



# General Rules

(As amended October 2022)

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## **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 anti-social features in these fields.

To achieve the political and social values of equality, democracy, liberty and social co-operation inherent in this objective, the Australian Labor Party stands for:

1. Redistribution of political and economic power so that all members of society have the opportunity to participate in the shaping and control of the institutions and relationships which determine their lives.
2. Establishment and development of public enterprises, based upon federal, state and other forms of social ownership, in appropriate sectors of the economy.
3. Democratic control and strategic social ownership of Australian natural resources for the benefit of all Australians.
4. 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.
5. The right to own private property.
6. Recognition and encouragement of the right of labour to organise for the protection and advancement of its interests.

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.

8. 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.
9. The restoration and maintenance of full employment.
10. The abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity
11. Social justice and equality for individuals, the family and all social units, and the elimination of exploitation in the home.
12. Equal access and rights to employment, education, information, technology, housing, health and welfare services, cultural and leisure activities and the law.
13. 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.

14. 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 the democratic reform of the Australian legal system.
15. The development of a democratic communications system, as an integral part of a free society, to which all citizens have opportunities for free access.
16. 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
17. 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.
18. Recognition and encouragement of diversity of cultural expression and lifestyle within the Australian community.
19. 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.
20. 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.
21. Commitment to and participation in the international democratic socialist movement as represented by the Socialist International.
22. 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 co-operative process which requires:

1. constitutional action through the Australian and State Parliaments, municipal and other statutory authorities;
2. union action; and
3. ongoing action by organised community groups.

### **D) MEMBERSHIP AND ORGANISATION**

- Membership of the ALP is open to all residents of Australia who are prepared to accept its objectives and who have associations with no other political Party.
- 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 SA 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.

## 1. WHAT IS THE LABOR PARTY?

The Australian Labor Party is the oldest and the largest political Party in Australia.

The Party has a wide membership, and is in essence a coalition of Australians believing in social change, reformers, progressives, radicals, social democrats and democratic socialists. Some would be content with minor changes to our present social and economic systems; others desire a gradual transformation of Australia along democratic socialist lines; others would wish for a more rapid and dramatic change in the Australian system. What binds all segments of the Labor Party together is a shared critical attitude and two positive commitments – first to a fairer, more equitable and more just society; and second to the achieving of this society through democratic means.

The Australian Labor Party is one of a small group of political parties which are genuine labour parties: the trade unions are affiliated to the Party.

This distinguishes a labour Party from social democratic parties, although they may have common ideals and philosophies, and from broadly-based progressive parties like the American Democratic Party.

The ALP is a member of the Socialist International along with the British and New Zealand Labour Parties, the German SDP and the Scandinavian Social Democratic Party.

The Australian Labor Party stands for democratic socialism. Democratic socialism is distinguished by a particular set of values. These include:

- (i) Democracy
- (ii) Liberty
- (iii) Co-operation
- (iv) State Planning
- (v) Equality

The policies of the Australian Labor Party are outlined in the National and State Platforms of the Party.

## 2. HOW THE LABOR PARTY WORKS

The ALP is organised as a federal body with national machinery superimposed on six State and two Territory branches.

### **National Conference**

The National Conference is the supreme governing authority of the Party. Its decisions are binding on every member and every section of the Party. The conference meets every three years and has more than 400 delegates. The main function of the National Conference is to approve regular changes in the Party Platform and to revise the Constitution and Rules.

### **National Executive**

The chief administrative authority of the Party is the National Executive, which is subject only to the authority of the National Conference. The Executive meets at regular intervals, usually four or five times a year. It has

very wide powers and can intervene in every aspect of ALP activity. It is responsible for carrying out National Conference decisions and for interpreting Party policy between National Conferences.

The Executive also superintends the committee work which regularly revises the platform for approval of the National Conference. The National Executive is made up of the Parliamentary leader and 20 members elected by National Conference. The Party President is Chairperson of the National Conference and the National Executive.

### **National Policy Committees**

National policy committees review the existing platform and suggest changes where necessary. The committees are chosen by National Executive and chaired by a member of the Executive. They liaise closely with federal ministers or shadow ministers who are ex-officio members of the committee or committees relevant to their portfolios.

### **National Secretariat**

The ALP's main co-ordinating agency is the National Secretariat, which is based in Canberra. The Secretariat is responsible for servicing the National Conference, the National Executive and the ALP Policy Committees. It directs national election campaigns under the direction of a National Campaign Committee. The Secretariat also maintains liaison with the Federal Parliamentary Party and with State Branches of the Party.

### **Federal Parliamentary Labor Party (Caucus)**

The Federal Parliamentary Labor Party, also referred to as Caucus, has substantial independent powers. It is subject to direction from the National Conference and National Executive, but not from any State branch of the ALP. The Caucus has evolved its own rules and procedures over more than 100 years of involvement in Federal Parliament. The Caucus usually meets once a week, when Parliament is sitting, to plan tactics and to determine Party attitudes to legislation and Government policy. Caucus has developed an elaborate machinery of policy committees. It elects the Parliamentary Leader, Deputy Leader, Senate Leader and Deputy Senate Leader.

### **Convention – Meets Annually**

Convention is the supreme governing body of the Australian Labor Party in South Australia. Policy made by Convention (which must meet at least once annually) cannot be altered, except by a subsequent Convention decision. Convention is composed of 200 delegates from affiliated unions and State Districts.

### **Council – Meets Quarterly**

Council is the governing body between Conventions. It acts as a watchdog on the Executive and the Parliamentary Party. Although Council has no power to alter rules, it can be called upon to adjudicate over alleged rule transgressions. It meets quarterly and affiliated unions, Sub-Branches and SA Young Labor are entitled to be represented by delegates.

### **State Executive – Meets Monthly**

The State Executive is the governing body of the Party between Councils. The State Executive is responsible for the day to day administration of the Party. It meets every four weeks. The Executive is made up of the Party President, Senior and Junior Vice Presidents and 15 other members all elected by State Convention. The State Secretary and the Leader of the State Parliamentary Labor Party are also members.

### **Federal Electorate Councils (FEC)**

FEC's are set up in each of the eleven Federal Electorates. Federal Electorate Councils consist of all Sub-Branch members within a Federal Electorate.

### **Affiliated Unions**

Affiliated Unions are unions which subscribe to the goals of the ALP and pay an affiliation fee according to their membership. This entitles these unions to send delegates to Convention and Council.

### **State Electoral Districts and Sub-Branches**

Sub-Branches are made up of people from all walks of life who are interested in the Labor movement and the ideals for which it stands. Each State Electoral District usually consists of one Sub-Branch. The State Electoral Districts elect delegates who are members of Sub-Branches to Council and Convention. Sub-Branches refer matters to both bodies and organise political, fundraising and social activities at a local level.

### **Caucus**

Parliamentary Branches (Caucus): All Labor members of State Parliament form a separate branch of the ALP, and all the SA Labor Members of Federal Parliament another.

### **SA Young Labor**

AYL is a special interest branch of the ALP in South Australia. All ALP members under 26 years of age at a time specified in the Rules are automatically members of SA Young Labor. SA Young Labor sends delegates to Council and Convention as well as National SA Young Labor bodies.

### **Country Labor**

Country Labor plays an important role in connecting country ALP members to ALP Ministers, Shadow Ministers, Members of Parliament, policy committees and bringing a regional perspective to policy debates. To be a member of Country Labor you must live within a set of geographic boundaries. Country Labor is entitled to elect a non-voting delegate to Convention and Council.

### **Labor Women**

All women members of the ALP are automatically members of Labor Women and can stand for election to Labor Women's Executive Committee. The Committee lobbied hard for the introduction of Affirmative Action to all multiple positions in the Party, and exists as a means for women to learn more about women and the ALP. The Committee runs information sessions on a range of issues including meeting procedure, Party structures and women's issues, as well as organising social functions for ALP women to meet each other. Labor Women also runs the Molly Byrne/Marie Skitch fund which was set up to offer financial support to ALP women candidates for political office. The Committee plays an important role in increasing the number of ALP women in Parliament.

Labor Women is entitled to elect a non-voting delegate to Convention and Council.

### **Policy Networks**

The Party has several Policy Networks. These Policy Networks act as educative and information forums, contribute to the processes and activities of the Platform Committee and Platform Sub-Committees. Any member of the Party may elect to join a Policy Network.

### **Campaign Committee**

The Campaign Committee oversees election and other publicity campaigns. It is responsible to the State Executive and reports to Convention.

### **Platform Committee**

The Platform Committee is elected every three to four years by Convention and convenes Platform sub-committees for the formulation and review of the state ALP's core values document or Platform. These sub-committees review Party platform in conjunction with the relevant Minister or Shadow Minister. The Platform Committee reports to Convention.

## **Agenda Committee**

The Agenda Committee recommends to Convention the items to be dealt with by the Convention during certain sessions. The items are in the form of motions which have been passed at meetings of affiliates and been forwarded to Convention for consideration.

## **The National Labor Herald**

The Labor Herald Herald is the official online magazine of the ALP and can be viewed at [www.eherald.alp.org.au](http://www.eherald.alp.org.au).

### **3. YOU AND YOUR LOCAL SUB-BRANCH AND FEDERAL ELECTORATE COUNCIL**

By becoming involved in many of the Sub-Branch activities you will find the activities rewarding and interesting, and your membership of the ALP more meaningful.

#### **Sub-Branch Officers**

The rules of the Party stipulate that the officers of a Sub-Branch shall consist of a President, a Vice President, a Secretary and may include other positions such as Treasurer and Membership Officer.

It is usually the role of the President to co-ordinate the activities of the Sub-Branch, to chair Sub-Branch meetings and to play a major role in assisting in the organising of activities.

The Secretary is responsible for conducting all correspondence of the Sub-Branch and generally assisting in all the administrative matters. The Treasurer has the responsibility of conducting the financial affairs. Some Sub-Branched elect a Membership Officer who has responsibility for coordinating membership drive campaigns. The Membership Officer's position is one of the most important positions in a Sub-Branch. If we are to succeed in implementing our philosophies and policies to the fullest extent we must build a large membership.

Sub-Branch Officers usually meet from time to time as a Sub-Branch Executive. The Executive as a whole is responsible for improving the effectiveness of the Sub-Branch organisation and activities.

#### **What can your Sub-Branch offer you?**

By joining the Australian Labor Party you gain:

- membership of the Australia-wide organisation that determines the policy of Labor Governments, State and Federal;
- the right to nominate in pre-selection ballots for candidates for Parliament (subject to a qualifying period of membership);
- the opportunity to meet and discuss public affairs of all kinds, local, State and National, and to have your ideas brought before the whole ALP and to have them adopted as Labor policy.

Sub-Branched not only provide avenues for formulating or altering Party policy, they have an important role in providing political education for ALP members. This depends very much upon the willingness of the Sub-Branched to organise interesting and stimulating guest speakers at meetings and upon Sub-Branch members to inform themselves on matters for discussion. Some Sub-Branched hold policy discussion groups and seminars.

In addition, members have the opportunity of participating in the endorsing or selecting of their ALP candidates at State and Federal elections (subject to a qualifying period of membership).

Another very important and worthwhile activity for local Sub-Branched is the involvement of members in social, cultural and community activities.

Many Sub-Branches organise frequent functions at which members have the opportunity of mixing socially and meeting national and state leaders.

### **What can you offer your Sub-Branch?**

You may be able to assist your Sub-Branch in many ways. The level of activity varies between Sub-Branches. Sub-Branches generally aim to become involved in social and fundraising activities, in the production of Sub-Branch and community newsletters, advertising and publicity for the Sub-Branch, and other areas of community involvement. Above all, potentially the greatest contribution you can make is in the formulation of Party policy. Ideas expressed at Sub-Branch meetings often become items for Convention or Conference and written into ALP policy.

The two main areas in which Sub-Branches require assistance are in recruiting members and campaigning at election times.

The task of building the membership of the Party is one which all members of Structure and Organisation the Australian Labor Party have the power to do. Members are encouraged to recruit their friends into the Party and to assist Sub-Branches in other membership recruitment activities.

## **4. THE ALP AND TRADE UNIONS**

### **A) Connections**

#### **1. Historical**

The ALP was born out of a move by employee unions in the early 1890s to have the voice of the Labour Movement heard more effectively. Union members were largely responsible for the formation of ALP policy and for creating the mood for electoral success for the ALP.

#### **2. Common Goals**

The Australian Labor Party and the Union Movement have in broad terms similar objectives, that is, an equitable distribution of community wealth and resources. But both have certain specific objectives which differ. Unions focus on the conditions of employment – wages, recreation leave, workers' compensation and safety regulations of their members.

#### **3. Mutual Support**

The ALP aims to support unions in pursuit of their industrial goals and many unions support the ALP in pursuit of its political goals.

#### **4. Organisational Links**

Many unions affiliate with the ALP so as to improve the standard of living for their members. An affiliated union pays dues to the ALP and is represented in Party forums. The ability of unions to achieve their industrial and other objectives is increased because of this link.

