calling of nominations and 28 February 2022.

SCHEDULE K

Rules of Debate

The following rules of debate shall be observed at all meetings.

1. THE CHAIR

A Chair shall preside at all meetings.

- (a) The Chair's interpretation of the rules of debate shall be final unless overruled by the meeting.
- (b) Dissent from the Chair's ruling. Any member dissatisfied with the Chair's ruling may move a motion of dissent in the following terms: "That the Chair's ruling be dissented from." In such case only the mover shall be permitted to speak, except the Chair who may state their reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chair, without further discussion, in the following form: "The motion is that the Chair's ruling be upheld."
- (c) The Chair may not move, second or speak on any motion without leaving the chair. Having left the chair they may not resume it until that debate has concluded.
- (d) Whenever the Chair rises, whether during debate or not, any member speaking or proposing to speak, shall resume their seat so that the chair may be heard in silence.
- (e) Chair's leave. No member shall leave a meeting without permission from the chair.

2. ADDRESSING THE MEETING

- (a) Address while standing.
Any member desiring to propose a motion or an amendment, or to discuss any matter under consideration, must rise and address the Chair.
- (b) Call to first risen.
The right of speaking on any subject shall belong to the member who first rises to address the Chair. When two or more members rise together the Chair shall call upon the member deemed by the Chair to have risen first.
- (c) Speakers once only.
No member shall speak without consent at the meeting. Any member proposing or seconding a motion shall be held to have spoken.
- (d) Speakers times.
In debate, the mover shall be allowed five (5) minutes for speaking in support of their motion; subsequent speakers three (3) minutes, and the mover three (3) minutes in reply. The time for discussion to be limited to twenty (20) minutes for each question, unless extended by resolution.

(e) Speakers' in succession.

No more than two (2) members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendments shall be put to the meeting after the mover has replied.

(f) Right of Reply.

The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.

(g) State and Federal Members' Reports.

At branch meetings, reports from State and Federal Members of Parliament (including questions) are limited to 10 minutes each.

(h) Local Councillors' Reports

At branch meetings, reports from Councillors are limited to 5 minutes each, including questions. The total amount of time spent hearing from all Councillors (including questions) is not to exceed 15 Minutes.

(i) Branch meetings must not exceed two hours, with the exception of Annual General Meetings unless an extension is agreed to by the branch.

3. POINT OF ORDER

The member addressing the meeting shall not be interrupted unless called to order or a point of order is taken. When a point of order is taken, the member speaking shall sit down and the member taking the point of order shall outline their reasons for taking it to the Chair. The Chair may either invite further submissions or rule upon it immediately. The Chair must give a ruling before the debate is resumed.

4. MOTIONS

- (a) Must be duly proposed and seconded before debate may commence.
- (b) Lapsed Motions. Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (c) Amendments. The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. When amendments have been put and lost the original motion shall then be put to the meeting. When amendments have been put and carried, the amendment shall become part of the motion, and shall then be put to the meeting. At the close of debate, amendments shall be put in the order they have been moved.
- (d) Direct negatives disallowed. No amendment shall be received by the Chair which shall be a direct negative to a motion, or which does not preserve the substance of such motion.

5. QUESTION BE PUT

A member shall have the right at any time during the debate to move “That the question be now put,” and it shall be submitted by the Chair to the vote without discussion and if affirmed the Chair shall put the question under discussion to the meeting without further debate after the mover has replied.

6. ADJOURNED MOTION

A member shall have the right at any time during the debate to move “That this motion be now adjourned” and the adjournment motion shall be submitted by the Chair to vote without discussion. If the adjournment motion is affirmed, the motion adjourned shall be listed for discussion under “motions of which due notice has been given” at the next meeting.

7. PUTTING THE MOTION

Immediately the debate on a question shall be concluded the Chair shall put the question to the meeting in a distinct and audible manner.

The question being put, shall be resolved in the affirmative or negative by the voices, unless a show of hands is requested.

8. EQUAL VOTING

In the event of the voting on any motion being equal the Chair shall declare the motion lost.

9. NO FURTHER SPEAKERS

No member shall speak on any motion after the same has been put by the Chair.

10. NOTICE OF MOTION

A member may give notice of motion for the purpose of:

- (a) rescinding and/or amending any motion carried at a meeting of the Branch; or
- (b) placing business on the business paper for the next Branch meeting. The notice of motion shall be read to the meeting and handed to the Chair. The Chair shall not allow discussion on the notice of motion at the meeting at which the notice is given. The notice of motion shall take precedence in the order in which it stands in the minute book in relation to other similar notices unless otherwise ordered by the meeting which finally determines the notice. Should the mover in whose name the notice of motion stands be not present, then the said motion shall lapse.

The submission of a notice of motion to rescind does not nullify the decision of the motion it seeks to rescind until the motion itself is carried at the subsequent meeting. A recision motion that is defeated shall not be moved again until three months have passed.

11. SUSPENSION OF STANDING ORDERS

It shall be competent for a majority of members present at a meeting to suspend so much of standing orders as is necessary to allow the consideration of any business, except for the consideration of business already dealt with at the meeting.

12. RECOMMITTAL

Any matter already dealt with by the meeting may be recommitted to the meeting by unanimous consent.

13. EXCLUSION FROM THE MEETING

The Chair may, at any time, exclude a member who:

- (a) attends the meeting in an intoxicated condition; or who
- (b) is guilty of unruly or disorderly conduct.

14. GRANTING OF LEAVE

Whenever a procedural motion is proposed, the Chairman may ask the meeting whether there is any objection to the motion and provided that no member present objects, the motion will be declared carried. If there is an objection, the ordinary rules of debate will apply.

15. VISITORS

When visitors are admitted, the Chair may direct that seating accommodation shall be provided for them apart from members.

16. CLOSURE OF MEETINGS

Night meetings shall terminate not later than 10.00 pm. It shall be competent for any member to propose an extension of time providing such extension or extensions shall not exceed time beyond one half- hour. Night meetings shall definitely close no later than 10.30 pm and all business transacted after that hour will be null and void. This shall not apply to meetings of the Administrative Committee or Tribunals or Policy Committees.

17. DISCLOSURE OF FINANCIAL INTERESTS

(a) Members:

- (i) who have a substantial financial interest in a matter being considered or about to be considered at a meeting, and
- (ii) whose interest appears to raise a conflict with the proper performance of the Member’s duties in relation to the consideration of the matter, must disclose the nature of the interest at a meeting if they intend to participate in debate or vote on the matter.

(b) An interest is not “substantial” (and therefore does not have to be disclosed) merely because a member:

- (i) holds a modest proportion of the shares of a publicly listed company;
- (ii) is a member of a non-profit organisation; or
- (iii) is employed by a trade union, a government agency, Member of Parliament or the Party.

(c) A disclosure by a Member at a meeting that the Member:

- (i) is a member, or is in the employment, of a specified organisation, or
- (ii) is a partner, or is in the employment, of a specified person, or

- (iii) has some other specified interest relating to a specified organisation to a specified person; is a sufficient disclosure of the nature of the interest.

Example 1:

Smithsville Branch is debating a motion to tell ALP Councillors that the Branch opposes a local re-development. John, a member of the Branch, knows that he is a business partner of the developer concerned. John cannot participate in debate or vote on the motion without declaring his relationship with the business partner. He does not need to disclose the commercial details of that relationship.

Example 2:

Smithsville Branch is debating a motion to tell the Federal ALP that it opposes a policy proposal made by a Labor spokesperson on the Environment.

It is not necessary for Bob, a Branch member, to disclose the fact that he works for the Department of Environment and Conservation when he votes on the motion.

SCHEDULE L

NSW YOUNG LABOR

Part One: Purpose

1. OBJECTIVES

- (a) To advocate progressive policies within the Labor Movement by way of Party and public meetings, pamphlets and papers.
- (b) To support the objectives and platform of the Party and in doing so educate members of Young Labor, trade unions and other Party bodies.
- (c) To provide a voice for young people both within the Party and in the general community.
- (d) To assist in the election to public office of endorsed Labor candidates at a national, state and local level.
- (e) To promote and adopt mechanisms which encourage the participation of women, indigenous, rural and culturally diverse communities in Young Labor and the wider Party.
- (f) To publish material of any kind, whether written, audio or visual, that may assist in achieving the above objectives.
- (g) To be the co-ordinating body of Young Labor in NSW.
- (h) To advise the Party on matters of policy and the views of young people.
- (i) To undertake any other duties referred to it by the NSW Branch Annual Conference or Administrative Committee.

Part Two: Membership

2. AGE

- (a) To be a member of and be eligible for election to a position in Young Labor, a person must:
 - (i) Be a member of the Australian Labor (NSW Branch); and
 - (ii) Not have attained the age of 26 years as at 1 January in the year of their membership or election.
- (b) Any member of, or person elected to a position in, Young Labor who attains the age of 27 years in the ensuing 12 months shall be eligible to retain office until the next Annual Conference.
- (c) Following Administrative Committee meetings, the General Secretary shall send the Young Labor Secretary and Young Labor Assistant Secretaries a complete list of names, addresses, ticket numbers, categories of membership and membership fees paid relating to Party members satisfying the criteria in subsection (a).

Part Three: Conferences

3. CONFERENCES

- (a) Young Labor shall hold an Annual Conference each year in metropolitan Sydney.
- (b) Young Labor shall hold a Rural and Regional Conference every second year outside of Sydney.
- (c) Young Labor may hold a Policy Conference once per year in Western Sydney.
- (d) Prior to 31 December in each year the NSW Branch Administrative Committee shall, in consultation with the Executive, set dates for the next year's conference(s).
- (e) Conference shall consider agenda items submitted by Young Labor Associations, Branches, affiliated trade unions, NSW Branch Annual Conference, NSW Branch Administrative Committee and other Party Units.
- (f) A Conference may only take place when a quorum of at least forty (40) delegates are present.
- (g) A Young Labor Association or affiliated trade union shall pay a fee for each of its Delegates to Conference, Rural and Regional Conference and Policy Conference, the fee being determined by the NSW Branch Administrative Committee in consultation with the Executive.
- (h) Alternate Delegates shall be entitled to attend Conference and take part in the business of Conference without the right to vote unless acting as a full delegate.
- (i) Conference delegates are to be notified at least seven (7) days in advance of the agenda items and proposed order of business of a Conference.
- (j) Any Policy Caucus report must be presented to the Executive at least seven (7) days in advance of Conference in order for it to be placed on the agenda.

4. ANNUAL CONFERENCE POWERS

- (a) The NSW Young Labor Annual Conference is the principal policy-making and governing body of Young Labor in NSW. Annual Conference has the power:
 - (i) To make and propose policy on behalf of NSW Young Labor.
 - (ii) To receive and consider reports from the Executive and Policy Caucuses.
 - (iii) To elect:
 1. Members of the Executive except those members who satisfy the criteria in 7(d)(vii).
 2. Such standing committees as the Executive may determine from time to time;
 3. Delegates and Alternate Delegates

to the NSW Branch Annual Conference;

4. Delegates and Alternate Delegates to NSW ALP Country Conference;
5. Delegates and Alternate Delegates to Australian Young Labor National Conference; and
6. Such other officials as the Executive may determine from time to time.

- (b) Annual Conference elections shall be conducted as outlined in Schedule H and by the requirements of the NSW Branch Rules on affirmative action.

DELEGATES

- (c) Annual Conference is made up of delegates as follows:
- (i) Each Young Labor Association shall be entitled to elect one delegate for each full State electorate included in its boundaries.
 - (ii) The Chair, Deputy Chair and Secretary of each Policy Caucus shall be a delegate.
 - (iii) Each Young Labor University Network shall be entitled to elect three (3) delegates.
 - (iv) At least 40% of the delegates to Annual Conference must be union delegates. All other delegates are approximately 60% of the total.
 - (v) The procedure for determining trade union representation at Annual Conference shall be, subject to this Schedule, the same procedure used for determining trade union representation at the NSW Branch Annual Conference.

5. RURAL AND REGIONAL CONFERENCE POWERS

- (a) The NSW Young Labor Rural and Regional Conference shall decide policy on areas of concern to young people residing outside of Sydney.
- (b) Decisions of Rural and Regional Conference shall be referred to Annual Conference and/or Policy Conference.

DELEGATES

- (c) The Rural and Regional Conference shall consist of:
- (i) Eight (8) delegates from each Young Labor Association in Rural and Regional NSW;
 - (ii) Members of the Executive and Policy Caucuses as non-voting delegates; and
 - (iii) Delegates from affiliated trade unions, provided that they live outside of Sydney.
- (d) There shall be thirty (30) delegates from affiliated trade unions to Rural and Regional Conference. The size of a union's delegation to the Rural and Regional Conference shall be directly proportional to its membership.
- (e) The definition of "Rural and Regional" shall be

the definition used by the NSW Branch Administrative Committee following recommendation by the NSW Young Labor Executive.

6. POLICY CONFERENCE POWERS

- (a) The Policy Conference shall have policy-making powers equal to Annual Conference.
- (b) The Policy Conference shall not have the power to elect the Officials and Delegates in 4(a)(iii). This power shall rest solely with the Annual Conference.

DELEGATES

- (c) The Policy Conference shall consist of the delegates to the most recent Annual Conference.

Part Four: Management and Administration

7. EXECUTIVE POWERS

- (a) The NSW Young Labor Executive is responsible for the management and administration of Young Labor in NSW in between Annual Conferences.
- (b) The Executive shall adopt procedures to facilitate the business of Young Labor.
- (c) The Executive shall be the only body to issue Charters and determine boundaries for Young Labor Associations and Young Labor University Networks, subject to the approval of the NSW Branch Administrative Committee.

MEMBERSHIP

- (d) The Executive shall consist of:
- (i) The President;
 - (ii) The Senior Vice-President;
 - (iii) Two (2) Junior Vice-Presidents;
 - (iv) The Secretary/Treasurer;
 - (v) Two (2) Assistant Secretaries;
 - (vi) Seven (7) general members; and
 - (vii) One representative from each Young Labor Association.

Positions (i) to (v) shall be the Young Labor Officers.

- (e) Any member of the Executive who is absent from three (3) consecutive meetings without the permission of the Executive shall cease to be a member of the Executive.

MEETINGS

- (f) A meeting of the Executive can only take place when a quorum of a majority of members is present. If a majority of members is not present after thirty minutes the meeting will not take place.

Quorum may consist of any member of the Executive who has sought the permission of the Secretary/Treasurer with at least 24 hours notice to teleconference with the Executive.

- (g) The Executive must meet at least once within any three month period.

- (h) Whenever a casual vacancy occurs for the positions of Young Labor Officers, it must be filled by a person selected by the Executive. Notice of a casual vacancy must be given at least seven clear days prior to the close of nominations by circular to Young Labor Members.

8. YOUNG LABOR REVIEW COMMITTEE POWERS

- (a) The Young Labor Review Committee deals with issues relating to:
 - (i) Credentials;
 - (ii) Disputes; and
 - (iii) Any matters referred to it by the Executive, except that the Executive cannot refer matters that are within the purview of the Young Labor Policy Platform, Rules and Agendas Committee.

MEMBERSHIP

- (b) The Young Labor Review Committee shall consist of members appointed by the Party Officers from time to time.

MEETINGS

- (c) The Young Labor Review Committee will meet from time to time as required.
- (d) Decisions of the Young Labor Review Committee are subject to and can be superseded by any decision of the Internal Appeals Tribunal
- (e) Where a decision of the Young Labor Review Committee is inconsistent with a decision of the Internal Appeals Tribunal, the decision of the Internal Appeals Tribunal shall prevail to the extent of the inconsistency.

9. YOUNG LABOR POLICY PLATFORM, RULES AND AGENDAS COMMITTEE

POWERS

- (a) The Young Labor Policy Platform, Rules and Agendas Committee may:
 - (i) Review all agenda items submitted for Annual Conference, Policy Conference, and Rural and Regional Conference;
 - (ii) Accept submissions from any Party member, Young Labor Association, affiliated trade union or other Party Unit regarding the determination of recommendations; and
 - (iii) Determine recommendations on agenda items.
- (b) The Committee will state the reasons for its decisions.

MEMBERSHIP

- (c) The Young Labor Policy Platform, Rules and Agendas Committee shall consist of the Young Labor Officers.

MEETINGS

- (d) The Young Labor Policy Platform, Rules and Agendas Committee will meet from time to time as required.

Part Five: Branches

10. YOUNG LABOR ASSOCIATIONS – PROCEDURE OPERATION

- (a) Young Labor Associations (YLAs) shall be branches of NSW Young Labor, and shall seek to fulfil the objectives of Young Labor at a local level.
- (b) Except as provided in this Schedule, the Rules and procedures of the Party concerning Branches shall apply to YLAs in respect of registration, transferring, credentialing, notice, meetings (including the annual meeting), elections, executive, officers and other matters.

MEMBERSHIP

- (c) The membership of a YLA shall consist of those Party members who have been admitted to a YLA by registration.
- (d) YLA members and those wanting to register with a YLA must:
 - (i) Satisfy the criteria in 2(a); and
 - (ii) Live within the boundaries of the YLA.
- (e) A new member of the Party who satisfies the criteria in 10(d) will be informed about their YLA. The Secretary of the local YLA is told when a new member satisfying the criteria in 10(d) joins the Party.

MEETINGS

- (f) The YLA Secretary shall:
 - (i) Notify each YLA member by circular of the time, date and venue of a YLA meeting at least seven (7) days prior to the meeting; and
 - (ii) Notify the Young Labor Secretary at least fourteen (14) days prior to the meeting of the time, date and venue of a YLA meeting.
- (g) The Young Labor Secretary may:
 - (i) Include notice of the meeting in the Young Labor Journal or equivalent mechanism; and
 - (ii) Where possible, notify persons satisfying the criteria in 10(d) by circular or the Young Labor website.
- (h) YLAs can send correspondence to any FEC, SEC or LGC within the boundaries of the YLA.
- (i) If a meeting has not been called in the previous three (3) months, the Executive may call a meeting of the YLA.

AGMs

- (j) YLAs shall hold an Annual General Meeting prior to June 30 each year.
- (k) The Young Labor Review Committee may appoint a representative to act as the Returning Officer for the Annual General Meeting.
- (l) At its Annual General Meeting, a YLA shall elect:
 - (i) Office Bearers of the YLA;

- (ii) Delegates and Alternate Delegates to Young Labor Conference;
- (iii) The YLA Representative to the Young Labor Executive; and
- (iv) One (1) non-voting delegate to each FEC, SEC and LGC within the boundaries of the YLA. These delegates are elected by all members who can vote in the YLA but must themselves live in the electorate for which they are elected.

- (m) In electing positions set out in (l), the branch must adhere to the Party's affirmative action minimum percentages as outlined in Section O.

11. YOUNG LABOR ASSOCIATIONS - FORMATION

- (a) To form a YLA the following procedures shall be followed:
 - (i) An application shall made to the Secretary of Young Labor at least one month in advance of the intended formation meeting by three members of the Party fulfilling 10(d). The Young Labor Executive or Officers shall appoint a representative to chair the formation meeting. The boundaries in the application shall be based on specific State electorates which shall be named.
 - (ii) A formation meeting should be called and advertised in the official journal of the Party, Young Labor Journal or a local newspaper. At least two (2) week's notice of the meeting shall be given in the advertisement.
 - (iii) At least one month's notice of the formation meeting shall be given to the General Secretary and to the Secretary of the State Electorate Council(s) within the proposed boundaries.
 - (iv) The Officers shall appoint a representative to act as Returning Officer and credential the intending members at the formation and charter meetings.
 - (v) The assembled formation meeting consisting of at least fifteen (15) eligible persons shall accept the platform and constitution of the Party and Young Labor and resolve to establish a YLA.
 - (vi) The meeting should then elect a President (for the time being) and a Secretary (for the time being).
 - (vii) The President and Secretary should fill in the Form of Declaration and send it to the Young Labor Secretary. A copy should also be sent to the General Secretary.
- (b) The Executive representative at the formation meeting shall report to the Young Labor Executive the:
 - (i) Date and place of the formation meeting; and
 - (ii) List of eligible members present at the formation meeting.
- (c) If a proposed YLA satisfies the criteria in subsection (a), the Executive shall recommend

to the NSW Branch Administrative Committee that the YLA be issued with a Charter. The Executive shall recommend to the NSW Branch Administrative Committee the boundaries to be set for the YLA based on State electorate boundaries.

- (d) The NSW Branch Administrative Committee may decide, at its absolute discretion, to grant, alter or withdraw the Charter of any or all YLAs.

12. YOUNG LABOR YOUTH COUNCIL PURPOSE

- (a) The purpose of the Young Labor Youth Council (Council) is to facilitate policy development and discussion between conferences.