### **B) Distinctive Features**

#### **1. The Union Movement**

The Australian Council of Trade Unions (ACTU) is the supreme governing body of the union movement in Australia. Unions affiliated to the ACTU represent workers in all types of employment – from truck drivers, butchers and teachers to metal workers, council workers and nurses. The ACTU is not affiliated with the ALP.

The ACTU assists unions to settle industrial disputes and presents submissions to the Federal Government on economic, legal and industrial issues. SA Unions is one of six branches of the ACTU and represents the SA Union Movement. Like the ACTU, SA Unions is not affiliated to the ALP.

SA Unions meets fortnightly to discuss union policy and to deal with items forwarded by affiliates.

## **2. *The Australian Labor Party***

The ALP is more than a body representing affiliated unions. It is composed of political branches, which are made up of people from all walks of life who are committed to the ideals for which it stands, as well as union affiliates. The Party is responsible to a wide community constituency.

## **5. THE ALP AND THE INTERNET**

The ALP Home Page address is <http://www.sa.alp.org.au>

The SA Branch email is [info@sa.alp.org.au](mailto:info@sa.alp.org.au)



## (A) Introduction

### 1 Name

The name of the Party shall be the Australian Labor Party (South Australian Branch). The Head Office of the Party shall be situated at 141 Gilles Street, Adelaide 5000 or at such other place as determined by State Executive.

### 2 Definitions

- 2.1 In these Rules, the singular shall include the plural and the plural shall include the singular.
- 2.2 The following terms shall have the meaning set against them respectively:
- (a) 'FEC' – A Federal Electorate Council.
  - (b) 'Federal Division' – An electoral division for the election of a member of the House of Representatives.
  - (c) 'Head Office Branch' – A Sub-Branch of the Party to which members not allocated to a Sub-Branch under Rule 5 may be allocated.
  - (d) 'Party' – The Australian Labor Party (South Australian Branch).
  - (e) 'State District' – An electoral district for the election of a member of the House of Assembly.
  - (f) 'Sub-Branch' – A Sub-Branch of the Party that does not include the 'Head Office Branch'.
  - (g) 'Sub-Division' – An electoral Sub-Division.
  - (h) 'union' – An organisation or association of employees registered under either the Workplace Relations Act 1996 or the Fair Work Act 1994 or any successor legislation.

### 3 Powers

The Powers of the Party shall be:

- 3.1 To purchase or otherwise acquire equipment for carrying out the objects of the Party, and to sell, exchange or dispose of such equipment no longer required.
- 3.2 To enter into such agreements as may be necessary for carrying out the objects of the Party.
- 3.3 To hold, take on lease, purchase or otherwise acquire real property and to sell, exchange, mortgage, lease and construct improvements on such property.
- 3.4 To invest any monies from time to time surplus to the immediate requirements of the Party and to vary and realise such investments.
- 3.5 To procure the incorporation of companies and the establishment of trusts to hold or receive for the benefit of the Party any real or personal property of the Party and otherwise for the attainment of the objects of the Party.
- 3.6 To open and maintain bank accounts in the name of the Party.
- 3.7 To appoint a qualified Auditor.

- 3.8 To elect a State Executive to manage the affairs of the Party. The State Executive shall be subject to the control of the Party.
- 3.9 To appoint or elect Committees for the purpose of carrying out the objects of the Party.
- 3.10 To hire, engage and/or employ persons and to pay them salaries, wages, gratuities and pensions for services rendered to the Party.
- 3.11 To reimburse persons for expenses incurred in the service of the Party.
- 3.12 To indemnify persons out of the funds of the Party.
- 3.13 To fix membership and affiliation fees and any other payments from time to time.
- 3.14 To amend the Rules, the Constitution, and the State Platform from time to time.
- 3.15 To appoint or arrange for the election of delegates to represent the Party.
- 3.16 To pre-select candidates for the State and Federal Parliaments.
- 3.17 To do all such other things as are incidental or conducive to the attainment of the objects of the Party.

#### **4 Schedules**

- 4.1 The Schedules appearing in this Rule Book shall be deemed to be part of these Rules.

#### **5 Membership**

##### **5.1 Definitions**

- *'The Probationary Period'* – the period of probation to which a person is subject being the period from the time an application for membership is made in accordance with Rule 5.3.1 until sixty (60) days have elapsed, save in the case of an objection to the application for membership in compliance with Rule 5.3.8, in which case the person will remain a member on probation until the objection is resolved by decision of the State Executive.
- *'A Member'* – a person, whether a financial or unfinancial member, who has joined the Party in accordance with the Rules and who has not resigned, or who is not deemed to have resigned, or who has not been expelled, in accordance with the Rules. A member will be a 'First Year Member', a 'Second Year Member' or a 'Full Member' for the periods described in and with rights as specified in Rule 5.7.
- *'A Financial Member'* – a person who has paid the membership fee for the current financial year or for the previous financial year where the renewal period referred to in Rule 5.8.2 has not elapsed.
- *'An Unfinancial Member'* – a person who has not paid the membership fee for the current financial year by 30 November of that year.

##### **5.2 Eligibility**

5.2.1 Subject to the Rules, membership of the Party is open to all residents of South Australia over the age of fourteen (14) years who are prepared to accept its Platform and Rules and those of the Australian Labor Party, and who are correctly enrolled with the Australian Electoral Commission to vote in a Federal Election at their stated address excepting those applicants who are not so entitled because they are under eighteen (18) years of age or are not Australian citizens.

5.2.2 Subject to the power of State Executive pursuant to Rule 20.3.1(e), a person who is a member of or has an association with another political Party or an auxiliary or a proscribed organisation, or who within two years prior to making application for membership of the Party, has had an association with another political Party or an auxiliary or proscribed organisation, is not eligible to be a member of the Party.

5.2.3 Subject to Rule 5.2.4, Members are encouraged to be members of a union or to employ union labour.

5.2.4 In relation to a member who is not a member of a relevant affiliated union, the State Secretary shall provide contact details of that member to the relevant affiliated union.

5.2.5 A person who, whilst a Labor Member of Parliament, votes contrary to a decision of a duly constituted meeting of the State Parliamentary Labor Party, is not eligible to remain a member of the Party or after ceasing to be a member for any reason to again be a member of the Party. This rule may be waived only by a resolution of Convention.

### **5.3 Procedure for Application for Membership**

5.3.1 An applicant shall make application for membership by:

- (a) Signing a completed application for membership of the Party in the form of application prescribed by National Executive, or completing an application form online; and
- (b) Where the applicant for membership signs a completed application for membership under Rule 5.3.1 (a), providing the membership application form to the Head Office of the Party within twenty-eight (28) days of the completion of the application in person, by post, by facsimile, by such other electronic means of application lodgement as State Executive deems appropriate or by an agent of the applicant. Where the membership application form is provided by an agent of the applicant, it shall be necessary for the agent to provide identification; and
- (c) Paying the membership fee in the amount determined by Convention pursuant to Rule 44.1 in accordance with Rule 5.3.1(d).
- (d) Paying the membership fee for the purposes of rule 5.3.1 (c) may be effected by:
  - (i) where the applicant for membership signs a completed application for membership under rule 5.3.1(a), paying the membership fee to Head Office, either personally or by an agent of the applicant, at the same time as the membership application is provided to Head Office;
  - (ii) where the applicant for membership completes an application form online under rule 5.3.1(a), paying the membership fee by electronic funds transfer from their own account, or with their own credit card, at the same time as the application form is completed;

- (iii) in either case, arranging, within 7 days of the signed completed application for membership being provided to Head Office, or the application form being completed online (the case may be), with a bank or financial institution for transfer of quarterly payments of a quarter of the membership fee, payable by no later than 30 September, 31 December, 31 March and 30 June in each financial year from the applicant's bank account, or credit card facility;
- (iv) in either case, providing to Head Office, within 7 days of the signed completed application for membership being provided to Head Office, or the application form being completed online (the case may be), a continuingly valid direct debit authority which permits automatic deduction of the membership fee either quarterly or annually from the applicant's bank account or credit card facility.
- (e) To avoid doubt, for the purposes of the Rules, an application for membership will not have been made in accordance with Rule 5.3.1 unless an application form has been completed in accordance with Rule 5.3.1(a), and where necessary, the completed application form has been provided to Head Office in accordance with rule 5.3.1(b), and payment of the membership fee in accordance with rule 5.3.1(d) has been effected.
- (f) For the purposes of Rule 5.3.1(b) and Rule 5.3.1(d)(i), only Labor Members of Parliament, endorsed Labor candidates, members of the applicant's family resident at the same address, the State Secretary and the Assistant State Secretary, secretaries of affiliated unions, or an official of the Sub-Branch to which the applicant would be allocated pursuant to Rule 5.6 may act as agents for an applicant.
- (g) When an application for membership is made, the applicant must be correctly enrolled with the Australian Electoral Commission to vote in a Federal election at the applicant's stated address unless the applicant is not so entitled because he or she is under eighteen (18) years of age or is not an Australian citizen.

5.3.2 Upon application for membership being made in accordance with Rule 5.3.1, the State Secretary shall:

- (a) cause the applicant to be allocated to a Sub-Branch or Head Office Branch in accordance with Rule 5.6.
- (b) forward within seven days or as soon as practicable a copy of the application form (excluding any credit card details) to the relevant Sub-Branch Secretary (except where the applicant is allocated to Head Office Branch) and to the Chairperson of the Credentials Committee.

5.3.3 A Sub-Branch Secretary and the Chairperson of the Credentials Committee who receive a copy of an application for membership from the State Secretary shall table the application at the next Sub-Branch general meeting or Credentials Committee meeting.

- 5.3.4 A Sub-Branch and the Credentials Committee will each have sixty (60) days from the date of receipt of the relevant application for membership by the Head Office to consider the application for membership and to make any objection to the State Secretary. The Credentials Committee will have sixty (60) days from receipt of advice from the State Secretary pursuant to Rule 8.2.4 of reallocations of members to different Sub-Branches to consider the reallocations and make any objection to the State Secretary.
- 5.3.5 In the event that multiple applications are lodged and/or paid for by a person on behalf of (an) applicant(s) for membership, or that more than fifteen (15) applications for membership are received and allocated to a particular Sub-Branch in any one calendar month, or that there are applications for membership received and allocated to a particular Sub-Branch or reallocations of members to the same Sub-Branch exceeding a combined total of fifteen (15) in any one calendar month, the Credentials Committee may require such further evidence of the identity and eligibility of an applicant or reallocated member as it deems appropriate.
- 5.3.6 An application received by a member from an applicant must be forwarded to the Head Office within twenty eight (28) days of the application being completed.
- 5.3.7 An application for membership shall be invalid and the State Secretary shall not be required to process the application in accordance with Rule 5.3.2 where:
- (a) Where the applicant for membership signs a completed application for membership under rule 5.3.1 (a), the application is not received by the Head Office within twenty- eight (28) days of the application being completed;
  - (b) the membership fee is not paid, the arrangement is not made, or authorisation is not provided (as the case may be) in the times stipulated by Rule 5.3.1(d).
- 5.3.8 An objection to an application for membership or to a reallocation of a member to a Sub-Branch must be made to the State Secretary in writing and must contain particulars of the grounds of the objection.
- 5.3.9 The State Secretary shall refer any objection received within the sixty (60) day period which complies with Rule 5.3.8 to the meeting of the Credentials Committee next occurring not less than fourteen (14) days after receipt of the objection. The Credentials Committee shall by resolution make a recommendation to State Executive as to whether the applicant should be admitted to membership or reallocated to a Sub-Branch as the case may be. The applicant in relation to whom the objection has been made shall be informed in writing of the time and date of the Credentials Committee meeting and shall be provided with a copy of the objection and any supporting material. If the applicant wishes he or she must be heard personally at the Credentials Committee meeting in relation to the objection.
- 5.3.10 The State Secretary shall refer the recommendation of the Credentials Committee to the next meeting of State Executive which shall by resolution decide, in the case of objection to membership,

whether the applicant shall be admitted to membership, or, in the case of objection to reallocation, whether the member is reallocated to a different Sub-Branch.

5.3.11 The State Executive may establish such bank deductions, electronic transfer, direct debit, telephone, email, Internet and related systems as may be appropriate to facilitate payment of membership fees.

#### **5.4 Refusal of Membership**

5.4.1 Notwithstanding any other rule, the State Executive shall have an unfettered power to refuse membership to any person at any time, including after the sixty (60) day period referred to in Rule 5.3.4, if, by virtue of a recommendation of Credentials Committee or its own assessment or otherwise, the State Executive is not satisfied as to the person's identity, is not satisfied that the person meets the requirements of Rules 5.2.1 and 5.2.2 or is not satisfied that the person has answered, answered adequately or answered truthfully, or otherwise cooperated fully with, questions asked or enquiries made by or on behalf of the Party in relation to the person's membership application, regardless of whether an objection to the membership has or has not been received by the State Secretary.

5.4.2 Notwithstanding any other rule, the State Executive shall have an unfettered power to refuse a reallocation of a member to a different Sub-Branch if it is satisfied that such a reallocation is not appropriate in the circumstances.

5.4.3 A person who has been refused membership by the State Executive may appeal to Convention. The appeal must be made in writing and must be delivered to the State Secretary within thirty (30) days of the decision to refuse membership. The appeal shall be heard at the next Convention. The State Secretary will notify the applicant of the time and date the appeal will be heard. The applicant shall be invited to be present at Convention when the appeal is considered and may be heard personally in relation to the appeal. If the applicant is not present at Convention for the hearing of the appeal Convention shall dismiss the appeal.

5.4.4 After a person has been refused membership by the State Executive and either not sought to appeal the decision, or the appeal has been refused or dismissed, the State Executive can, by resolution, determine to refuse to accept an application for membership from the person for a period of up to four (4) years.

5.4.5 A decision taken by State Executive in accordance with Rule 5.4.4 above, is subject to the appeal process outlined in Rule 5.4.3. Any decision made by State Convention in respect of an appeal is final.

#### **5.5 Commencement of Membership**

5.5.1 The probationary period of membership commences from the time an application for membership made in accordance with Rule 5.3.1 is provided to the Head Office of the Party.

- 5.5.2 The probationary period will end after sixty (60) days from the commencement of membership, except where an objection is made under Rule 5.3.8, in which case the probationary period continues until State Executive resolves whether or not to admit the applicant to membership.
- 5.5.3 The membership of a person who continues as a member beyond the probationary period will be deemed to have commenced from the time of commencement of the probationary period.

## **5.6 Allocation to Sub-Branches**

- 5.6.1 No person shall be a member of more than one Sub-Branch.
- 5.6.2 Upon receipt by Head Office of an application for membership made in accordance with Rule 5.3.1, the State Secretary shall:
- (a) cause the member to be allocated to the Sub-Branch within the State District in which the member resides;
  - (b) cause the member to be allocated to Head Office Branch where the member resides in a State District where there is no Sub-Branch or where it may be inconvenient for a member to attend a Sub-Branch meeting in the State District or where a member, for reasons accepted by the State Secretary, wishes not to be attached to a Sub-Branch.
- 5.6.3 Notwithstanding Rule 5.6.2, State Executive shall have power to permit a member, upon application of the member concerned, to be allocated to a Sub-Branch outside the boundaries of the State District in which the person resides. Such a person shall not have the right to hold office in the Sub-Branch or to be a Sub-Branch delegate, to vote in Sub- Branch elections or to vote in the Sub-Branch component of Preselection ballots.
- 5.6.4 Upon successful application under Rule 5.6.3, the member is eligible to join any FEC which wholly or partly covers the area covered by the Sub-Branch to which the member has been allocated. The member must at the time of the application under Rule 5.6.3 elect which FEC the member wishes to belong to under this Rule. Should the FEC be the one in which the member resides, such member shall have full rights normally accruing to a member at FEC meetings under these rules (subject to any limitation on those rights in accordance with Rule 5.7). Should the FEC be other than the one in which the member resides, such member shall not have the right to hold office in or vote in FEC elections or to vote in the FEC component of a pre-selection ballot.
- 5.6.5 Notwithstanding Rule 5.6.2 and subject to Rule 5.6.6, a Labor Member of Parliament, an endorsed candidate, and a spouse of a Labor Member of Parliament or endorsed candidate:
- (a) shall have the right to membership of any Sub-Branch; and any FEC in the State District or Federal Division for which they are the Member of Parliament or the endorsed Labor candidate; and
  - (b) shall have the right to attend and speak at any Sub-Branch and any FEC in the State, District or Federal Division for which they are the Member of Parliament or the endorsed Labor candidate.

5.6.6 Rule 5.6.5 shall not apply to a Labor Member of Parliament, endorsed candidate, or spouse of a Labor Member of Parliament or endorsed candidate, who resides in the State District or Federal Division the member or endorsed candidate represents, in which case there shall be rights to attend and speak only at Sub-Branches or FECs in that State District or Federal Division.

## **5.7 Membership Categories and Rights**

### **5.7.1 Categories of Membership**

(a) A member will be a 'First Year Member' from the time membership commences until the following 30th June.

(b) A member will be a 'Second Year Member' from the 1st July first occurring after the First Year Membership ends until the following 30th June.

(c) A member shall be a 'Full Member' from the 1st July following the expiry of second year membership.

5.7.2 The types of membership and the rights of a First Year Member, Second Year Member and Full Member shall be as set out in the following:

#### ***First Year Member***

From the date an application is received by Head Office until the 30th of June following that date.

From the time application received by Head Office

- Attend meetings of Sub-Branch, FEC, Labor Women, SA Young Labor, Country Labor and policy networks
- Speak at meetings
- Vote on policy motions at meetings
- Membership card

After probation period of sixty (60) days or resolution of challenge as described in Rule 5.3

- Vote on procedural motions at Sub-Branch meetings.
- Subject to Rule 27.3.1, nominate for elections for the Executive of Sub-Branch, FEC, Labor Women, SA Young Labor, Country Labor and policy networks, subject to the relevant eligibility Rules.
- Nominate for and stand in elections for the Disputes Resolution Committee and all other bodies except State Executive, National conference delegate, Convention and Council delegate and public office.
- Charge another member of the Party.
- Bring a dispute to the Disputes Resolution Committee.

#### ***Second Year Member***



- From the 1st of July occurring after the First Year until the following 30th June.
- All rights of First Year Member plus:
- Subject to Rule 28.3.1, nominate for, stand in and vote in the election of State Executive and of delegates to National Conference, Council and Convention.

### **Full Member**

From the 1st July following the expiry of the Second Year Membership.

- All rights under these Rules including:
- Nominate for, stand in and vote in Preselection ballots for public office.

5.7.3 Notwithstanding that a member may have made arrangements with a bank or financial institution under Rule 5.3.1(d)(iii) for transfer of quarterly payments of a quarter of the membership fee, or provided a direct debit authority under rule 5.3.1(d)(iv) permitting automatic deduction of the membership fee, membership rights will only accrue in accordance with this Rule.

## **5.8 Renewal of Membership**

5.8.1 Payment of the membership fee under Rule 5.3.1(d)(i) or (ii), will only cover the period to 30 June next, regardless of when it is paid.

5.8.2 A member (including a First Year Member, a Second Year Member and a Full Member) who has paid a membership fee under Rule 5.3.1(d)(i) or (ii) for a year of membership ending on 30 June in any year must pay the membership fee in the amount determined by Convention pursuant to rule 44.1 for the immediately succeeding financial year, by 30 November of that year, in order to remain a financial member and to maintain continuity as a financial member and to exercise such rights as attach to the relevant category of membership.

5.8.3 Paying the membership fee for the purposes of Rule 5.8.2(c) may be effected by:

- (a) paying the membership fee to Head Office, either personally or by an agent of the member;
- (b) paying the membership fee by electronic funds transfer from their own account, or with their own credit card;
- (c) arranging, on or before 30 September of that year, with a bank or financial institution for transfer of quarterly payments of a quarter of the membership fee, payable by no later than 30 September, 31 December, 31 March and 30 June in each financial year from the member's bank account, or credit card facility;
- (d) providing to Head Office, on or before 30 September of that year, a continuingly valid direct debit authority which permits automatic deduction of the membership fee either quarterly or annually from the member's bank account or credit card facility.

- 5.8.4 Provided that a member (including a First Year Member, a Second Year Member and a Full Member) with an arrangement with a bank or financial institution under Rule 5.3.1(d)(iii) or Rule 5.8.3(c), or who has provided an authority under Rule 5.3.1(d)(iv) or Rule 5.8.3(d), continues that arrangement or that provision of authority, the member will remain a financial member and will maintain continuity as a financial member and may exercise such rights as attach to the relevant category of membership.
- 5.8.5 For the purposes of the Rules, a member paying the membership fee for the relevant year by any of the methods set out in Rule 5.8.3, or by continuing the arrangement or provision of authority as referred to in Rule 5.8.4, will be regarded as a renewing member.
- 5.8.6 For the purposes of Rule 5.8.3(i), only Labor Members of Parliament, endorsed Labor candidates, members of the applicant's family resident at the same address, the State Secretary and the Assistant State Secretary, secretaries of affiliated unions, or an official of the Sub-Branch to which the has been allocated pursuant to Rule 5.6 may act as an agent for the member.
- 5.8.7 In the event that multiple membership fees are paid for by a person on behalf of (a) renewing member(s) the Credentials Committee may require such further evidence of the identity of a member as it deems appropriate.
- 5.8.8 The State Secretary shall:
- (a) notify the applicable Sub-Branch of renewing members by 30 September in each year;
  - (b) By no later than 30 September in each year:
    - (i) send reminder notices to members who have not paid the membership fee under Rule 5.8.3 by that time, or who have not continued the arrangement or the provision of authority referred to in Rule 5.8.4 by that time;
    - (ii) notify Sub-Branches of unfinancial members, those who will become unfinancial members if their membership fee is not paid by 30 November of that year, and those who have discontinued the arrangement or provision of authority referred to in Rule 5.8.4 and have not put in place an alternative arrangement or provision of authority or otherwise paid the membership fee.

## **5.9 Unfinancial Members**

- 5.9.1 An unfinancial member is a person:
- (a) who has not paid the membership fee for the current financial year by 30 November of that year by any of the methods set out in Rule 5.8.3;
  - (b) who, where they have been paying the membership fee for the current financial year by an arrangement or provision of authority referred to in Rule 5.8.3 (c) or (d) or Rule 5.8.4 whereby quarterly payments have been paid or deducted on 30 September, 31 December, 31 March and 30

June, has failed to pay, or failed to enable to be deducted, a quarterly payment within 60 days of it being due.

- 5.9.2 Where a member who has been paying the membership fee for the current financial year by an arrangement or provision of authority referred to in Rule 5.8.3 (c) or (d) or Rule 5.8.4 whereby quarterly payments have been paid or deducted on 30 September, 31 December, 31 March and 30 June, has failed to pay, or failed to enable to be deducted, a quarterly payment, by the due date, the State Secretary will use their best endeavours to advise the member of the failure to pay, or the failure to enable to be deducted (as the case may be), the quarterly payment, and the effect of Rule 5.9.1(b), within 30 days of the failure.
- 5.9.3 Subject to this Rule an unfinancial member immediately forfeits all rights.
- 5.9.4 If an unfinancial member renews membership within five years of the date the member became unfinancial:
- (a) the member will be deemed to be a First Year Member from the date of renewal and will accrue rights in accordance with Rule 5.7;
  - (b) the eligibility for membership of the member will not be subject to challenge under Rule 5.3 but may be challenged under another Rule;
  - (c) Any member who is an unfinancial member for a period of five successive years will be deemed to have resigned from the Party. If the former member applies for membership following the date of deemed resignation, the former member will be required to re-apply for membership as if a new applicant subject to the power of State Executive to restore to the member the rights and privileges of a Full Member upon that former member making application for membership pursuant to Rule 5.3.1.

## **5.10 Life Membership**

- 5.10.1 State Executive may recommend to Convention the conferring of up to three life memberships per year.
- 5.10.2 Life members shall have and be subject to the same rights, privileges and obligations as ordinary members except for the requirement to pay further membership fees, which requirement shall be waived.

## **5.11 Membership Records**

- 5.11.1 The State Secretary must keep a record of members and their status as First Year, Second Year or Full Members.
- 5.11.2 Notwithstanding records kept by a Sub-branch, the official record of membership entitlements will be the record kept by the State Secretary.

5.11.3 All records associated with the payment of membership fee shall be available to the State Secretary, or the Assistant State Secretary, upon request.

## **6 Members' Obligations**

- 6.1 All members of the Party are bound by the National and State Platforms, and the Rules of the Party.
- 6.2 Affiliated unions are bound by the Rules of the Party.
- 6.3 Members for whom application or renewal fees are paid and affiliated unions for which affiliation fees are paid shall automatically accept all the responsibilities of membership and are bound by this Rule.
- 6.4 All members must comply with:
  - (a) the South Australian Code of Conduct;
  - (b) the South Australian Policy for Bullying and Harassment Prevention;
  - (c) the South Australian Policy for Sexual Harassment Prevention; and
  - (d) South Australian Complaints Handling Policy, as amended from time to time ("South Australian Code of Conduct Policies").
- 6.5 All members acknowledge and agree that any breach of the South Australian Code of Conduct Policies will be dealt with in accordance with the South Australian Complaints Handling Policy.
- 6.6 All members must also comply with:
  - (a) the National Secretariat's Code of Conduct;
  - (b) the National Secretariat's Policy for Bullying and Harassment Prevention;
  - (c) the National Secretariat's Policy for Sexual Harassment Prevention; and
  - (d) the National Secretariat's Complaints Handling Policy, as amended from time to time ("National Code of Conduct Policies").
- 6.7 All 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.
- 6.8 For the avoidance of doubt, where a complaint made under the South Australian Complaints Handling Policy or National Secretariat's Complaints Handling Policy is substantiated, the Member against who the complaint is substantiated may be expelled from the Party in accordance with those policies.

## **7 Composition**

- 7.1 Subject to Rule 5, the Party shall consist of the members and affiliated unions, provided members are over the age of fourteen (14) years and are not members of any other political Party or auxiliary thereof or of an organisation proscribed by the National Executive or National Conference.
- 7.2 A union wishing to become affiliated with the Party shall make application in writing to the State Secretary, accompanied by a copy of the Constitution and Rules of the union. The State Secretary shall

refer the application to the State Executive which shall list the matter on Council or Convention agenda for consideration.