MEMBERSHIP

- (b) Any Party member who satisfies the criteria in 2(a) may:
 - (i) Attend the Council; and
 - (ii) Register as a voting delegate.
- (c) The Executive may, by a resolution of the Executive, permit other participants of the Council to register as voting delegates.
- (d) Only delegates registered under subsections (b) or (c) may vote on motions.
- (e) Members of affiliated trade unions satisfying the criteria in 2(a) may attend the Council as non- voting delegates.
- (f) The Executive or Officers may, at their discretion, permit persons satisfying the criteria in 2(a) to attend as observers.

MEETINGS

- (g) The Council will hold meetings in both the Sydney Central Business District and other areas. Each meeting shall focus on one policy issue or area.
- (h) A Council meeting is only deemed to take place if a quorum of fifteen (15) voting delegates, including five (5) members of the Executive, is present. If a quorum is not established after 30 minutes the meeting is deemed not to have taken place. The quorum must be maintained at all times during the period in which the attendance book is open for signature.
- (i) The Young Labor Officers shall be the Officers of the Council.
- (j) The Council does not hold an Annual General Meeting, elect office bearers, send delegates to conferences or electorate councils, or have special meetings.
- (k) The Council will meet four times a year with one meeting each year to be held outside the Sydney CBD area.
- (l) The Executive shall adopt procedures to facilitate the business of the Council.
- (m) Decisions of the Council shall be referred to Annual Conference, Policy Conference and/or Rural and Regional Conference.

13. POLICY CAUCUSES OPERATION

- (a) Annual Conference may elect Policy Caucus(es) from time to time.
- (b) The Executive determines and may alter the areas of responsibility for each Policy Caucus.
- (c) The Executive cannot increase the number of Policy Caucuses without the permission of the Annual Conference, Policy Conference, NSW Branch Administrative Committee or NSW Branch Annual Conference.
- (d) Decisions of Policy Caucuses shall be referred to Annual Conference, Policy Conference and/or Rural and Regional Conference.

MEMBERSHIP

- (e) The Officers of each Policy Caucus shall be elected by Annual Conference and include a:
 - (i) Chair and Deputy Chair, to be elected in a single ballot; and
 - (ii) Secretary.
- (f) Any Party member who satisfies the criteria in 2(a) may:
 - (i) Attend a Policy Caucus; and
 - (ii) Register as a voting delegate.
- (g) The Executive shall be registered voting delegates of every Policy Caucus.
- (h) The Officers of each Policy Caucus shall be registered voting delegates of the Policy Caucus for which they are an Officer.
- (i) Members of affiliated trade unions satisfying the criteria in 2(a) may attend a Policy Caucus as non-voting delegates.

MEETINGS

- (j) The Policy Caucus Secretary shall:
 - (i) Notify each Policy Caucus member by circular of the time, date and venue of a Policy Caucus meeting at least seven (7) days prior to the meeting; and
 - (ii) Notify the Young Labor Secretary at least fourteen (14) days prior to the meeting of the time, date and venue of a Policy Caucus meeting.
- (k) The Young Labor Secretary shall:
 - (i) Include notice of the meeting in the Young Labor Journal; and
 - (ii) Where possible, provide notice on the Young Labor website.
- (l) An official meeting of any Policy Caucus can only take place when at least seven (7) delegates are present.
- (m) A Policy Caucus may hold a public meeting, but before doing so, it must obtain the approval of the Executive.
- (n) Decisions of a Policy Caucus shall be referred to Annual Conference, Policy Conference and/or Rural and Regional Conference.
- (o) Reports of Policy Caucuses are presented to Annual Conference and Policy Conference by the person who is Chair of each Caucus.

- (p) Policy Caucuses prepare reports which are printed and circulated to YLAs and affiliated trade unions as soon as practicable.
- (q) Policy Caucuses are required to hold at least two meetings each year.
- (r) A Policy Caucus may hold a meeting in conjunction with the Young Labor Youth Council, but must seek permission from the NSW Young Labor Executive

14. NSW YOUNG LABOR NETWORKS

- (a) The NSW Young Labor Executive may establish or abolish NSW Young Labor Networks.
- (b) NSW Young Labor Networks are to provide an opportunity for groups within our community to engage with the youth wing of the Labor Party.
- (c) NSW Young Labor Networks are to support the objectives and principles of the Party and NSW Young Labor.
- (d) The NSW Young Labor executive has the discretion to define and clarify who can be a member of a NSW Young Labor Network.
- (e) The procedure and structure of a Network is to be established in consultation and at the direction of the NSW Young Labor Executive.

15. YOUNG LABOR UNIVERSITY NETWORKS - PROCEDURE OPERATION

- (a) Young Labor University Networks (University Networks) shall be branches of NSW Young Labor and shall seek to fulfil the objectives of Young Labor at a university and campus level.
- (b) Except as provided in this Schedule, the Rules and procedures of the Party concerning Branches shall apply to University Networks in respect of registration, transferring, credentialing, notice, meetings (including the annual meeting), elections, executive, officers and other matters.

MEMBERSHIP

- (c) The membership of a University Network shall consist of those Party members who have been admitted to a University Network by registration.
- (d) University Network members and those wanting to register with a University Network must:
 - (i) Be an enrolled student and/or employee of the University covered by a University Network; and
 - (ii) Satisfy the criteria in 2(a).

MEETINGS

- (e) The University Network Secretary shall:
 - (i) Notify each University Network member by circular of the time, date and venue of a University Network meeting at least seven (7) days prior to the meeting; and

- (ii) Notify the Young Labor Secretary at least fourteen (14) days prior to the meeting of the time, date and venue of a University Network meeting.
- (f) The Young Labor Secretary shall:
 - (i) Include notice of the meeting in the Young Labor Journal;
 - (ii) Where possible, notify persons satisfying the criteria in 14(d) by circular or the Young Labor website.

AGMs

- (g) University Networks shall hold an Annual General Meeting prior to June 30 each year.
- (h) The Young Labor Review Committee may appoint a representative to act as the Returning Officer for the Annual General Meeting. At its Annual General Meeting, a University Network shall elect:
 - (i) Office Bearers of the University Network; and
 - (ii) Delegates and Alternate Delegates to Young Labor Conference.

16. YOUNG LABOR UNIVERSITY NETWORKS – FORMATION

- (a) To form a University Network the following procedures shall be followed:
 - (i) An application shall made to the Secretary of Young Labor at least one month in advance of the intended formation meeting by three members of the Party fulfilling 14(d). The Young Labor Executive or Officers shall appoint a representative to chair the formation meeting. The application must name the University proposed to be covered by the University Network.
 - (ii) A formation meeting should be called and advertised in the official journal of the Party, Young Labor Journal or a local newspaper. At least two (2) week's notice of the meeting shall be given in the advertisement.
 - (iii) At least one month's notice of the formation meeting shall be given to the General Secretary.
 - (iv) The Officers shall appoint a representative to act as Returning Officer and credential the intending members at the formation and charter meetings.
 - (v) The assembled formation meeting consisting of at least fifteen (15) eligible persons shall accept the platform and constitution of the Party and Young Labor and resolve to establish a University Network.
 - (vi) The meeting should then elect a President (for the time being) and a Secretary (for the time being).
 - (vii) The President and Secretary should fill in the Form of Declaration and send it to the Young Labor Secretary. A copy should also be sent to the General Secretary.

- (b) The Executive Representative at the formation meeting shall report to the Young Labor Executive the:
 - (i) Date and place of the formation meeting; and
 - (ii) List of eligible members present at the formation meeting.
- (c) If a proposed University Network satisfies the procedure in subsection (a), the Executive shall then consider the application for formation. The Executive may decide to recommend to the NSW Branch Administrative Committee that the University Network be issued with a charter, or not to recommend it be issued with a Charter, at its absolute discretion.
- (d) The NSW Branch Administrative Committee may decide, at its absolute discretion, to grant, alter or withdraw the Charter of any or all Young Labor University Networks.

Part Six: Communications

17. YOUNG LABOR JOURNAL

- (a) NSW Young Labor shall circulate a journal once per week where this is practicable.
- (b) As well as any matters decided by the Executive, the Journal will contain notice of meetings of:
 - (i) Annual Conference, Policy Conference or Rural and Regional Conference;
 - (ii) YLAs;
 - (iii) Young Labor Council;
 - (iv) Policy Caucuses; and
 - (v) University Networks

18. YOUNG LABOR WEBSITE

- (a) NSW Young Labor may, with the approval of the Party Officers, establish a Home Page / Website or online interface representing NSW Young Labor, provided this material is consistent with Party Rules and Policy.

Part Seven: Miscellaneous

19. MISCELLANEOUS

- (a) NSW Young Labor shall be under the control and direction of the NSW Branch Administrative Committee and shall be responsible to that body.
- (b) All Branches referred to in Part Five shall be under the control and direction of the Executive.
- (c) Before 1 July in each year the General Secretary gives to each YLA a part of the membership fees for their registered membership. The amount shall be set, from time to time, by the NSW Branch Administrative Committee.
- (d) The Young Labor President and/or Secretary shall be the only persons to make public statements, subject to the following:

- (i) The statement is authorised by the Executive; and
 - (ii) The statement is not in contravention of Party Policy.
- (e) All media statements, publications and campaign activities undertaken by Committees referred to in Part Four and Branches referred to in Part Five shall require permission from the Officers or Executive, and advance notification shall be given to the Young Labor Secretary of any such statements, publications or activities.
- (f) Any member of the Executive or the NSW Branch Administrative Committee may attend and speak at Conferences of Young Labor and meetings of YLAs, Young Labor Council, Policy Caucuses or University Networks, but shall not vote unless a delegate to that Conference or Party Unit.
- (g) Unless otherwise expressly stated in this Schedule, the Rules of the Australian Labor Party (NSW Branch) shall apply in matters concerning NSW Young Labor.

20. ALTERATION OF SCHEDULE

- (a) This Schedule may only be altered by the NSW Branch Annual Conference or the NSW Branch Administrative Committee.
- (b) By-laws may be set from time to time by the Executive for ratification by the NSW Branch Administrative Committee providing these by-laws do not contravene or contradict any Rules in this Schedule.
- (c) Young Labor may propose an alteration to this Schedule if the proposed alteration receives the approval of Annual Conference and is circulated at least fourteen (14) days in advance of the Annual Conference to delegates, YLAs, University Networks and affiliated trade union.

SCHEDULE M

Women's Participation

The NSW Branch supports the increased participation and activism of women in the ALP and in public office.