- 7.3 If an application for affiliation by a union is approved by Convention or Council the union's delegates shall be provided with credentials by the Party subject to compliance with Rules 16 and 17.
- 7.4 All bona fide unions shall have the right to affiliate to the ALP. This right to affiliate shall not be impaired unless it can be demonstrated clearly that the relevant organisation is not a bona fide union or that the organisation has engaged in conduct that renders it unsuitable to be affiliated.
- 7.5 Where Convention or Council refuses an application by a union for affiliation, a financial member of the Party who is also a member of the union may appeal to the Disputes Tribunal against that refusal in accordance with Rules 23.4, 23.5 and 23.6.

## (B) Constituent Bodies

### 8 Sub-Branches

#### 8.1 Establishment

- 8.1.1 Subject to the provisions of Rules 8.1.2, 8.1.3 and 8.1.4 Sub-Branches may be established by Council on the recommendation of the State Executive.
- 8.1.2 A minimum of twenty five (25) members for a metropolitan State District and ten (10) members for a country State District shall be required to constitute a Sub-Branch.
- 8.1.3 No more than one Sub-Branch shall be constituted in any State District provided that State Executive may, in appropriate circumstances and subject to the approval of Council, establish more than one Sub-Branch in a State District. Unless Council determines otherwise, and subject to Rule 8.1.4, the name of each Sub-Branch shall reflect the name of the relevant State District in which that Sub-Branch is located.
- 8.1.4 No more than two (2) Sub-Branches shall be constituted in any country State District unless otherwise determined by Council by reason of geographical obstacles across the State District. In State Districts now having more than two (2) Sub-Branches, the existing Sub-Branches may continue while they comprise no less than ten (10) members.
- 8.1.5 State Executive may, subject to the approval of Council, draw Sub-Branch boundaries within a metropolitan State District. The boundaries shall as nearly as practicable divide the population of the State District equally where the State District is wholly within the one Federal Division. Where the State District is within more than one Federal Division, the boundaries used shall be those of the subdivisions created by the overlap of State and Federal electorates, except where this would produce significant discrepancies.
- 8.1.6 When a boundary is drawn, the State Secretary shall write to all members affected, informing them of the boundary and inviting them to choose within two (2) months between the two (2) relevant Sub-Branches to which they may be allocated. If members affected do not respond to the State Secretary by letter within two months they remain with their existing Sub-Branch. New members shall join the Sub- Branch within the boundaries of which they reside.
- 8.1.7 Nothing in this Rule shall affect Sub-Branches which are already in existence at the time of the commencement of this Rule. Such Sub-Branches and members thereof shall continue to be entitled to participate in all activities of the Party in accordance with the Rules.
- 8.1.8 Upon the establishment of a new Sub-Branch, the State Secretary shall invite all members who are eligible to be members of the new Sub-Branch under Rule 5.6 to become members of it. A member shall have twenty eight (28) days from the date of such invitation to inform the State Secretary whether he or she elects to join the new Sub-Branch. If he or she does not make such an election before the expiration of this period he or she shall remain a member of their existing Sub-Branch.

## **8.2 Re-allocation of Sub-Branches**

- 8.2.1 A member who changes address and who no longer resides within the Sub-Branch to which the member belongs, shall advise the State Secretary in writing who shall then allocate the member to the Sub-Branch within the boundaries of which the member now resides.
- 8.2.2 Notwithstanding that the State Secretary has not been given notice pursuant to Rule 8.2.1 by a member of a change of address requiring a change of Sub-Branch, the State Secretary shall, upon becoming aware of a member's change of address through information that the State Secretary deems satisfactory, allocate the member to the new Sub-Branch within which the member resides. A member so allocated must be made aware of the nature and the substance of the information received by the State Secretary.
- 8.2.3 If a member wishes to be allocated to another Sub-Branch within the State District in which the member resides, the member shall make written application to the State Secretary for a re-allocation. The State Executive may approve the re-allocation notwithstanding that the member does not reside within the boundaries of the Sub-Branch to which the member is re-allocated, as long as the member continues to reside in the same State District.
- 8.2.4 Where the State Secretary receives advice which results in reallocation of more than fifteen (15) members to a particular Sub-Branch in any one calendar month, or which combined with new applicants results in more than fifteen (15) members being admitted to or re-allocated to a particular Sub-Branch in any one calendar month, the State Secretary shall refer the applications and advices to the Credentials Committee for consideration in accordance with Rule 5.3.5.

## **8.3 Records**

- 8.3.1 Each Sub-Branch in accordance with the administrative directions of the State Secretary shall keep:
- (a) an accurate and up-to-date record of members, and their status as First Year, Second Year or Full Members;
  - (b) minutes of all meetings of the Sub-Branch.
- 8.3.2 Each Sub-Branch shall present for perusal when required by the State Secretary, State Executive or the FEC all of the records referred to in Rule 8.3.1 and any other records relating to the proceedings and activities of the Sub-Branch.
- 8.3.3 State Executive may direct that specific details relating to the organisation and activities of a Sub-Branch be forwarded to Head Office annually in a prescribed form.

## **8.4 Meetings**

- 8.4.1 Only members of a Sub-Branch shall be eligible to vote at their Sub-Branch meetings.
- 8.4.2 Sub-Branches in metropolitan Districts shall meet at least once a quarter and Sub-Branches in country Districts shall meet at least twice a year.

- 8.4.3 Sub-Branches shall endeavour to arrange meetings with guest speakers, to distribute literature, and to undertake political organising work in order to further the interests and influence of the Party. All its members are expected to raise funds to meet election expenses, to work to elect endorsed candidates and to implement the policy of the Party.
- 8.4.4 Each Sub-Branch shall hold an Annual General Meeting which shall be the first meeting held after 31 August each year.
- 8.4.5 Notwithstanding any other rule, a member of the State Executive, the State Secretary and the Assistant State Secretary shall have the right to attend and speak at any Sub-Branch meeting.

## **8.5 Reports**

- 8.5.1 The Secretary of each Sub-Branch shall, if requested by the State Secretary, forward to the State Secretary a report on all matters requested relating to the working of the Sub-Branch and such reports shall be available to the State Executive and Council.

## **8.6 Finances**

- 8.6.1 All accounts received by a Sub-Branch must be certified as correct by the President and Secretary of such Sub-Branch before being paid and such payment shall be reported to the next meeting of the Sub-Branch.
- 8.6.2 Monies raised by a Sub-Branch may be expended by such Sub- Branch in promoting the objects of the Party in such a manner as it considers desirable.
- 8.6.3 Each Sub-Branch shall, upon request, supply an audited statement of its financial standing to the State Secretary.
- 8.6.4 Each Sub-Branch shall, at the request of the State Secretary and/or State Treasurer and within twenty eight (28) days of such request, supply to the State Secretary all information necessary to enable the Party to comply with the funding and disclosure provisions of the Commonwealth Electoral Act.

# **9 Federal Electorate Councils**

## **9.1 General**

- 9.1.1 An FEC shall consist of members who are resident within that Federal Division and those members covered by Rules 5.6.4 to 5.6.6 inclusive.
- 9.1.2 A metropolitan FEC shall meet at least twice a year and a country FEC shall meet at least once a year.
- 9.1.3 Subject to part (c) of this Rule, the metropolitan and country areas with respect to an FEC are defined as follows:
- (a) The metropolitan area shall consist of the Federal Divisions of Adelaide, Boothby, Hindmarsh, Kingston, Makin, Spence, Sturt.



(b) The country area for FECs shall consist of all other Federal Divisions.

(c) Within three months of any redistribution of a State District or Federal Division, the State Secretary shall have power to direct, in accordance with the redistribution, that a specified part of a Federal Division in the metropolitan area is to be allocated to the country area, and that a specified part of a Federal Division in the country area is to be allocated to the metropolitan area.

9.1.4 The duties of the FEC shall include helping Sub-Branches in organising work on behalf of the Party.

9.1.5 In conducting an election campaign the Divisional Campaign Director shall be subject to the directions of the State Executive or the State Campaign Director.

## **9.2 Meetings**

9.2.1 FECs shall endeavour to arrange meetings with guest speakers, to distribute literature, to undertake political organising work in order to further the interests and influence of the Party, to raise funds to meet election expenses, to work to elect endorsed candidates and to implement Party policy.

9.2.2 Each FEC shall hold an Annual General Meeting which shall be the first meeting held after 31 August each year.

9.2.3 Notwithstanding any other rule, a member of the State Executive, the State Secretary and the Assistant State Secretary shall have the right to attend and speak at any FEC meeting.

## **9.3 Records**

9.3.1 Each FEC shall present for perusal when required by the State Secretary or State Executive any records relating to the proceedings and activities of the FEC.

9.3.2 State Executive may direct that specific details relating to the organisation and activities of an FEC be forwarded to Head Office annually in a prescribed form.

## **9.4 Finances**

9.4.1 State Executive may direct that specific details relating to the organisation and activities of an FEC be forwarded to Head Office annually in a prescribed form.

9.4.2 Monies raised by an FEC may be expended by the FEC in promoting the objects of the Party in such a manner as it considers desirable.

9.4.3 Each FEC shall, upon request, supply a certified statement of its financial standing to the State Secretary.

9.4.4 Each FEC shall, at the request of the State Secretary and/ or State Treasurer and within twenty eight days (28) days of such request, supply to the State Secretary all information necessary to enable the Party to comply with the funding and disclosure provisions of the Commonwealth Electoral Act.

## **9.5 Reports**

- 9.5.1 The Secretary of each FEC shall, if requested by the State Secretary, forward to the State Secretary a report on all matters requested relating to the working of the FEC and such reports shall be available to the State Executive and Council.
- 9.5.2 If the State Executive is satisfied that the affairs of the FEC are not being properly and efficiently conducted, the State Executive may revoke the right of the FEC to representation at Council or Convention or both, provided the State Executive's decision is endorsed by Council, Convention or both, as the case may be.

## **10 SA Young Labor**

### **10.1 Objective**

SA Young Labor ('SA Young Labor') shall promote, among young people in particular, the Australian Labor Party, its objectives, history, policies and candidates.

### **10.2 Membership**

- 10.2.1 All persons who are members of the Party and under twenty six (26) years of age in any year on 1 July shall be members of SA Young Labor for the financial year from 1 July of that year.
- 10.2.2 Notwithstanding Rule 10.2.1 a person who is elected to an office within SA Young Labor or is an SA Young Labor delegate to either Convention or Council may remain a member of SA Young Labor while in office or while an SA Young Labor delegate.

### **10.3 Executive**

- 10.3.1 An Executive shall be elected at the Annual General Meeting.
- 10.3.2 The Officers of the Executive shall comprise a President, Vice-President, Secretary and ten (10) Ordinary Executive Members.

### **10.4 Records**

- 10.4.1 The SA Young Labor Secretary must record and circulate minutes of all SA Young Labor meetings.
- 10.4.2 The Executive shall present for perusal when required by the State Secretary all the records referred to in Rule 10.4.1 and any other records relating to the proceedings or activities of the Executive.

### **10.5 Reports**

- 10.5.1 Reports The Secretary shall, if requested by the State Secretary, forward a report on all matters relating to the work of SA Young Labor and such reports shall be available to the State Executive and Council.

### **10.6 Finances**

- 10.6.1 All accounts received by SA Young Labor must be certified as correct by the President and Secretary of AYL before being paid, and such payment shall be reported to the next meeting of SA Young Labor.
- 10.6.2 Monies raised by AYL may be expended by SA Young Labor in promoting the objects of the Party in such a manner as it considers desirable.
- 10.6.3 SA Young Labor shall upon request supply a certified statement of its financial standing to the State Secretary.
- 10.6.4 SA Young Labor shall, at the request of the State Secretary and/or State Treasurer and within twenty eight (28) days of such request, supply to the State Secretary all information necessary to enable the Party to comply with the funding and disclosure provisions of the Commonwealth Electoral Act.

### **10.7 Meetings**

- 10.7.1 SA Young Labor shall hold an Annual General Meeting which shall be the first meeting held after 31 August each year.
- 10.7.2 The Annual General Meeting shall also receive and consider an annual report from the Executive.
- 10.7.3 Notwithstanding any other rule, members of the State Executive, Labor Members of Parliament, the State Secretary and the Assistant State Secretary shall have the right to attend and speak at all meetings of SA Young Labor and at Executive meetings.
- 10.7.4 At least 10 working days notice must be given to all SA Young Labor Members of an SA Young Labor General Meeting.

### **10.8 Election of Delegates**

- 10.8.1 SA Young Labor delegates and proxies to AYL National Conferences shall be elected in accordance with Part D (Party Elections).
- 10.8.2 The Executive shall advise the State Secretary of the results of elections for delegates.

## **11 Country Labor**

### **11.1 Name**

- 11.1.1 The name of the organisation shall be the 'SA Country Labor Association' ('Country Labor') and its headquarters shall be 141 Gilles Street, Adelaide or such place as may be decided from time to time by State Executive.
- 11.1.2 Country Labor shall at all times and on all questions affecting it be subject to the control and supervision of the State Executive of the Party.
- 11.1.3 For the purposes of this Rule, and subject to Rule 11.1.4; Members of Country Labor shall be those members who reside in the "country area" which shall comprise the State Districts of Chaffey, Finnis, Flinders, Frome, Giles, Hammond, Heysen, Kavel, Mackillop, Mawson, Mt Gambier, Narungga, Schubert and Stuart. The "metropolitan area" shall consist of all other State Districts.

11.1.4 Within three months of any redistribution of a State District, the State Secretary shall have power to direct, in accordance with the redistribution, that a specified part of a State District in the metropolitan area is to be allocated to the country area, and that a specified part of a State District in the country area is to be allocated to the metropolitan area.

11.1.5 A member who is a Member of Parliament or an endorsed candidate for a State District or Federal Division in a country area as defined by Rule 11.1.4, and a member who is a spouse of such a Member of Parliament or endorsed candidate, shall be members of Country Labor.

## **11.2 Objectives**

11.2.1 The objects of the Association shall be:

- (a) To discuss matters of political significance with emphasis on rural and regional matters and to make recommendations on such to the State Executive of the Party.
- (b) To communicate with all appropriate bodies and forums of the Party to provide information and comment on the rural aspects of political issues and policies.
- (c) To foster and maintain the interest of members and others in the Platform and policies of the Party.
- (d) To provide opportunity for and to organise meetings of members to discuss rural and regional matters.
- (e) To work for and assist candidates in all Federal and State elections.
- (f) To promote increased harmony between members of unions and farming communities.
- (g) To print and publish any periodicals or leaflets that may be thought desirable for promotion of its objects, subject to the approval of the State Secretary.

## **11.3 Executive**

11.3.1 An Executive shall be elected.

11.3.2 The Officers of the Executive shall comprise a President, two (2) Vice-Presidents (senior and junior), Secretary, Treasurer and four (4) Committee Members.

11.3.3 The period of office shall be for two (2) years or until such time as further elections are held pursuant to Rule 11.3.4.

11.3.4 Appropriate arrangements shall be made by the State Secretary and the PRO for the conduct of elections by postal vote which will enable office-bearers to commence their duties on 1 October each odd numbered year.

11.3.5 Nominations for election to any committee shall be made in accordance with the nomination form and pledge set out in Schedule 3 of these Rules and be delivered to the State Secretary by the date fixed by State Executive for the close of nominations.

11.3.6 A meeting of the Executive may be called at any time provided that twenty one (21) days clear notice is given by the Secretary of Country Labor to all members.

11.3.7 Press statements shall not be made by officers of the Executive except with the approval of the State Secretary.

#### **11.4 Conference**

11.4.1 A conference for all country members shall be held every two years.

11.4.2 Motions passed at the Conference shall be forwarded to the State Executive.

11.4.3 The Agenda Committee shall act as the Agenda Committee for the Country Labor Conference.

#### **11.5 Finances**

11.5.1 All accounts for expenditure received by Country Labor must be certified as correct by the President and Secretary of Country Labor before being paid and such payment shall be reported to the next meeting of Country Labor Executive.

11.5.2 Monies raised by Country Labor may be expended by Country Labor in promoting the objects of the Party in such a manner as it considers desirable.

11.5.3 Country Labor shall, upon request, supply a certified statement of its financial standing to the State Secretary.

11.5.4 Country Labor shall at the request of the State Secretary and/or the State Treasurer and within twenty eight (28) days of such request supply to the State Secretary all information necessary to enable the Party to comply with the funding and disclosure provisions of the Commonwealth Electoral Act.

## **12 Labor Women**

**12.1 Every female member of the Party is automatically a member of the SALWN.**

**12.2 The aims of the SA Labor Women's Network (SALWN) are:**

12.2.1 to increase the number of women in the Party;

12.2.2 to discuss matters of political significance to women and to make recommendations on such matters to the State Executive of the Party;

12.2.3 to communicate with all appropriate bodies and forums of the Party to provide information and comment on political issues and policies as they affect women;

12.2.4 to foster and maintain the interest of members and others in the Platform and policies of the Party;

12.2.5 to organise social and networking activities for female Party members;

12.2.6 to provide opportunity for and to organise meetings of women members to discuss policy.

12.2.7 to work for and assist candidates in all Federal and State elections;

12.2.8 to promote the position of women within the party; and

12.2.9 to work with the Executive of the National Labor Women's Network to assist the co-ordination of National Women's Conference.

### **12.3 Annual General Meeting**

12.3.1 An AGM for all Labor Women shall be held each year at the first meeting after August 31st.

12.3.2 Motions passed at a duly called meeting of SA Labor Women's Network meeting may be moved to State Council or State Convention.

### **12.4 The Executive of the SALWN:**

12.4.1 consists of 10 members of the SALWN;

12.4.2 must be elected from and by women members of the Party by a single ballot held at the Annual General Meeting of the SALWN;

12.4.3 must elect 2 Co-Convenors at its first meeting; and

12.4.4 must provide an annual report on its activities to the State Convention.

## **13 Aboriginal Labor Network**

### **13.1 Every Aboriginal Australian member of the Party is a member of the Aboriginal Labor Network SA (ALNSA)**

#### **13.2 The aims of the ALNSA are to:**

13.2.1 increase the number of Aboriginal Australian peoples in the Party;

13.2.2 discuss matters of political significance to Aboriginal Australians and make recommendations to the State Executive of the Party;

13.2.3 communicate with other Party bodies and Party Forums to provide information and commentary on political issues and policies as they affect Aboriginal Australians;

13.2.4 work for and assist candidates in all Federal and State elections; and

13.2.5 promote the position of Aboriginal Australians within the party.

### **13.3 Every Aboriginal Australian member of the Party is a member of the Aboriginal Labor Network SA (ALNSA)**

13.3.1 The AGM may elect a non-voting delegate to Convention

#### **13.4 There will be a Committee of the ALNSA and the Committee must:**

13.4.1 Consist of a minimum of 4 and maximum of 7 members of ALNSA;

13.4.2 Be elected by ALNSA members by a single ballot held at the ALNSA AGM;

13.4.3 Elect 2 Co-Convenors at the first meeting after each ALSNA AGM; and

13.4.4 Report annually to the State Convention on ALSNA and Committee activities.

## **14 Labor Party Interest Groups**

## **Preamble**

The Labor Party is one of the most recognised political brands in South Australia. The use of the Labor Party brand should be a privilege granted by Convention, which is the Supreme Authority of the Party (Rule 16.1.1).

14.1 An interest group seeking to the word, brand, or any other recognised insignia of the Party in its name, branding, or for any other purpose, must be formally recognised by the Party through a successful resolution at a State Convention. The resolution must:

14.1.1 Be submitted by a sub-branch or affiliated union;

14.1.2 Be accompanied by a petition endorsing the formation of the interest group as Labor Party Interest Group, signed by at least 100 Full Members (not probationary) of the Party;

14.1.3 Include an explanation of the interest group, set out its objectives and why it seeks recognition.

14.2 Only financial members of the ALP can be associated with a Labor Party interest group recognised by the ALP, and all financial members can be part of any Labor Party interest group.

14.3 Any member of the Party holding themselves out as belonging to a Labor Party interest group that is not recognised by the Party may face disciplinary action, including expulsion. Such behaviour may include, but is not exclusive to, association with a group using the Labor name, Logo, adapted Logo, or brand in such a way as to confuse people into thinking that the interest group is in fact a formally recognised or endorsed Labor interest group.

14.4 All interest groups will be listed on a register maintained by the State Secretary.

14.4.1 State Executive will provide each group on the register a State Executive approved pro-forma charter which will advise the group of its operational requirements.

14.4.2 The State Executive shall review the register from time to time, but not less than once every three (3) years, and determine if groups are still active and functioning as endorsed by State Convention.

14.4.3 In the case where 2/3rds of the members of the State Executive believe a Labor Party interest group is no longer relevant or functioning as endorsed by State Convention, then State Executive will have ultimate authority to remove a formally recognised group from the register.

## **15 Guest Speakers and Visitors**

15.1 Only members of the Party shall be allowed to attend meetings of the Party.

15.2 Invited guest speakers or visitors may be admitted to a meeting of each respective body by resolution of the body concerned.

## (C) Government of Party

### 16 Convention

#### 16.1 General

- 16.1.1 The Supreme Authority of the Party in the State shall be Convention.
- 16.1.2 Subject to Rule 14.1.3, decisions of Convention must not conflict with the Rules or the Platform of the Party and shall be binding on all members of the Party.
- 16.1.3 Only an Annual Convention or a Special Convention called for that purpose may amend, alter, repeal or add to:
- (a) the Rules of the Party; or
  - (b) the Platform of the Party.
- 16.1.4 Council shall be the governing authority between Conventions.
- 16.1.5 Decisions of Council must not conflict with the Rules or the Platform of the Party or with decisions of Convention and shall be binding on all members of the Party.
- 16.1.6 State Executive shall be the governing Authority between meetings of Council.
- 16.1.7 Decisions of the State Executive must not conflict with the Rules or the Platform of the Party or with decisions of Convention or Council and shall be binding on all members of the Party.

#### 16.2 Annual Convention

- 16.2.1 The Annual Convention shall consist of delegates elected or appointed in accordance with Rules 18 and 19.
- 16.2.2 The Annual Convention shall be held at such time as is determined by the State Executive.
- 16.2.3 Notwithstanding Rule 16.2.2, either Council or State Executive may resolve on one or more occasions as they see fit to defer the holding of Annual Convention.

#### 16.3 Special Conventions

- 16.3.1 Special Conventions may be called by resolution of Council or, the State Executive.
- 16.3.2 Special Conventions having been called pursuant to Rule 16.3.1, may be deferred by resolution of Council or the State Executive on one or more occasions as they see fit.
- 16.3.3 A Special Convention shall consist of delegates elected or appointed in accordance with Rules 18 and 19.
- 16.3.4 Only the business for which a Special Convention has been called shall be dealt with by that Special Convention.

#### 16.4 Convention Agenda

- 16.4.1 Items for the Agenda Paper for any Convention, must come from a general meeting of which due notice has been given of an, FEC, Sub-Branch, SA Labor Women's Network or SA Young Labor or



from an affiliated union, and must be provided in writing to the State Secretary by a date fixed by the State Executive. Notwithstanding the above, State Executive may present items for the Agenda paper at any time prior to Convention.

16.4.2 If practicable, one session shall be set aside at the Annual Convention to deal with agenda items sent in by country organisations.

16.4.3 Copies of the Agenda Paper shall be forwarded to affiliated unions, Sub-Branches and SA Young Labor as early as is practicable.

16.4.4 Notices of Motion for consideration by an Annual Convention shall close at least one week before the opening of Convention and shall deal only with subjects that have arisen since the closing of items for the Agenda paper, and shall be printed and circulated to delegates.

## **17 Council**

### **17.1 General**

17.1.1 Council shall consist of delegates elected or appointed in accordance with Rules 18 and 19.

17.1.2 Council shall meet on the second Thursday of February, May, August and November unless otherwise determined by the State Executive or Convention.

17.1.3 The State Executive may call Special Meetings of Council at such other times as may be deemed necessary by the State Executive, and, as provided for in Rule 17.3.

17.1.4 State Executive may resolve on one or more occasions as it sees fit, to defer or cancel a meeting of Council.

17.1.5 Ministers or Shadow Minister must appear in person at State Council to speak on the implementation of the areas of the platform relevant to their portfolios on a date nominated by State Executive. If a Minister or Shadow Minister is unable to attend on a specified date then an alternative date may be arranged or, if necessary, a written report submitted.

### **17.2 Council Agenda**

17.2.1 The State Executive shall be the Agenda Committee for Council.

17.2.2 The State Executive will only refer to Council those items received from affiliated unions, Sub-Branches, SA Labor Women's Network and SA Young Labor that it deems to be the business of Council. General administration matters and Parliamentary enquiries will be processed by the State Executive.

17.2.3 Items which the State Executive considers should be referred to Convention shall be so referred and included on the Convention Agenda Paper.

17.2.4 The State Secretary shall advise Council and the affiliated unions, Sub-Branches, SA Labor Women's Network and SA Young Labor of the reasons for any such referrals.

- 17.2.5 Notwithstanding any other provisions of this Rule, the State Executive shall have the authority to omit items of Council business from the Council Agenda if it considers that publication of the items on the Printed Agenda would not be in the best interests of the Party or its members.
- 17.2.6 Where items of Council business are omitted from Council Agenda in accordance with Rule 17.2.5 the State Executive shall report the reason for omitting such items to the affiliated unions, Sub-Branches' SA Labor Women's Network and SA Young Labor concerned.
- 17.2.7 Agenda items for Council meetings shall close with the State Secretary at 12 noon on the day two weeks preceding the meeting of Council.
- 17.2.8 The Agenda for Council meetings should be posted to affiliated unions, Sub-Branches and SA Young Labor as nearly as practicable to one week before the Council meeting.