1. PRINCIPLES

In order to create the environment necessary to achieve this, the following principles have been adopted:

(a) Accessibility of Meetings

Meetings of branches and other Party forums should be held in venues that are accessible and appropriate to encourage the participation of women, including women who are too young to enter licensed premises or parents who may need to bring their children with them to meetings. Unless unavoidable, meetings should not be held in licensed premises or in non-ground floor premises unless ramps or lifts are available. The timing of meetings should also take into account the reluctance of some women and older members to attend meetings held late at night.

Wherever possible, branch members should be consulted about the regular time, date and venue of meetings. There should be as much advance notice of meetings as possible. This allows those with child and family responsibilities to make appropriate arrangements to attend.

(b) Meeting Conduct

Persons chairing meetings should try to ensure a gender balance when calling speakers and should be alert to the need to encourage new speakers, particularly women, to participate in debates. Sexist language will not be tolerated from Branch members or Branch and Party Officials at meetings or other Party forums. Sexist language is language which excludes or denigrates women on the basis of their gender, or falsely assumes all people are men.

(c) Provision of Child Care

Child care facilities must be provided at all NSW ALP Annual Conference and Country Conference events.

Child care facilities must be provided for all other training seminars or forums where adequate notice is given of the need for child care.

All Party Units and meetings should make welcome parents, carers and guardians with children.

(d) Harassment and Intimidation

Harassment and intimidation is contrary to the Party's commitment to social justice and will not be tolerated in any Party meeting or forum. All members should be able to participate in a wide range of activities in the Party free from the fear of harassment and intimidation. The Executives of all Party Units are responsible for ensuring an environment free of any form of harassment or intimidation.

Harassment and intimidation is unwelcome, unsolicited and usually unreciprocated behaviour by one member to another member or members. This behaviour:

- targets the other member's status and gives the other member reasonable cause to feel offended, humiliated or intimidated;
- can create a frightening, hostile, offensive or distressing environment;
- may be based on some real or perceived attribute or difference, including gender, race, disability, sexual preference, age, status as a parent and spiritual belief;
- can lead to a loss of members both those who observe this behaviour as well as those directly involved; or
- can cause members to transfer to other branches or cease their involvement in or support for the ALP.

Members who sexually harass, harass, bully or intimidate other members may be charged and/or subject to disciplinary action under the NSW Code of Conduct.

SCHEDULE N

TERMINATION OF THE GENERAL SECRETARY OR ASSISTANT GENERAL SECRETARY

1. NOTICE, EVIDENCE AND WITNESSES

1. The President shall provide a copy of the agenda item to the accused Secretary the agenda item intends to terminate and the Party Officers within 24 hours of receiving notice.
2. The accused Secretary shall have 5 days from being notified to advise the President whether they admit or deny the allegations contained in the agenda item and whether they wish to make further submissions or call witnesses.
3. All submissions and a list of witnesses shall be relevant to the accusation and shall be submitted to the President no less than 5 days before the Administrative Committee meeting at which the agenda item will be considered.
4. Any evidence not made available in accordance with subsection (3) will be inadmissible. Any witness names not made available in accordance with subsection (3) shall not be called.
5. The President, in consultation with the Vice-Presidents, may refuse the appearance of a witness if that appearance would be considered extraordinary.
6. All evidence shall be provided to members of the Administrative Committee no less than 4 days prior to the Administrative Committee meeting at which the agenda item will be considered.
7. Procedural fairness will be seen to have been accorded where they have been afforded the opportunity to lodge written submissions and written evidence, regardless of whether a party can attend the meeting of the Administrative Committee considering the agenda item.
8. The Administrative Committee is not bound by the rules of evidence.

2. ADMINISTRATIVE COMMITTEE

At the meeting of the Administrative Committee where the agenda item is considered:

1. The termination of employment shall be the first item to be considered and no other business may proceed until the agenda item is resolved.
2. The Administrative Committee may resolve:
 - (a) that the accused General Secretary or Assistant General Secretary shall be called upon to show cause to the Administrative Committee as to why they should not be terminated and the mover of the agenda item shall be called upon to justify their accusations; or
 - (b) that no further action be taken.
3. If the agenda item is to be proceeded with, the mover of the agenda item and the accused General Secretary and Assistant General Secretary shall be provided an opportunity to address the meeting.

4. The mover of the agenda item and the accused General Secretary and Assistant General Secretary may:
 - call witnesses that were submitted under Schedule N.1(3)
 - examine and cross-examine witnesses;
 - present evidence submitted under Schedule N.1(3).
5. Only the Chair, accused General Secretary and Assistant General Secretary and mover of the agenda item may address the meeting during the presentation of evidence and shall be relevant to the alleged grounds of termination and the evidence submitted.
6. Following the conclusion of the presentation of evidence, only members of the Administrative Committee shall be present for deliberations. The accused General Secretary and Assistant General Secretary and mover of the item shall take no part in the deliberations of the Administrative Committee and shall absent themselves during the Administrative Committee's deliberations. If they are a voting member of the Administrative Committee, they shall be notified of any vote to take place.
7. The President shall put the item immediately following the conclusion of deliberations.

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NSW LABOR
**HARASSMENT
AND BULLYING
PREVENTION AND
RESPONSE
POLICY**

1. APPLICATION

1.1. The Code of Conduct (Code) sets out NSW Labor's expectations for all people involved with the Party. The following policies sit alongside the Code (Associated Policies):

- 1.1.1. Policy on Sexual Harassment Prevention and Response;
- 1.1.2. this Policy on Harassment and Bullying Prevention and Response; and
- 1.1.3. Complaints Handling Policy.

1.2. The Code and the Associated Policies are made pursuant to [insert reference to rule or policy making power] by NSW Labor.

1.3. The Code and Associated Policies apply to the conduct of all NSW Labor members, elected ALP parliamentary representatives, officials, employees, contractors and volunteers, who each agree they are bound by this Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a NSW Labor gathering or event.

1.4. The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by NSW Labor, election campaigns, and meetings and conferences which individuals covered by the Code attend as a result of party-related duties or involvement.

2. PRINCIPLES

2.1. NSW Labor believes in an organisation, and a community that is safe and inclusive for everyone and that taking positive steps to prevent bullying and harassment is important.

2.2. NSW Labor has harmonised its policies for Bullying and Harassment Prevention and Response across its structure. This means that the definition, response and prevention approach adopted by the NSW Labor in response to these issues is largely consistent across all levels of the organisation.

2.3. NSW Labor is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of the Party.

2.4. International Labour Organisation Convention 190 - Violence and Harassment in the World of Work (Convention) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.

2.5. Consistent with the Convention, NSW Labor stands against work related gendered violence, in all its forms, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated.

2.6. Bullying, harassment and discrimination can cause physical, emotional, sexual, psychological and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported. NSW Labor strives to create a strong and positive culture, and commit ourselves to the creation of policies, training and grievance procedures that will effectively protect complainants when allegations of harassment are made.

3. AWARENESS AND TRAINING

3.1. NSW Labor recognises that simply having a policy or code is not enough and that as an organisation steps must be taken to create a supportive and positive culture, to improve awareness, to provide training (and mandate training where appropriate) and to put in place robust systems and processes to deal with allegations and complaints of bullying, harassment and discrimination.

4. WHAT IS BULLYING?

4.1. Bullying occurs when a person or group of people repeatedly behave unreasonably towards another person, or a group of people of which the other person is a member and that behaviour creates a risk to health and safety.

4.2. Bullying is misconduct and can be, but is not limited to:

- 4.2.1. repeatedly making demeaning jokes or belittling remarks about a person;
- 4.2.2. threats, intimidation, stand-over tactics and coercion;
- 4.2.3. verbal abuse or degrading language or gestures aimed at an individual;
- 4.2.4. yelling or screaming at an individual;
- 4.2.5. abuse of supervisory or managerial authority; and
- 4.2.6. unjustified threats of disciplinary procedures.

4.3. Bullying is not:

- 4.3.1. differences of opinion;
- 4.3.2. non-aggressive conflicts;
- 4.3.3. problems in working relationships;
- 4.3.4. reasonable performance management;
- 4.3.5. robust intellectual debate; or
- 4.3.6. constructive feedback.

5. WHAT IS HARRASSMENT?

5.1. Harassment refers both single and repeated occurrences of a range of unacceptable behaviours and practices, or threats, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm and can be, but is not limited to (note, this list is not exhaustive):

- 5.1.1. unwanted physical contact;
- 5.1.2. repeated offensive comments, including insults, verbal or physical threats;
- 5.1.3. spreading rumours about a person;
- 5.1.4. breaching the privacy of a person, for example by disseminating personal information without their consent;
- 5.1.5. posting offensive comments in public forums about a person;
- 5.1.6. repeated shouting, insults, threats, disparagement or intimidation;
- 5.1.7. purposefully isolating a person from normal party business, conversations or events;
- 5.1.8. making offensive remarks about a person based on their sex, gender identity, marital status, religious belief, ethical belief, colour, race, ethnic or national origin, disability, age, political opinion, employment status, family status or sexual orientation;
- 5.1.9. deliberately mimicking the way a person speaks, making jokes about their race, calling a person by a racist name, deliberately pronouncing a person's name incorrectly, or deliberately mis-gendering a person;

5.1.10. repeatedly following a person;

5.1.11. unreasonably and persistently contacting or attempting to contact a person by any means;

5.1.12. interfering with a person's property; and

5.1.13. harassment on the ground of sex, which occurs when a person:

5.1.13.1. engages in unwelcome conduct of a seriously demeaning nature towards another person, on the basis of that person's sex or a characteristic generally imputed on or associated with that person's sex, in circumstances where it is reasonable to anticipate the possibility that they will feel offended, humiliated or intimidated; or

5.1.13.2. creates or facilitates an intimidating, hostile, humiliating or offensive environment for a person or persons of a particular sex.

6. WHAT IS DISCRIMINATION?

6.1. Discrimination occurs when a person discriminates against another person as follows:

6.1.1. on the grounds of a protected attribute of the other person, the first person treats or proposes to treat the other person less favourably than they would treat a person with a different type of protected attribute, in the same or not materially different circumstances;

6.1.2. the first person imposes a requirement that is likely to disadvantage someone with a protected attribute more than a person without a protected attribute; and

6.1.3. the first person undertakes any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

6.2. For the purposes of this Policy, a protected attribute includes race, colour, sex, religion, political opinion, decent or national extraction, nationality, social origin, immigration status, age, medical record, criminal record, relationship status, pregnancy and associated attributes, family responsibilities, impairment, mental, intellectual or psychiatric disability, physical disability, disease, illness or other medical status (including being HIV positive), sexual orientation, gender identity, intersex status, criminal record and spent convictions, and trade union activity, including attributes generally imputed to a person with one of the above attributes as well as association with a person who has one of the above attributes.

7. ACTIVE BYSTANDER INTERVENTION

7.1. NSW Labor encourages and values safe active bystander intervention by Party members to prevent or stop bullying or harassment from occurring or continuing.

7.2. The steps involved in safe active bystander intervention are:

7.2.1. noticing the situation – paying attention to what is going on nearby;

7.2.2. deciding whether someone might need help;

7.2.3. checking with people around if unsure;

7.2.4. accepting responsibility to take action – not assuming someone else will act; and

7.2.5. making a plan to step in, without being aggressive or putting oneself or others in danger.

8. RESOLUTION AND COMPLAINTS

8.1. Complaints can be resolved using different informal and formal methods depending on the nature and seriousness of the allegations, and the wishes of the complainant.

8.2. The process to handle and resolve complaints is outlined in the Complaints Handling Policy.

9. SUPPORT

9.1. A member who alleges bullying, harassment or discrimination by a member of NSW Labor, and any person who alleges that bullying or harassment took place at an NSW Labor gathering or event, is entitled to a respectful response from NSW Labor.

9.2. Part of the resolution process is ensuring that a complainant has been adequately supported and is aware of available reporting options. This may involve referral to counselling or other avenues of professional advice and assistance, with the consent of the complainant.

9.3. Appropriately trained Party members can support a person who has experienced bullying or harassment by:

9.3.1. listening without interrupting;

9.3.2. letting them express how they feel and respecting the words they use in reference to the incident;

9.3.3. acknowledging the person's distress and that it may be difficult for them to discuss it;

9.3.4. respecting their decisions;

9.3.5. letting them know that NSW Labor takes bullying, harassment and discrimination seriously; and

9.3.6. directing them to the available support services and reporting options.

NSW LABOR
**SEXUAL
HARASSMENT
PREVENTION AND
RESPONSE POLICY**

1. APPLICATION

1.1. The Code of Conduct (Code) sets out NSW Labor's expectations for all people involved with the Party. The following policies sit alongside the Code (Associated Policies):

1.1.1. Policy on Sexual Harassment Prevention and Response;

1.1.2. this Policy on Harassment and Bullying Prevention and Response; and

1.1.3. Complaints Handling Policy.

1.2. The Code and the Associated Policies are made pursuant to [insert reference to rule or policy making power] by NSW Labor.

1.3. The Code and Associated Policies apply to the conduct of all NSW Labor members, elected ALP parliamentary representatives, officials, employees, contractors and volunteers, who each agree they are bound by this Code and the Associated Policies. The Code and Associated Policies also apply to any person who attends a NSW Labor gathering or event.

1.4. The Code and Associated Policies apply to workplaces, after hours work, campaign events, social functions convened by NSW Labor, election campaigns, and meetings and conferences which individuals covered by the Code attend as a result of party-related duties or involvement.

2. PRINCIPLES

2.1. NSW Labor believes in an organisation, and a community, that is safe for everyone; and that it is imperative to take positive action to prevent sexual harassment.

2.2. Bullying and harassment, particularly sexual harassment, can cause physical, emotional, sexual, psychological and economic harm. Victims, survivors and complainants in many organisations have historically been silenced and left unsupported.

2.3. NSW Labor has harmonised its policies for Sexual Harassment Prevention and Response across its structure. This means the definition, response and prevention approach adopted by the ALP in response to these issues is consistent across all levels of the organisation.

2.4. NSW Labor is the party of equality. All people are entitled to respect, equality, dignity and the opportunity to participate in society free of harassment and receive the protection of the law regardless of their origins, perceived race, religion, sexual orientation, gender identity, disability, age or ethnicity. These same principles apply to all those participating in the democratic processes of the Party.

2.5. International Labour Organisation convention 190 – Violence and Harassment in the World of Work (Convention) recognises the fundamental right of every worker to be free from all forms of violence and harassment at work, regardless of their employment type. This includes volunteers, contractors, casuals, trainees and apprentices.

2.6. Consistent with the Convention, NSW Labor stands against work related gendered violence, in all its forms, including sexual harassment, bullying and other types of inappropriate behaviour, which are prohibited and will not be tolerated. If sexual harassment does occur, then the Party has a duty to ensure that it is responded to promptly, confidentially and safely.

3. AWARENESS AND TRAINING

3.1. NSW Labor recognises that simply having a policy or code is not enough, and that the Party must ensure that steps are taken to create a robust positive culture by improving awareness, providing training and putting in place robust systems and processes.

3.2. NSW Labor has a duty to ensure that everyone involved with the Party is aware of this Policy and the expectations of the ALP regarding sexual harassment.

3.3. NSW Labor recognises that it has a duty to provide adequate training to Members of Parliament (MP), elected ALP parliamentary officials, other elected officials, paid staff and support staff and to extend training opportunities to other members of NSW Labor as time and resources permit.

3.4. Training is mandatory upon induction for MPs, elected ALP parliamentary officials, other elected officials and senior staff, with regular refresher training. A register is kept of each person who has received training, including where persons have received appropriate equivalent training in a workplace setting.

4. WHAT IS SEXUAL HARASSMENT?

4.1. Sexual harassment is unwanted or unwelcome conduct of a sexual nature, including unwelcome sexual advances or unwelcome requests or sexual favours, in circumstances where it is reasonable to anticipate the possibility the recipient will feel offended, humiliated or intimidated. It is irrelevant whether the person committing the acts intends to sexually harass the recipient.

4.2. Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, online or in person, and repeated or one-off. Sexual harassment may include (this list is not exhaustive):

4.2.1. physical acts, such as unwanted touching or sexual gestures;

4.2.2. verbal acts, such as requests for sexual favours or dates, making promises or threats in return for sexual favours, inappropriate jokes and innuendos, explicit conversations, derogatory comments, insults, taunts, or intrusive questions about a person's private life; or

4.2.3. visual acts, such as leering or staring at a person, and viewing, displaying or distributing offensive or explicit material including via the internet.

4.3. Sexual harassment can be a form of discrimination and can have serious consequences for individuals and work teams. It can expose NSW Labor to disputes and litigation.

4.4. Sexual harassment can occur in person or online. Technology-facilitated abuse can take many forms, such as: abusive messages or calls, account take overs, image-based abuse, fake social media accounts; and being tracked through a phone or device.

4.5. Sexual harassment can cause distress and harm for people who are not directly involved.

4.6. Anyone can be a victim of sexual harassment, regardless of their gender and of the gender of the harasser. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

5. ACTIVE BYSTANDER INTERVENTION

5.1. NSW Labor encourages and values safe active bystander intervention by members of the Party to prevent or stop sexual harassment from occurring or continuing.

5.2. Steps involved in safe active bystander intervention are:

- 5.2.1. noticing the situation – paying attention to what is going on nearby;
- 5.2.2. deciding whether someone might need help;
- 5.2.3. checking with others if unsure;
- 5.2.4. accepting responsibility to take action – not assuming someone else will act; and
- 5.2.5. making a plan to step in, without being aggressive or putting oneself or others in danger.

6. RESOLUTION AND COMPLAINTS

6.1. Different informal and formal methods depending on the nature and seriousness of the allegations, and the wishes of the complainant.

6.2. The process to handle and resolve complaints is outlined in the Complaints Handling Policy.

7. SUPPORT

7.1. A member who alleges sexual harassment by a member of the Party, or a person who alleges that sexual harassment took place at a gathering or event under the auspices of NSW Labor, is entitled to a respectful response from NSW Labor.

7.2. Part of the resolution process is ensuring that a complainant is aware of available reporting options. This may involve referral to counselling or other independent avenues of professional advice and assistance, with the consent of the complainant.

7.3. Appropriately skilled and trained Party members can support a person who has experienced sexual harassment. However, it is of the utmost importance to ascertain and respect the wishes of the person making a complaint with respect to privacy and confidentiality.

7.4. Where criminal conduct, including sexual assault, has occurred, or may have occurred, referral to police by NSW Labor should only occur subject to the consent of the complainant and any mandatory reporting obligations.

NSW Labor Complaints Handling Policy

**SAFETY &
RESPECT**

Labor



1. APPLICATION

- 1.1. This Complaints Handling Policy applies to complaints arising under the following policies:
- (a) the Code of Conduct;
 - (b) the Policy for Sexual Harassment Prevention and Response; and
 - (c) the Policy for Bullying and Harassment Prevention and Response
- (together, the **Code of Conduct and Associated Policies**).

2. COMPLAINT RESPONSE JURISDICTION

- 2.1. The ALP has harmonised its complaints handling policy across its structure. This means that the process and procedure for responding to complaints is largely consistent across the Party including NSW Labor.
- 2.2. Complaints should be actioned by the Branch to which they relate.
- 2.3. NSW Labor cannot action complaints relating to the National Office, or in connection with a National ALP gathering or event. Complaints relating to the National Office or in connection with a National ALP gathering or event will be actioned by the National Secretariat's Office.
- 2.4. NSW Labor reserves the right to develop complaints handling policies for individual workplaces where appropriate, which are consistent with the law and the principles outlined in the Code of Conduct and Associated Policies.
- 2.5. An overview of the complaints handling process is set out at Attachment A.
- 2.6. The following table sets out the relevant pathways for complaints to be actioned. However, NSW Labor recognises that many members are involved in the Party in a variety of ways and encourages anyone who may wish to make a complaint to speak to a Respect Contact Officer listed at section 4 for further guidance.