### **17.3 Special Council Meeting**

- 17.3.1 The State Executive or Council shall have power to call a Special Meeting of Council and shall give such notice of the Special Meeting as is appropriate in the circumstances.
- 17.3.2 A Special Meeting shall be called on presentation of a requisition to the State Secretary from twenty (20) affiliated unions or Sub- Branches (including SA Young Labor).
- 17.3.3 A Special Meeting called pursuant to Rule 17.3.2 shall be convened by giving at least seven (7) days notice in writing to all affiliated unions and to delegates stating the business, place, time, and day of the meeting.
- 17.3.4 Only the business for which a Special Council Meeting has been called shall be dealt with by that meeting.

### **17.4 Special Functions of Council**

- 17.4.1 In addition to its ordinary functions and any special powers conferred elsewhere in these Rules Council shall have power to:
- (a) Select candidates for election to Parliament, in accordance with Rule 34.10.
  - (b) Raise, by appeal, funds for Party purposes.
  - (c) Impose a levy when necessary at a Special Meeting convened in accordance with Rule 17.3.

## **18 Representation at Convention and Council**

- 18.1 Representation at Convention and Council shall be by two hundred (200) voting delegates. Representation by delegates shall be as nearly as is practicable on the basis of 50% union delegates and 50% State District and other delegates as specified in Rule 18.9.
- 18.2 For the purposes of this Rule and Rule 18, a reference to a State District shall include a reference to SA Young Labor and SA Young Labor shall be treated as a State District.
- 18.3 Representation by delegates shall be determined as follows:

- 18.3.1 In relation to affiliated unions, the number of delegates entitled to represent an affiliated union shall be calculated pursuant to Rule 18.4 subject to the provisions in relation to average membership set out in Rules 45.7 to 45.13 inclusive.
- 18.3.2 An affiliated union attending Convention or Council for the first time shall have its representation calculated on the previous two quarters for which it was financial before the relevant Convention or Council.
- 18.3.3 In relation to State Districts, the number of delegates entitled to represent a State District shall be calculated pursuant to Rule 18.10, and shall be based on the number of members in the State District as at 30 June in each even numbered year.
- 18.4 Subject to Rule 18.5, unions which have paid affiliation fees in accordance with Rule 45 and which have an average membership calculated pursuant to Rules 45.7 to 45.13 inclusive of at least one hundred (100) members are entitled to be represented at Convention and Council by delegates allocated among the affiliated unions on a proportional representation basis in accordance with the allocation procedure contained in Schedule 17.
- 18.5 Where a Federal union has more than one branch and/or division functioning in South Australia only one affiliate shall be accepted which affiliate shall be deemed to represent all branches and/or divisions of the union in the State.
- 18.6 For the purposes of Rule 18.3.1 and the audit of membership in accordance with Rules 45.7 to 45.13 inclusive, the average membership of an affiliated union shall be calculated on the basis of the aggregate membership in South Australia of all separately identifiable affiliated branches or divisions of the union.
- 18.7 Unions with an entitlement of three or more delegates shall only credential their delegation if the delegates comprise at least 40% of men and 40% of women, from 31 March 2022, the minimum number shall be 45% of all persons. As from 1 January 2025 it shall be 50%.
- 18.8 Affiliated unions which are more than one quarter in arrears with their affiliation fees shall not be entitled to representation or to submit items for the Convention or Council Agenda.
- 18.9 The State President, State Secretary, the State Parliamentary Labor Party (SPLP) leader (or nominee) and the Federal Parliamentary Labor Party (FPLP) leader (or nominee) shall be delegates.
- 18.10 Subject to Rule 18.11, State Districts are entitled to be represented at Convention or Council by 96 delegates (100 delegates less the four delegates appointed under Rule 18.9) who are to be allocated among the State Districts on a proportional representation basis in accordance with the allocation procedure contained in Schedule 18.
- 18.11 No State District is entitled to:
- 18.11.1 any allocation of delegates unless it has at least twenty five (25) members calculated in accordance with Rule 18.3.3.
  - 18.11.2 more than four (4) delegates.

- 18.12 State Executive members, the Assistant State Secretary, Labor Members of Parliament, former Labor Members of Parliament who remain members of the Party and endorsed Parliamentary Candidates shall be ex-officio delegates to Convention and Council with no voting rights.
- 18.13 FECs, Country Labor and Labor Women are entitled to elect at their Annual General Meetings a non-voting delegate to Convention and Council. In addition, a Sub-Branch in a State District which is represented by a delegate who is a member of another Sub-Branch in that State District is entitled to elect a non-voting delegate to Convention and Council.
- 18.14 The fact that representation of delegates at Convention or Council may not be in accordance with the entitlement specified in Rule 18.1 due to failure of delegates to attend or to the Credentials Committee having refused to credential any delegate or delegates pursuant to its powers under clauses (e), (f) and (h) of Rule 22.5.3 shall not invalidate any proceedings or decisions of Convention or Council nor affect the allocation of credentials to the remaining delegates.

## 19 Convention and Council Delegates

- 19.1 Union delegates shall be financial members of the union which they represent and shall be elected or appointed in accordance with the Rules of such union and shall be financial members of the Party. Notwithstanding any other rule union delegates who are first year (not probationary) members of the Party are entitled to fully participate at Convention and Council and vote in all ballots including the Central Component of Pre selection ballots. To vote in any Pre selection ballot a union delegate must be correctly enrolled on the State electoral roll.
- 19.2 State District delegates shall be members of a Sub-Branch in the State District they represent.
- 19.3 All affiliated unions shall:
- 19.3.1 notify the State Secretary in writing of the names and addresses of the eligible delegates elected or appointed to represent them at Convention and Council, and of any alterations to those delegates.
- 19.3.2 such notice shall be given not less than twenty eight (28) days before the Annual Convention, or as soon thereafter as is practicable.
- 19.4 Twenty one (21) days before the Annual Convention, or as soon thereafter as is practicable, the State Secretary shall notify the PRO in writing of the names and addresses of the eligible delegates which have been notified to him/her as at that date.
- 19.5 Delegates elected from State Districts shall attend meetings of Convention and Council or appoint proxy delegates to attend on their behalf. If a delegate, without reasonable cause, fails to attend at or arrange a proxy for three consecutive meetings of Council, the relevant Sub-Branch in the State District the delegate represents may resolve to apply to State Executive to have State Executive declare the position of the delegate vacant and to request the PRO to arrange for a ballot to fill the vacant position.
- (a) Where a member of a State body is entitled to appoint a proxy, women members of that body should appoint other women as proxies.

- 19.6 A State District delegate may appoint another member as his or her proxy for Convention or Council, provided that:
- 19.6.1 the member to be appointed is a member of the same State District;
  - 19.6.2 such members are not already delegates of a State District; and
  - 19.6.3 the Credentials Committee is advised in writing of the appointment.
- 19.7 State District delegates shall be required to attend at and report to meetings of their Sub-Branch with respect to proceedings at Convention and Council.
- 19.7.1 following each Council meeting the State Secretary shall inform each affiliate of the names (if any) of any delegate(s) or proxy who attended a State Council meeting on its behalf.
- 19.8 If a State District delegate fails to attend, without reasonable cause, three consecutive meetings of his or her Sub-Branch, the Sub-Branch may resolve to apply to State Executive to have State Executive declare the position of the delegate vacant and to request the PRO to arrange for a ballot to fill the vacant position.
- 19.9 An affiliated union may appoint proxy delegates, provided that:
- 19.9.1 such proxy delegates are members of the union they represent and were elected or appointed in accordance with the Rules of such union and are members of the Party;
  - 19.9.2 such proxy delegates are not already delegates of a union; and
  - 19.9.3 The Credentials Committee is advised in writing of the appointment.
    - (a) where a member of a state body is entitled to appoint a proxy, women members of that body should appoint other women as proxies.
- 19.10 If there is any objection to a delegate such objection shall be stated to Convention or Council, and, if upheld, the delegate shall be excluded from that Convention or Council.
- 19.11 Credentials shall be supplied to delegates who shall sign the pledge prescribed in Schedule 4.
- 19.12 Newly elected delegates to Council shall take office on the 1st of September following their election or in the case of a delegate filling a casual vacancy at the next meeting of Council following their election.
- 19.13 Visitors vouched for by delegates shall be admitted to meetings of Convention and Council, as the case may be. Visitors shall occupy the seats designated for them provided that Convention or Council may at any time resolve itself into a committee of the whole, and may exclude all visitors and the media from such committee meeting.

## **20 State Executive**

### **20.1 Composition**

- 20.1.1 The State Executive shall consist of the State President, the Senior Vice-President, the Junior Vice-President, the Leader of the SPLP, the State Secretary, the State Treasurer (who shall not have a vote) and fifteen (15) other members.

20.1.2 Except in the case of the Leader of the SPLP, the State Secretary, and the State Treasurer, members of the State Executive shall be elected every two years at the Annual Convention.

20.1.3 In the case of the State Secretary, the election shall be held every four years at the Annual Convention in accordance with Rule 21.3.

20.1.4 In addition to the positions outlined in rules 20.1.1 to 20.1.3, the co-convenors of the SA Labor Women's Network will be non-voting members of State Executive.

## **20.2 Meetings**

20.2.1 The State President and/or State Secretary shall be authorised to call meetings of the State Executive.

20.2.2 The ordinary monthly meetings of State Executive shall be held outside of normal working hours unless determined otherwise by each new State Executive.

20.2.3 The State Secretary and the State President shall jointly have the power to determine that a meeting of the State Executive shall be conducted by way of teleconference (with such other procedures as required in accordance with this Rule 20 otherwise applying).

20.2.4 On the presentation of a requisition to the State Secretary, signed by five (5) members of the State Executive, the State Secretary shall call a meeting of the State Executive.

20.2.5 Where a member of the State Executive is absent from three (3) consecutive ordinary meetings without reasonable cause, or without having tendered an apology accepted by the State Executive, such member's seat shall become vacant.

20.2.6 In the event of Convention or Council carrying a motion of no confidence in a member of the State Executive such member shall be deemed to have resigned.

20.2.7 In the event of a vacancy occurring on the State Executive, between Conventions, Council shall have the power to fill such vacancy by an election.

20.2.8 At or after the first meeting of the State Executive, after Annual Convention, members of the State Executive may appoint a proxy who can attend State Executive in the absence of that member. By agreement of the State Executive, a member may also appoint a replacement proxy in the event that the first appointed proxy is no longer available to fulfil that role provided that the replacement proxy for a particular meeting is nominated in writing. Proxies for Officers of the Party shall not act in an Officer's role but shall be deemed an ordinary executive member for the purpose of such meetings.

(a) Where a member of a state body is entitled to appoint a proxy, women members of that body should appoint other women as proxies.

## **20.3 Special Powers**

20.3.1 In addition to the powers conferred on the State Executive elsewhere in these Rules, the State Executive has the following powers:

- (a) The State Executive may resolve, by a resolution carried by at least two-thirds of those present, to recommend to Council or Convention that in the interests of the Party the endorsement of a Parliamentary Candidate be withdrawn.
- (b) Upon application by the executive of a Sub- Branch or SA Young Labor pursuant to Rule 19.5 or 19.8 the State Executive may declare the position of a delegate to Convention or Council to be vacant, and may direct the PRO to take such steps as are necessary to fill the casual vacancy in accordance with Rule 30.
- (c) The State Executive may hear and determine an appeal by a prospective candidate for Preselection brought pursuant to Rule 34.3.5 against a rejection by the PRO of a nomination for a Preselection ballot.
- (d) The State Executive may waive the eligibility requirements in Rule 34.2.5 for nominating for a Preselection ballot when the bona fides of the prospective candidate in other respects are in order.
- (e) The State Executive may, in such circumstances as it considers appropriate, waive the restriction on eligibility for membership of the Party contained in Rule 5.2.2.
- (f) The State Executive may appoint such State Executive Sub-Committees as it considers are necessary.
- (g) State Executive may recommend to Convention or Council that a candidate's nomination for any position subject to election under these Rules not proceed to a ballot.
- (h) Notwithstanding that State Executive may have opened nominations for any position to be elected under these Rules, State Executive may resolve, by a resolution carried by at least two thirds of those present to cancel the nomination process and the ballot.

## 20.4 Rules Committee

- 20.4.1 The Rules Committee must comprise the State President, the State Secretary and five other members of the State Executive appointed by the State Executive.
- 20.4.2 The function and powers of the Rules Committee are to consider and recommend the adoption or rejection of any proposed changes to these Rules that are referred to the Committee by State Executive, State Council or a Convention.
- 20.4.3 The Rules Committee must provide a written response on any proposed changes to the Rules. This must be provided to the body that referred the proposal to the Committee within 3 months or, if the proposal was referred by a Convention, to the next Convention.

## 21 Officers & Officials

### 21.1 State President

21.1.1 It shall be the duty of the State President to preside at all meetings of Convention, State Council, and the State Executive, and see that business is conducted in accordance with the Standing Orders and the Rules.

21.1.2 The State President shall be elected in each even numbered year by Annual Convention and shall hold office until the next Annual Convention occurring in an even numbered year.

21.1.3 The term of State President shall as near as practicable be twenty four (24) months save and except that a State President may remain in office beyond twenty four (24) months until a successor is appointed, or be removed from office earlier than twenty four (24) months at the next Annual Convention occurring in an even numbered year.