PATHWAYS

Coverage	Relevant jurisdiction	Relevant Policies
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a National ALP gathering or event	National Secretariat Office	National Code of Conduct ALP National Policy on Sexual Harassment Prevention and Response ALP National Policy on Bullying and Harassment Prevention and Response ALP National Complaints Handling Policy
Parliamentary Staff & Volunteers of Parliamentarians & Parliamentarians in relation to workplace matters	Cth, State and Territory Parliaments, Department of Finance Relevant State/Territory department/ agency as applicable	Members of Parliament (Staff) Act 1994, or Work Health & Safety Act 2011, or Fair Work Act 2009 or relevant State/Territory legislation as applicable
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events outside of the jurisdiction of their Membership	National Secretariat Office	National Code of Conduct ALP National Policy on Sexual Harassment Prevention and Response ALP National Policy on Policy on Bullying and Harassment Prevention and Response ALP National Complaints Handling Policy
Federal Members of Parliament in relation to conduct at jurisdictional gatherings and events in the jurisdiction in which they are a Member	Relevant State or Territory Branch	The relevant state and territory branch rules, procedures and processes which incorporate: (a) Branch Rules (b) Code of Conduct; (c) Policy on Sexual Harassment Prevention and Response; (d) Policy on Bullying and Harassment Prevention and Response; and (e) this Complaints Handling Policy

Coverage	Relevant jurisdiction	Relevant Policies
ALP members, Parliamentarians, officials (paid and unpaid), staff, contractors, volunteers and any person who attends a jurisdictional gatherings and events	Relevant State or Territory Branch	The relevant State or Territory Branch rules, procedures and processes which incorporate: (a) Branch Rules (b) Code of Conduct; (c) Policy on Sexual Harassment Prevention and Response; (d) Policy on Bullying and Harassment Prevention and Response; and (e) this Complaints Handling Policy
National ALP organisational staff and paid officials	National Secretariat Office	National ALP Workplace Health & Safety Policy and Employment Terms and Conditions
Branch organisational staff and paid officials	Relevant State or Territory Branch	Relevant Branch employment agreements, and the following rules, procedures and processes: (a) Code of Conduct; (b) Sexual Harassment Prevention and Response; (c) Policy on Bullying and Harassment Prevention and Response; and (d) This Complaints Handling Policy

- 2.7. In the event that a complaint relates to conduct of an ALP member (excluding Federal MPs) occurring across more than one jurisdiction or online, the complaint will be referred to a Complaint Manager in the jurisdiction in which the respondent is a member for action in accordance with that Branch's Complaints Handling Policy.

3. KEY SUPPORT PRINCIPLES IN COMPLAINT HANDLING

- 3.1. NSW Labor is committed to ensuring that allegations of sexual harassment, harassment, bullying, discrimination and other breaches of the Code of Conduct and Associated Policies are dealt with promptly, confidentially and in accordance with the principles of procedural fairness for all parties involved.
- 3.2. It is important that the handling and resolution of any complaint is undertaken in a manner that is respectful, trauma informed, culturally safe, particularly for First Nations people, and avoids additional distress to complainants, survivors and victims.
- 3.3. It is also important throughout the complaint handling and resolution process that complainants are adequately supported and are aware of the support options and complaint reporting options available to them. Respect Contact Officers and Complaint Managers can provide information on available support options, including External Support Providers.
- 3.4. In order to respect the privacy of complainants and the principles of natural justice, NSW Labor will not comment on any complaint while it is being investigated or subject to any process or action in relation to a complaint except to say that this Policy is being complied with.

4. RESPECT CONTACT OFFICER

- 4.1. Respect Contact Officers are available as an initial contact point for a complainant.
- 4.2. NSW Labor Respect Contact Officers will be appointed by two-thirds majority of the Administrative Committee for a term determined by the Administrative Committee from time to time.
- 4.3. Respect Contact Officers have been trained in both this Policy and the Code of Conduct and Associated Policies. In carrying out their role, a Respect Contact Officer will support the complainant by:
 - (a) taking all complaints seriously;
 - (b) listening without interrupting;
 - (c) letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
 - (d) acknowledging if the person is in distress and may have difficulties in expressing themselves;
 - (e) respecting the decisions of a complainant; and
 - (f) provide information to complainants on External Support Providers, being organisations that have the training and capacity to support the complainant.
 - (g) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
 - (h) ensure appropriate details of the complaint are recorded in the Complaint Report Form; and

- (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements

4.4. The role of a Respect Contact Officer is to:

- (a) receive complaints;
- (b) act promptly;
- (c) assess the nature of a complaint and provide initial information and advice to the complainant regarding the complaints handling process and options available to the complainant under this Policy;
- (d) initiate immediate action where there is imminent danger/ immediate risk;
- (e) refer complaints to an appropriate Complaint Manager, as provided by the Pathways set out in clause 2.6;
- (f) refer complaints to another Respect Contact Officer if they have a conflict of interest;
- (g) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
- (h) ensure appropriate details of the complaint are recorded in the Complaint Report Form; and
- (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements .

4.5. The table below provides details of Respect Contact Officers and an indication of whether a Respect Contact Officer is connected to a National Office or a Branch. A complainant may wish to contact a National Office Respect Contact Officer instead of a Branch Respect Contact Officer. If a National Office Respect Contact Officer does assist a complainant, the Pathways set out above remain applicable.

RESPECT CONTACT OFFICER CONTACT DETAILS

Name	Phone	Email	Gender	Other
Crystal Validakis-Betar	0447 755 531	crystal.validakis-betar @ safetyandrespect.alp.au	Female	CALD
Trish Marinozzi	0415 272 303	trish.marinozzi @ safetyandrespect.alp.au	Female	CALD
Kai He	0490 849 722	Kaihe626@gmail.com	Male	Youth, LGBTI, CALD
Imogen Rees	0404 114 533	Imogen.rees77@gmail.com	Female	Youth, LGBTI
Emmanuela Luka	0435 783 571	Mannyluka@hotmail.com	Female	CALD
Olly Arkins	0401 911 839	ollyarkins@gmail.com	Non-Binary	LGBTI

5. COMPLAINT MANAGER

- 5.1. Complaint Managers are appointed from within the ALP and receive complaints, including referrals from Respect Contact Officers or the Secretary, and then act and provide guidance to ensure that the complaint is handled in accordance with this Policy.
- 5.2. Complaint Managers have been trained in both this Policy and the Code of Conduct and Associated Policies. In carrying out their role, a Complaint Manager will support the complainant by:
- (a) taking all complaints seriously;
 - (b) listening without interrupting;
 - (c) letting the person express how they feel and respecting the words they use in reference to the incident or incidents;
 - (d) acknowledging if the person is in distress and may have difficulties in expressing themselves;
 - (e) respecting the decisions of a complainant; and
 - (f) provide information to complainants on External Support Providers, being organisations that have the training and capacity to support the complainant.
- 5.3. The role of a Complaint Manager is to:
- (a) refer complaints to another Complaint Manager or an external provider if they have a conflict of interest;
 - (b) confirm complaints fall under this Policy including the appropriate jurisdiction for the complaint to be actioned;
 - (c) provide advice to the complainant about the complaint handling process and options available to the complainant for resolving their complaint;
 - (d) provide written advice to the Secretary on the complaint, the complaints handling process and this Policy;
 - (e) assist Secretary in carrying out complaints handling process requirements set out in this Policy;
 - (f) provide information to the respondent promptly, this may include advising the respondent that a complaint has been made with the consent of the complainant;
 - (g) ensure appropriate details of the complaint are recorded in the Complaint Report Form;
 - (h) initiate immediate action where there is imminent danger/ immediate risk;
 - (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements ;
 - (j) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation; and
 - (k) act promptly.

5.4. The table below provides details of Complaint Managers for NSW Labor. Where a Complaint Manager listed below cannot be appointed due to an actual or perceived conflict of interest, the Secretary may refer the complaint to a Complaint Manager from another Branch or an external complaints provider to perform the duties of the Complaint Manager under this Policy. If a Complaint Manager from another Branch is appointed, the Pathways set out above remain applicable.

COMPLAINT MANAGER CONTACT DETAILS

Name	Phone	Email	Gender	Other
Brad Baker	02 6198 3100	bradley.baker@griffinlegal.com.au	Male	

6. SECRETARY

6.1. The Secretary may receive complaints.

- 6.2. The Secretary will refer complaints to an appropriate Complaint Manager having regard to the applicable Pathway and for the purposes of complying with the complaints process set out in this document.
- 6.3. The role of the Secretary is to:
- (a) act promptly;
 - (b) take all complaints seriously;
 - (c) respect the confidentiality of those involved in the complaint, subject to the requirements of this Policy, mandatory reporting obligations and any applicable duties under work health and safety legislation;
 - (d) receive referrals from a Complaint Manager to action complaints in accordance with the requirements of this Policy;
 - (e) action complaints in accordance with the requirements of this Policy;
 - (f) initiate immediate action where there is imminent danger/ immediate risk;
 - (g) refer matters to the Internal Appeals Tribunal for decision making on disciplinary action where an investigation substantiates or partially substantiates a complaint either:
 - A. in the Secretary discretion for matters where the sanction considered does not include expulsion, suspension or termination of appointment; and
 - B. in all cases where a sanction being considered includes expulsion, suspension or termination of appointment,
 - (h) determine the disciplinary action to be taken where the sanction proposed does not include expulsion, suspension or termination – or where the respondent agrees to expulsion, suspension or termination of appointment;
 - (i) record appropriate details of all complaints as required by ALP's record keeping and reporting requirements.

7. CONFLICTS OF INTEREST

- 7.1. Where a Secretary has a perceived, actual or potential conflict of interest in relation to a complaint, the President of NSW Labor will facilitate the process with the same authority as the Secretary.
- 7.2. Where the Secretary determines that both they and the President of NSW Labor have a conflict of interest that cannot be managed, the Secretary may ask the Complaint Manager to request that a member of the ALP National Appeals Tribunal appoint a suitably qualified person from NSW Labor to carry out the role and functions of the Secretary set out in this Policy. Such person will have the powers and responsibilities given to the Secretary under this Policy, including the power to impose a sanction in accordance with clause 12.

8. LESS FORMAL RESOLUTION OPTIONS

- 8.1. Different methods of resolution may be used to resolve potential complaints, depending on the nature of the allegations, the seriousness of the alleged behaviour, and the wishes of the complainant.
- 8.2. Less formal resolution processes are usually appropriate where the allegations are less serious in nature or the complainant wishes to pursue a less formal resolution.
- 8.3. Less formal resolution options include:
 - (a) the complainant contacting the person directly either verbally or in writing to tell the person that they do not like the behaviour, and asking that it stop; and
 - (b) a facilitated meeting between the complainant and respondent, noting that this option will be dependent on the respondent's willingness to participate in a meeting.
- 8.4. The purpose of self-resolution is to enable the parties to resolve the matter themselves. The complainant may seek advice on possible strategies from a Complaint Manager.
- 8.5. The purpose of less formal resolution is to allow the complainant to put their complaint forward in a supported environment to the respondent, with the aim of ensuring the offending behaviour ceases.
- 8.6. Outcomes from less formal options include:
 - (a) an acknowledgement of complaint;
 - (b) an apology;
 - (c) undertaking not to repeat behaviour;
 - (d) undertaking to change behaviour;
 - (e) agreement to undertake additional training; and
 - (f) agreement regarding conduct in the future.
- 8.7. If a complainant or respondent does not believe an issue can be resolved by less formal resolution, they should advise the Complaint Manager as soon as practical. The Complaint Manager will then advise the complainant of other resolution options.

9. MORE FORMAL RESOLUTION OPTIONS

- 9.1. Where a complaint is not resolved by less formal resolution, the Secretary may take more formal resolution options, with the consent of the complainant.
- 9.2. In this instance, the Complaint Manager will provide advice to the Secretary on next steps.
- 9.3. Having regard to the principles set out at clause 3.1, the following steps may be taken, as part of more formal action:
 - (a) a mediation between the complainant and respondent in the first instance to resolve the complaint, with the consent of both parties to the complaint; or
 - (b) an independent third party may be appointed by the Complaint Manager to investigate the complaint with the consent of the complainant.

- 9.4. By way of general guidance, if an investigation is commenced the Investigator will be provided with Terms of Reference authorised by the Secretary to investigate the complaint. As part of the investigation process the following may occur:
- (a) the complainant may be asked to provide written details of the complaint or may be interviewed, with a support person or adviser if required;
 - (b) relevant details of the complaint will be conveyed to the respondent;
 - (c) the respondent will be given 7 days to respond, or as otherwise reasonably determined by the Investigator;
 - (d) the respondent may be asked to provide written details of the response to the complaint or may be interviewed, with a support person or advisor, if required;
 - (e) the complainant may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the complaint;
 - (f) the respondent may be required to provide an affidavit or statutory declaration verifying on oath the truthfulness of the response to the complaint;
 - (g) if there is a dispute over facts, other relevant evidence may be gathered and witnesses may be interviewed;
 - (h) a finding may be made as to whether the complaint is substantiated to the satisfaction of the Investigator on the balance of probabilities; and
 - (i) a written report may be prepared, documenting the evidence, the finding and any recommendations including disciplinary action.
- 9.5. The final investigators report must be provided to the Complaint Manager and Secretary.
- 9.6. Where a complaint is not substantiated, parties are to be advised and the matter will be closed within 7 days of receiving the investigators final report.
- 9.7. If the complaint is substantiated, including partially, by the Investigator, within 4 days the Secretary must advise the respondent and provide the respondent with 7 days to provide written submissions on sanctions or other disciplinary action.
- 9.8. Within 4 days of receipt of submissions from the respondent and where it is recommended or intended that the sanction or disciplinary action is suspension, expulsion or termination, the Secretary must refer the matter to the Internal Appeals Tribunal in writing for a decision on sanction or other disciplinary action.
- 9.9. Within 7 days of receipt of submissions from the respondent where it is recommended or intended that the sanction or disciplinary action is not suspension, expulsion or termination, the Secretary must make a decision on the sanction or other disciplinary action.
- 9.10. In its discretion, the Secretary may also refer matters for decision on sanction or disciplinary action where the proposed sanction is not suspension, expulsion or termination at any time.

10. COMPLAINTS INVOLVING CRIMINAL CONDUCT

- 10.1. Some forms of harassment, including sexual harassment may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault.
- 10.2. In accordance with the Code of Conduct, criminal conduct is able to be reported to the Police by the complainant.
- 10.3. Any referral to the police or external agencies by NSW Labor will be done in consultation with, and consent by, the complainant, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.
- 10.4. Where a police or other agency investigation or prosecution is underway, legal advice should be obtained by the Secretary in relation to next steps under this Policy including whether any action should be placed on hold.

11. ALLEGATIONS OF SEXUAL ASSAULT

- 11.1. Where an allegation of sexual assault is made, NSW Labor should be active in its support of the complainant by providing appropriate details of External Support Providers.
- 11.2. Survivors of sexual assault should be in control of the decisions affecting them, especially their right to decide whether to seek counselling, medical services, police or legal intervention.
- 11.3. At all times the privacy of the complainant should be respected and no information should be shared without their consent, subject to the requirements of this Policy, mandatory reporting obligations and obligations under work health and safety legislation.
- 11.4. At all times complaints will be managed in a way which acknowledges and is respectful of the fact that sexual assault is a traumatic incident and every individual will differ in the impact upon their ability to make immediate decisions and to communicate.
- 11.5. External Support Providers (see below) are best placed to provide advice about legal options, court preparation and court support to the complainant and it is not intended that the Respect Officer or the Complaint Manager provide these types of supports to the complainant.

12. CONSEQUENCES AND DISCIPLINARY ACTION

- 12.1. A breach of the Code of Conduct, depending on its nature and severity, may lead to disciplinary action being taken by the Secretary, which may include:
 - (a) counselling;
 - (b) requiring an apology;
 - (c) conciliation/mediation conducted by an impartial third party;
 - (d) training on expected standards of behaviour; and
 - (e) a warning.

12.2. A breach may also lead to:

- (a) termination of appointment, suspension or expulsion from the Party in accordance with the process set out in this Policy; and
- (b) where the respondent is an employee, performance management, demotion or termination in accordance with relevant workplace laws, agreements and policies.

12.3. A decision made under this Policy to impose a sanction or take disciplinary action against a respondent is binding, subject to any appeal available under this Policy.

Decisions by the Secretary

- 12.4. Where the respondent is an employee, any decision relating to their employment will be consistent with any applicable workplace laws, agreements and policies.
- 12.5. A decision of the Secretary under clause 12.1 is appealable to the Review Tribunal, except where the decision relates to an employee and their employment in which case decisions are subject to relevant workplace laws, agreements and policies.

Decisions by Internal Appeals Tribunal

- 12.6. Where a matter is referred to the Internal Appeals Tribunal for decision making on sanction or other disciplinary action, one appointed member of the Internal Appeals Tribunal, selected on a rotational basis, will make a decision regarding an appropriate sanction or disciplinary action.
- 12.7. The Tribunal Member must make a decision on the sanction or other disciplinary action based on the investigation report findings and any submissions received on disciplinary action. Sanctions can include, but are not limited to, termination of appointment, suspension and expulsion from the Party.
- 12.8. A Tribunal Member must advise the Secretary and Complaint Manager of the decision within 7 days of receipt of the referral.
- 12.9. The complainant and respondent should be advised of the decision within 4 days of receipt of the decision.
- 12.10. A decision of a Tribunal Member is subject to appeal under clause 12.12.

Appeals

- 12.11. The respondent may make a written request for an appeal within 7 days of notification of the Secretary or Internal Appeals Tribunal Member's decision. A request for an appeal can only be made on the grounds that procedural fairness was denied. The request for an appeal, addressing the grounds for appeal, should be made to the Complaint Manager and Secretary.
- 12.12. Within 4 days of receipt of request and grounds for appeal, the matter will be referred to three members of the the Review Tribunal (on a rotational basis) to hear the appeal.

- 12.13. The Review Tribunal must determine whether it will hear the appeal, and then whether it will hear the appeal on papers or by way of a hearing.
- 12.14. Any decision by the Review Tribunal to overturn the previous decision must be accompanied by written reasons and agreed by two-thirds of the Review Tribunal.
- 12.15. Any sanction is stayed during an appeals process. The respondent may however be suspended until the appeal is finalised.

Conflicts of Interest

- 12.16. Where an Internal Appeals Tribunal or Review Tribunal member hearing a matter has an a perceived, actual or potential conflict of interest on any matter, including appeals, they must decline to make a decision on the matter and communicate this to the Chair of the Tribunal they sit on, who will appoint a replacement Tribunal Member from the same Tribunal to hear the matter.

13. REPORTING PLAN

- 13.1. NSW Labor is committed to monitoring the effectiveness of the Code of Conduct and Associated Policies.
- 13.2. NSW Labor will collect de-identified data on each complaint received under this Policy in accordance with annual reporting obligations under the Code of Conduct and Associated Policies Reporting Plan.
- 13.3. Each year by 31 January, the Secretary will provide the National Secretary a de-identified report of all complaints received under this Policy in accordance with annual reporting obligations under the Code of Conduct and Associated Policies Reporting Plan.

14. GENERAL

- 14.1. Anonymous complaints can be made under this Policy. The ability to take action in relation to anonymous complaints will depend on the nature of the complaint, level of information provided and, where appropriate, the consent of the person subject to the alleged conduct.
- 14.2. All parties to a complaints process must maintain confidentiality. A failure to maintain confidentiality may be a breach of the Code of Conduct which may result in action being taken under this Policy.
- 14.3. Where a finding is made against a person, or a sanction or other disciplinary action is imposed under this Policy, the finding, sanction or other disciplinary action may be shared between Branches to the extent reasonably necessary to properly administer a Branch and uphold the Code of Conduct and Associated Policies. Details of complaints that are not finalised due to a member resigning can also be shared for this purpose.

- 14.4. Victimising a person for making a complaint under this Policy or participating in a complaints handling policy may be a breach of the Code of Code which may result in action being taken under this Policy.
- 14.5. Disciplinary action may also be taken against a person for making a complaint or against a complainant if there is substantiated evidence that the complaint was malicious or vexatious.
- 14.6. In the event that time or other circumstances do not permit the Secretary to conduct the process for a complaint, the Secretary may appoint another NSW Labor official or independently qualified person to facilitate the process with the same authority as the Secretary.
- 14.7. NSW Labor will not comment on any complaint while it is being investigated or subject to any process or action, save to say this Policy is being complied with. Upon conclusion of the process, the Secretary may if appropriate in the circumstances, provide a brief factual statement on the outcome.
- 14.8. Any existing complaints being actioned when this Policy comes into effect will continue to be actioned in accordance with the rules and procedures in place at the time the complaint was made, unless the Secretary requests that a complaint is recommenced under this Policy.

EXTERNAL SUPPORT PROVIDERS - AUSTRALIA WIDE SERVICES

SEXUAL ASSAULT & DOMESTIC VIOLENCE

1800RESPECT

Australia's national domestic, family and sexual violence counselling, information and support service.

1800 737 732

www.1800respect.org.au/

COMPLEX MENTAL HEALTH ISSUES

Sane

Support for people with recurring, persistent, or complex mental health issues and trauma and for their families, friends and communities.

1800 187 263

www.sane.org

BeyondBlue

Free, anonymous forums and confidential Support Services including online peer support community, phone counselling, webchat counselling (all available 24/7), and emails (answered within 24 hours).

1300 224 636

<https://www.beyondblue.org.au/>

CRISIS SUPPORT AND SUICIDE PREVENTION

Lifeline

24-hour crisis support and suicide prevention services for Australians experiencing emotional distress.

13 11 14

www.lifeline.org.au

Suicide Call Back Service

A free professional service providing 24/7 phone and online counselling to people at risk of suicide, concerned about someone at risk, bereaved by suicide, and people experiencing emotional or mental health issues.