21.1.4 No member may serve two (2) successive terms as State President.

## **21.2 State Vice-Presidents**

21.2.1 There shall be a Senior Vice President and a Junior Vice President.

21.2.2 The Vice-Presidents shall assist the State President in conducting the business of the Party and one shall preside in the absence of the State President, with like powers and under similar conditions.

21.2.3 The State Vice Presidents shall be elected in each even numbered year by Annual Convention and shall hold office until the next Annual Convention occurring in an even numbered year.

21.2.4 The terms of the Vice Presidents shall as near as practicable be twenty four (24) months save and except that a Vice President may remain in office beyond twelve (24) months until a successor is appointed, or be removed from office earlier than twenty four (24) months at the next Annual Convention occurring in an even numbered year.

## **21.3 State Secretary**

### ***Election and Term of Office***

21.3.1 Subject to conditions hereinafter stated, the State Secretary shall be elected for a period of four (4) years.

21.3.2 If the four (4) year term expires before a further election has been held by Annual Convention for the position of State Secretary, the State Secretary shall continue in office until an election is conducted at the next Annual Convention or a Special Convention held for that purpose.

21.3.3 The State Secretary shall be under the direction of the State Executive and shall be subject to its decisions on all matters.

21.3.4 The State Secretary may be suspended from office by a resolution of the State Executive carried by at least a two thirds majority of those present for neglect of duty or refusal to carry out its instructions.

21.3.5 In the event of such suspension the matter shall be referred by the State Executive to a Special Meeting of Council.



- 21.3.6 Should the State Secretary be elected to Parliament he or she shall not be eligible to continue to hold the position of State Secretary.
- 21.3.7 In the event of the State Secretary not completing the term of office for which he or she was elected, the State Executive shall appoint an Acting State Secretary who shall hold office until the following Annual Convention.
- 21.3.8 **Acting State Secretary**  
During the absence or suspension of the State Secretary the State Executive may appoint an Acting State Secretary for a period of no more than one month. The State Secretary may appoint an Acting State Secretary for a period of no more than one month.
- 21.3.9 The Acting State Secretary shall have the same powers and duties as the State Secretary during the period of an appointment made under Rule 21.3.8.
- 21.3.10 **Duties of State Secretary**  
The State Secretary shall attend meetings of the State Executive, Council and Convention except where an apology is provided to the State Executive and shall be responsible for the orderly and business-like conduct of the Head Office.
- 21.3.11 The State Secretary shall receive all correspondence and place that which concerns the State Executive before it and perform such other duties as are necessary to carry out the objects, and Rules of the Party and to implement the policy of the Party.
- 21.3.12 The State Secretary and/or State Treasurer shall be responsible for the keeping of financial books, banking of monies and for presenting duly audited statements of assets and liabilities and of income and expenditure to the Annual Convention.
- 21.3.13 Organising work shall be regarded as an essential part of the State Secretary's duties and he or she shall consult with the State President and State Executive regarding any organising proposals.
- 21.3.14 The State Secretary shall receive such remuneration for his or her services as shall be fixed by the State Executive.
- 21.3.15 Unless otherwise determined by the State Executive, the State Secretary shall be the authorised spokesperson for the Party.

#### **21.4 State Treasurer**

- 21.4.1 The State Treasurer shall be elected by the State Executive at the first meeting of the State Executive following the Annual Convention at which State Executive is elected.
- 21.4.2 The State Treasurer shall hold office for a period of two (2) years. If the two year term expires before a further election has been held by the State Executive, the State Treasurer shall continue in office until an election is next held by the State Executive.
- 21.4.3 The State Treasurer shall have speaking but not voting rights at Convention, Council and the State Executive.

21.4.4 The State Treasurer shall be responsible to the State Secretary in all matters related to the financial records of the Branch.

## **21.5 Assistant State Secretary**

21.5.1 The Assistant State Secretary shall be elected by Convention or Council and shall be under the control of the State Secretary.

21.5.2 Unless otherwise determined by Convention or State Council at the time of being elected, the Assistant State Secretary shall hold office for a period of four (4) years save and except that if a further election has not been held by the time the term expires, the Assistant State Secretary shall continue in the office until Convention or Council conducts a further election.

21.5.3 The Assistant State Secretary may be suspended from office by a resolution of the State Executive carried by at least a two thirds majority of those present for neglect of duty or refusal to carry out instructions.

21.5.4 In the event of such suspension the matter shall be referred by State Executive to a special meeting of Council.

21.5.5 Should an Assistant State Secretary be elected to Parliament, he or she shall not be eligible to continue to hold the position of Assistant State Secretary.

21.5.6 The Assistant State Secretary may report to Council on organising work carried out and shall attend meetings when directed by the State Secretary.

21.5.7 The Assistant State Secretary shall receive such remuneration for his or her services as shall be fixed by the State Executive.

## **21.6 Tyler**

21.6.1 A Tyler and two (2) assistant Tylers for Convention and State Council meetings shall be elected in each even numbered year by Annual Convention and shall hold office until the next Annual Convention occurring in an even numbered year.

21.6.2 If time does not permit an election at Annual Convention, the State Executive shall have power to appoint the Tyler and up to two (2) assistant Tylers.

21.6.3 The Tyler shall not admit a delegate without credentials except by resolution of the Convention or Council.

21.6.4 A casual vacancy in the position of Tyler or assistant Tyler will be filled by a person appointed by the State Executive.

## **22 Committees and Networks**

### **22.1 General**

- 22.1.1 A Convention or Council shall have power to elect such committees as it deems necessary to deal with matters affecting the Party.
- 22.1.2 Every financial member of the Party shall have the right to be elected to any committee, other than:
- (a) a State Executive Sub-Committee; or
  - (b) a committee for which a member is not eligible pursuant to clause 5.7.
- 22.1.3 Nominations for election to any committee shall be made in accordance with the nomination form and pledge set out in Schedule 3 of these Rules and be delivered to the State Secretary by the date fixed by State Executive for the close of nominations.
- 22.1.4 Committees shall consist of a Chairperson elected by the committee from amongst its number and other members appointed by Convention or Council.
- 22.1.5 Committees elected in accordance with this Rule shall report through the State Executive to Convention or Council.
- 22.1.6 Committees of the Party shall be elected for the term specified in the relevant rule relating to each Committee save and except that if a new committee has not been elected by the time the term expires, the members of the committee shall continue in their elected positions until a new committee is elected.
- 22.1.7 Where a member of any committee is absent from three (3) consecutive meetings without a reason acceptable to the committee, such member's position on such committee shall become vacant. Casual vacancies shall be filled by election by Council and/or Convention.
- 22.1.8 A casual vacancy in the membership of a committee elected by Annual Convention will be filled by a person appointed by the State Executive.
- 22.1.9 The State President and State Secretary shall be ex-officio voting members of all committees, unless membership is otherwise specified in these Rules.

## **22.2 Affirmative Action Monitoring Committee**

- 22.2.1 The Affirmative Action Monitoring Committee shall consist of the State Secretary and five (5) members.
- 22.2.2 The five (5) members of the Affirmative Action Monitoring Committee shall be elected by Annual Convention in each even numbered year.
- 22.2.3 The terms of the five (5) members of the Affirmative Action Monitoring Committee on said Committee shall as near as practicable be twenty four (24) months save and except that the members may remain on said Committee beyond twenty four (24) months until successors are appointed, or be removed from said Committee earlier than twenty four (24) months at the next Annual Convention occurring in an even numbered year.
- 22.2.4 At least 50% of the members of the Affirmative Action Monitoring Committee will be women.
- 22.2.5 The Affirmative Action Monitoring Committee shall have the following powers and duties:

- (a) It shall promote affirmative action programs by organising workshops and seminars to ensure that members are familiar with affirmative action policies and to encourage participation of women in Party forums.
- (b) It shall work with the SA Labor Women's Network.
- (c) It shall monitor the effect of affirmative action programs within the Party and report to each Annual Convention.
- (d) It shall be responsible to the State Executive and shall not incur expenses without State Executive approval.
- (e) It shall encourage affiliated unions where practical to include women in their delegations to Council, Convention, State Executive and other Party Committees.
- (f) It will be responsible for preparing a report to State Executive and the National Executive on the implementation of Rule 26 of these Rules and Rule 21 of the ALP National Constitution.

### **22.3 Agenda Committee**

- 22.3.1 The Agenda Committee shall consist of the President and Secretary of the Party, together with five (5) members elected in each even numbered year by Annual Convention.
- 22.3.2 The Agenda Committee shall be elected in each even numbered year by the Annual Convention and shall be the Agenda Committee for the following two Annual Conventions and any Special Convention(s) held before the next Annual Convention occurring in an even numbered year.
- 22.3.3 The terms of the five (5) members of the Agenda Committee on said Committee shall as near as practicable be twenty four (24) months save and except that said members may remain on said Committee beyond twenty four (24) months until successors are appointed, or be removed from said Committee earlier than twenty four (24) months at the next Annual Convention occurring in an even numbered year.
- 22.3.4 The Agenda Committee shall have the following powers and duties:
  - (a) It shall, before a Convention, arrange the Agenda items under appropriate headings.
  - (b) It shall recommend to a Convention the order of business for the sessions of the Convention.
  - (c) It shall have the power subject to the State Executive's concurrence to omit items from the Convention Agenda Paper, if it considers the publication of those items on the printed Agenda would not be in the best interests of the Party or its members.
  - (d) It shall have power to recommend the discharge from the Agenda Paper of:
    - (i) items of a frivolous nature; or
    - (ii) items upon which policy has been determined, unless such items are an addendum or amendment to existing policy or rule.
  - (e) It may recommend to a Convention amendments to Agenda items and notices of motion so that the items are in order and/or are expressed in a more suitable form.

- (f) It may recommend any consequential alterations to Rules arising from any decisions made by a Convention.
- (g) The Agenda Committee shall have the power to exclude argumentation from any Agenda item.
- (h) Whenever the power to omit agenda items is exercised, the State Executive shall report the reasons for omitting such items to the affiliated union or Sub-Branch concerned.

#### **22.4 Campaign Director and Campaign Committee**

- 22.4.1 The State Secretary shall normally be the Campaign Director for all elections. If the State Secretary is a candidate or is unable to be the Campaign Director, the State Executive may appoint a Campaign Director for that election.
- 22.4.2 The Campaign Director and the Leader of the SPLP have responsibility for all campaigns.
- 22.4.3 The Campaign Committee shall consist of the President, the Campaign Director/State Secretary, the Assistant State Secretary, the Leader of the SPLP, the Deputy Leader of the SPLP, one member appointed by the South Australian Members of the FPLP and five (5) members elected by the first Annual Convention held after each State Election.
- 22.4.4 The Campaign Committee shall have the following powers and duties:
  - (a) It shall assist the Campaign Director with the planning and conduct of the State and Federal elections and any other Party publicity material.
  - (b) It may co-opt assistance for campaigns.
  - (c) It shall be responsible to the State Executive and shall not incur expenses without State Executive approval.
  - (d) It shall report through the State Executive to the Annual Convention and/or annually to Council and shall report to Convention and/or Council as soon as practicable after an election.

#### **22.5 Credentials Committee**

- 22.5.1 The Credentials Committee shall consist of five (5) members.
- 22.5.2 The Credentials Committee shall be elected each even numbered year by Annual Convention.
- 22.5.3 The terms of the five (5) members of the Credentials Committee on said Committee shall as near as practicable be twenty four (24) months save and except that said members may remain on said Committee beyond twenty four (24) months until successors are appointed, or be removed from said Committee earlier than twenty four (24) months at the next Annual Convention occurring in an even numbered year.
- 22.5.4 The Credentials Committee shall have the following powers and duties:
  - (a) It shall consider all applications for membership tabled at its meetings pursuant to Rule 5.3.3, and multiple re-allocations referred to it by the State Secretary pursuant to Rule 8.2.4.

- (b) For the purpose of considering applications for membership or renewal or multiple re-allocations referred under Rule 8.2.4, it may require the provision of further information to it in relation to:
  - (i) the identity, residence and eligibility of applicants or members in accordance with Rules 5.3.5 and 5.8.4;
  - (ii) the entitlement of an applicant or a member to pay a reduced or lesser membership fee in accordance with Rule 44.1.2 or Rule 44.1.3.
- (c) Subject to Rules 5.3.4 and 5.3.6 it may object to an application for membership.
- (d) It shall report on a monthly basis, to State Executive which shall report to Council, on the number of applications and names of applicants received in the previous month and the names of any persons providing Head Office with multiple applications for membership or renewal and/or multiple membership fees on behalf of applicants for membership or renewal. It shall not be necessary to report on a multiple renewal application made by members of the same family residing at the same address.
- (e) It shall issue credentials to all delegates to Convention and Council and their proxies who it considers have been elected or appointed in accordance with the Rules.
- (f) It shall deny credentials to any delegate to Convention or Council or any proxy who it considers was not elected or appointed in accordance with the Rules or who it considers to be not eligible in accordance with the Rules to be a delegate to Convention or Council or a proxy.
- (g) For the purpose of considering whether to issue credentials in accordance with paragraph (e) above, it shall have power to require that a delegate provide such evidence as to his or her identity or as to his or her membership of the Party as it considers appropriate or to request the provision of such information by the State Secretary.
- (h) It shall not issue credentials to any delegates in relation to a ballot at Convention or Council after the commencement of the ballot.
- (i) A delegate who has been issued with credentials for the purposes of a ballot at Convention or Council cannot transfer the entitlement to vote in such a ballot to a proxy once the ballot has commenced.
- (j) It shall determine the procedures to be followed in issuing credentials to a delegate subject to any contrary direction by State Executive, Council or Convention.
- (k) It shall report to each Convention and Council as to the number of delegates who have been issued with credentials and it shall report as to each individual who has been denied credentials and the reasons for such denial.