1300 659 467

www.suicidecallbackservice.org.au

LGBTIQ+ SPECIALIST SERVICES

Qlife

Anonymous and free peer support and referral for LGBTI people in Australia wanting to talk about sexuality, identity, gender, bodies, feelings or relationships.

1800 184 527

<https://qlife.org.au/>

YOUTH SPECIALIST SERVICES**Headspace**

Mental health support to people aged between 12 – 25 years, including sexual health, alcohol and other drug services, as well as work and study support.

(03) 9027 0100

<https://www.headspace.org.au>

MEN'S SPECIALIST SERVICES**MensLine Australia**

Offers free professional 24/7 telephone counselling support for men with concerns about mental health, anger management, family violence (using and experiencing), addition, relationships, stress and general wellbeing.

1300 789 978

<https://mensline.org.au/>

No to Violence

Works with men who use family violence, and the sector that supports them, to change their abusive and violent behaviour.

1300 766 491

<https://ntv.org.au/>

FIRST NATIONS SPECIALIST SERVICES**13YARN**

13YARN is the first national service of its kind for Aboriginal & Torres Strait Islander people in crisis. We offer a confidential one-on-one over the phone yarning opportunity and support with a trained Lifeline Aboriginal & Torres Strait Islander Crisis Supporter for mob who are feeling overwhelmed or having difficulty coping.

139 276

<https://www.13yarn.org.au/>

NEW SOUTH WALES	
Police Assistance 131 444 https://www.police.nsw.gov.au/	File a non-emergency crime report 24/7.
Full Stop Australia 1800 424 017 https://www.fullstop.org.au	24/7 helpline for anyone in NSW impacted by sexual assault (including friends, families and supporters).
Domestic Violence Line 1800 656 463	Provides counselling and referrals to women experiencing domestic and family violence. Available 24/7.
NSW Ageing and Disability Abuse Helpline 1800 628 221 helpline@adc.nsw.gov.au	For information, support or to report abuse, neglect and exploitation of older people and adults with disability in their family, home or community.
Victims Access Line (VAL) 1800 633 063	Provide information, referral, and support to a range of services for victims of crime.
Women's Legal Service NSW Domestic Violence: (02) 8745 6999 First Nations: (02) 8745 6977 General Legal Advice: (02) 8745 6988	Free confidential legal information, advice and referrals for women in NSW with a focus on domestic violence, family law, child care and protection, Victims Support, and sexual assault, as well as specialist referrals for Aboriginal and Torres Strait Islander women.

Attachment A – Complaints Handling Process

How to make a complaint

The prevention of bullying, harassment and discrimination is the responsibility of all ALP members, staff and volunteers.

The ALP is committed to the right of all members, staff and volunteers to participate in ALP activities free from bullying, sexual harassment and discrimination, gendered violence, in all its forms, and other types of inappropriate behaviour.

The ALP encourages and values safe active bystander intervention to prevent or stop bullying, harassment and discrimination.

If you are unsure about who to make a complaint to you can contact a Respect Contact Office to understand more about the process.

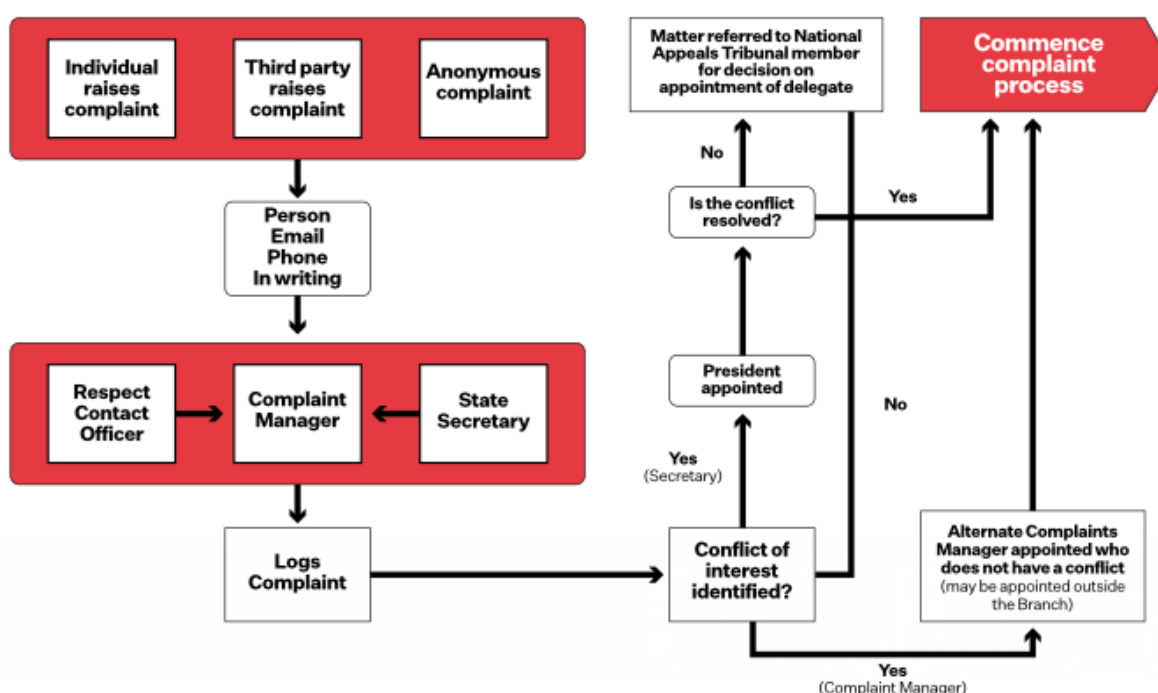
All complaints received will be treated confidentially and records will be held securely for reporting purposes.

Anonymous complaints will be actioned dependent on the level of information provided and the subject to the response of the person alleged to have been subject to the harassment, bullying or discrimination.

Complaints should be actioned by the Branch to which they relate. Complaints relating to the National Office, or in connection with a National ALP gathering or event will be actioned by the National Secretariat's Office.

Where issues of conflict of interest are identified relating to referral pathways or specific roles within the complaints handling process, alternative delegations may be made. Should alternative delegations not resolve the conflict of interest concerns the issues will be referred to a member of the National or State based Appeal Tribunal for a determination in accordance to the Complaints Handling Process.

Some forms of harassments, including sexual harassment may constitute a criminal offence. This includes physical assault, indecent exposure and sexual assault. Criminal conduct is able to be reported to the Police by the Complainant. Any referral to the police or external agencies by the ALP will be done in consultation with, and consent by, the Complainant, subject to the requirements of mandatory reporting obligations and obligations under work health and safety legislation.



Complaint process

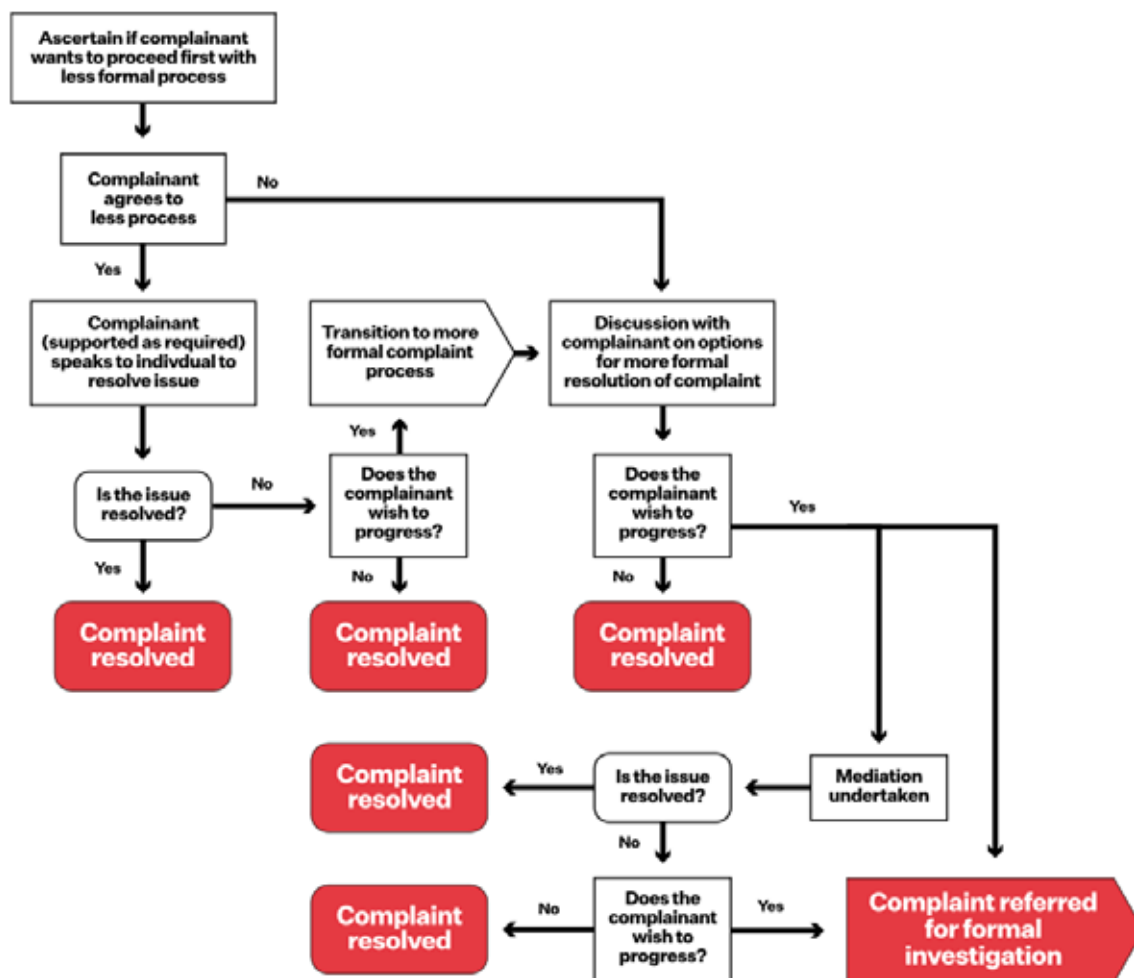
Support available

The Respect Contact Officer can provide advice on options available and act as a support where appropriate. Support services will be available to Complainant and their family.

The Complaint Manager or State Secretary (if appropriate) will guide the Complainant through the process and address inappropriate behaviour where required.

Part of the resolution processes is ensuring that a Complainant is aware of the available reporting options. This may involve referral to counselling or other independent avenues of the professional advice and assistance, with the consent of the Complainant.

Unresolved conflict of interest concerns will be referred to the ALP National Appeal Tribunal by the Secretary for resolution.



Investigation process