## **22.6 Platform Committee**

22.6.1 The Platform Committee shall consist of the Leader and Deputy Leader of the SPLP or their proxies, the State Secretary and the Assistant State Secretary and sixteen (16) members elected by the Annual Convention first held after each State Election.

22.6.2 The Platform Committee shall have the following powers and duties:

(a) It shall consider the Platform.

(b) It shall hear representations and consider submissions from affiliated unions, Sub- Branches, SA Young Labor, and members who wish to make representations regarding the State and National Platforms.

(c) It shall present to Convention a review of the Platform at least each four (4) years, such review to be the priority of each newly elected Platform Committee.

(d) It shall provide its report to the State Executive by 30 June each year so that it can be circulated to affiliates with the Convention Agenda.

(e) It shall further the interest and extend the influence of the Party by taking action to inform members on matters relating to Party policy, and by encouraging discussions on such matters.

(f) After its election, it shall create Platform Sub- Committees and appoint from amongst its members, convenors of the Platform Sub- Committees.

22.6.3 The Platform Sub-Committees shall consist of members of the Party who nominate or who are co-opted by the Platform Committee to serve on the various Platform Sub-Committees.

22.6.4 The Platform Sub-Committees shall be responsible to the Platform Committee. Platform Sub-Committees shall comply with the "Procedures for Platform Sub- Committees" as endorsed by State Executive from time to time.

22.6.5 There shall be co-operation between the Platform Committee, the SPLP and relevant Ministers or Shadow Ministers in the preparation of policies, priorities and an implementation timetable so that there is ongoing communication and discussion on policy development, preparation of election policy and implementation thereof, including legislation.

## **22.7 State Labor Advisory Committee**

22.7.1 A State Labor Advisory Committee, consisting of the State President, State Secretary, two (2) representatives of the SPLP, the Secretary of SA Unions, and the Secretary of each affiliated union shall be formed for the purpose of regular consultation on industrial matters.

22.7.2 Meetings of the Committee shall be held at least once in every parliamentary session, and at such other times as deemed necessary by the committee.

22.7.3 Minutes of meetings of the State Labor Advisory Committee shall be referred to the State Executive.

## **22.8 Policy Networks**

22.8.1 The Party will form Policy Networks in such areas as may be approved by State Executive from time to time.

22.8.2 Such Policy Networks shall act as educative and information forums, shall contribute to the processes and activities of the Platform Committee and Platform Sub-Committees, shall facilitate discussion of policy issues between Ministers, members of the parliamentary Labor Party and Party members, and do all things necessary to consider and develop Party Policy in accordance with any procedures or processes authorised by State Executive.

## **22.9 Policy Forums**

22.9.1 A member of the SPLP (other than the leader of the SPLP) who is a member of a Ministry or Shadow Ministry must conduct two Policy Forums each calendar year.

22.9.2 The purpose of Policy Forums is to enable:

- (a) Ministers and Shadow Ministers to report on matters that are relevant to areas of policy for which he or she has responsibility; and
- (b) members of the Party to debate, discuss and make suggestions about the Party's policies in those areas.

22.9.3 Ministers and Shadow Ministers must work with the State Secretary to make arrangements for holding Policy Forums.

22.9.4 In so far as is practicable, Policy Forums must be held outside normal working hours.

22.9.5 Ministers and Shadow Ministers must prepare a detailed and written report on the Policy Forums they have conducted each year, which must be submitted to the Annual Convention.

22.9.6 The State Executive may, by resolution, modify the obligations of a Minister or Shadow Minister under this rule in circumstances it considers appropriate.

## **23 General**

### **23.1 Quorum**

23.1.1 The number of members required for a quorum at Party meetings shall be as follows:

- (a) Convention: Not less than one-third of the accredited delegates.
- (b) State Council: Not less than fifty (50) accredited delegates.
- (c) State Executive: Not less than ten (10) members.
- (d) Sub-Branches: Not less than five (5) members.
- (e) FECs: Not less than ten (10) members.
- (f) The State Platform Committee: not less than nine (9) members.
- (g) SA Young Labor General Meeting: not less than twenty (20) members.



- (h) A majority of the elected or appointed members of any other committee shall constitute a quorum for a meeting.

### **23.2 Executive and Committee Attendance**

A record shall be kept of all meetings of the State Executive and Committees elected by Convention showing the attendances of each member thereof and such record shall be printed and distributed among delegates to the Annual Convention prior to the election of the State Executive and any Committees.

### **23.3 Charges against Members and Investigations**

23.3.1 This clause 23.3 does not apply to complaints made under the South Australian Complaints Handling Policy, the South Australian Complaints Handling Policy applies to the handling of any matters under the South Australian Complaints Handling Policy.

(a) The State Executive shall investigate all charges against a member of the Party.

(b) Where fifty (50) members of the Party or 25% of the members of an FEC, whichever is the lesser, petition State Executive to investigate an allegation of a breach of any of rules 5.2, 5.3, 5.6 and 5.8 of the Rules, State Executive shall conduct such an investigation in accordance with the procedures set out in relation to an investigation conducted of its own motion under Rule 23.3.13.

23.3.2 Charges may be laid against a member of the Party, or a member may be the subject of an investigation by State Executive, on the grounds of:

(a) disloyalty to the Party;

(b) infringement of the National or State Rules, or the National or State Platform;

(c) publicly attacking the Party or a member thereof;

(d) knowingly endorsing a non bona fide application for membership or falsifying membership records;

(e) paying or contributing to the membership fees of persons or groups of persons who would otherwise be unwilling to pay their own membership fees;

(f) encouraging, advising or assisting persons to pay a reduced membership fee when there is no basis for reduction in accordance with Rule 44.1;

(g) recruiting members who do not live at the claimed address in an attempt to gain advantage at local Party meetings or in the outcome of Party ballots;

(h) engaging in conduct as a candidate for a position as delegate to Convention or Council which impugns the Party and/or other candidates.

23.3.3 Charges may be laid by any member of the Party against any other member of the Party by making such charge in writing and forwarding it to the State Secretary or State President with a deposit of \$50.00.

- 23.3.4 Charges must be laid not later than twenty eight (28) days after the occurrence of the alleged event the subject of the charge.
- 23.3.5 A copy of the charge shall be forwarded by the State Secretary or State President to the person charged within three (3) days of receipt, provided that when a charge is laid during the progress of an election campaign and/or a preselection ballot, the State Secretary or State President may postpone implementing the foregoing provisions until up to three days after the day when such election or preselection ballot is determined.
- 23.3.6 The State Secretary shall place the charge as an item of business on the agenda of the next regular State Executive meeting after the charge is laid, unless a Special State Executive meeting is called to hear the matter.
- 23.3.7 The State Executive shall investigate the charge, make a finding as to whether the charge is proved or not and shall report its findings to Council for endorsement.
- 23.3.8 In the investigation of the charge the State Executive shall give the member charged an adequate opportunity to be heard in relation to the charge, and to provide the State Executive with any material relevant to the charge.
- 23.3.9 Where a charge has been found proved by State Executive and the finding has been endorsed by Council, State Executive shall impose any one or more of the following penalties:
- (a) a reprimand;
  - (b) a fine;
  - (c) a removal of the member from any office held in the Party and/or any position held on a committee of the Party;
  - (d) suspension of any or all rights as a member of the Party for a specified period of time;
  - (e) expulsion from the Party.
- 23.3.10 Failure by a member to pay a fine imposed pursuant to Rule 23.3.9(b) will constitute an infringement of the Rules which may be the subject of a further charge.
- 23.3.11 Where a charge is found to be frivolous the State Executive shall report the finding to Council and if the report is endorsed by Council, the member who has laid the charge shall forfeit the deposit.
- 23.3.12 Notwithstanding Rule 23.3.9, where a Labor Member of Parliament has failed to vote in accordance with a binding decision of a duly constituted SPLP meeting, such failure shall be deemed to constitute disloyalty to the Party and the penalty for such action shall be expulsion from the Party.
- 23.3.13 Notwithstanding the foregoing provisions, the State Executive shall have power to investigate of its own motion a member of the Party, an FEC, a Sub- Branch or SA Young Labor whenever, in the opinion of at least fourteen (14) members of the State Executive, the action or actions of such member or body appears to constitute conduct in breach of Rule 23.3.2.

- 23.3.14 The State Executive shall give any members the subject of such investigation an opportunity to be heard in relation to the matter, and to provide the State Executive with any material relevant to the matter. Upon completing the investigation:
- (a) the State Executive shall report its findings to Council for endorsement.
  - (b) the findings shall state whether any member or members have engaged in conduct in breach of Rule 23.3.2.
- 23.3.15 Where the report by State Executive finds that any member or members have acted in breach of Rule 23.3.2, and the finding has been endorsed by Council, the State Executive shall impose a penalty in accordance with Rule 23.3.9.
- 23.3.16 Where a penalty is imposed by State Executive pursuant to Rule 23.3.9, whether pursuant to a charge by a member under Rule 23.3.3 or an investigation by State Executive under Rule 23.3.13, the member or members the subject of the charge or investigation may appeal to the Disputes Tribunal against either the finding that the charge has been proved and/or the penalty imposed.
- 23.3.17 When imposing a term of suspension, State Executive may determine that upon the completion of the term of suspension, a member shall be re-allocated to Head Office Branch for a specified period.

#### **23.4 Disputes Tribunal**

- 23.4.1 This clause 23.4 does not apply to complaints made under the South Australian Complaints Handling Policy, the South Australian Complaints Handling Policy applies to the handling of any matters under the South Australian Complaints Handling Policy.
- 23.4.2 There shall be a Disputes Tribunal ('the Tribunal') consisting of three members. The three (3) members shall be nominated by State Executive, and must be accepted by a resolution of Annual Convention carried by at least 75% of those delegates voting.
- 23.4.3 The members of the Tribunal shall hold office for two years. If a further election has not been held by Annual Convention by the time the two year term expires, the members of the Tribunal shall remain in office until a further election at the next Annual Convention.
- 23.4.4 The Tribunal shall, subject to the powers of National Conference, National Executive and Convention, hear all appeals in relation to compliance with and enforcement of Party rules which may be made to it in accordance with these Rules by a member.
- 23.4.5 An appeal must be initiated in accordance with the following procedures:
- (a) an appeal may be initiated by forwarding a notice of appeal in accordance with the form set out in Schedule 20 to the Rules to the State Secretary;
  - (b) unless an earlier time limit is otherwise provided for within these Rules, an appeal must be made within twenty eight (28) days of the decision or administrative action complained of.

The Tribunal may allow an extension of time within which an appeal may be made if it sees fit to do so;

- (c) upon receipt of a notice of appeal, the State Secretary must forthwith refer the same to the Tribunal;
- (d) the Tribunal must hear and determine the appeal within twenty eight (28) days of referral of the appeal to it by the State Secretary, or within such shorter time as is necessary in the case of appeals under Rule 34.3.5 or Schedules 11 and 12;
- (e) the person lodging the appeal must pay \$50.00 by way of deposit to the Party at the time of lodging the appeal;
- (f) the State Secretary shall supply the Tribunal with such material, documents and assistance as may be required;
- (g) the State Secretary shall forward a copy of the appeal to any named respondent or to any Party with an appropriate interest.

### **23.5 Procedures before the Tribunal**

23.5.1 The Tribunal shall make such directions as to the conduct of its proceedings as it sees fit. The Tribunal shall not be bound by rules of evidence and shall be entitled to inform itself without the need of proof by any of the parties of Party rules, practices, history and generally known matters within the Party concerning any particular matter.

23.5.2 The Tribunal shall take all reasonable steps to ensure that all parties are given adequate notice of the hearing of the appeal, and are given a full opportunity to properly present their case.

23.5.3 The Tribunal shall conduct its proceedings in a manner consistent with procedural fairness and the rules of natural justice.

23.5.4 The Tribunal shall conduct its proceedings in camera. The Tribunal shall allow such parties and their representatives and witnesses as are relevant to address it at such time and in such manner as it sees fit.

23.5.5 Where a Party fails unreasonably to comply with the direction of the Tribunal, the Tribunal may take such steps as are appropriate in light of such failure including but without limiting the generality thereof:

- (a) where the Party is the appellant, dismiss the appeal without further hearing;
- (b) where the Party is not the appellant, restrict the Party's participation in the hearing of the appeal including restrictions of the Party's right to adduce certain evidence including a total exclusion of the Party from the hearing.

23.5.6 Where a member of the Tribunal believes he or she is unable to hear a particular matter due to an actual or perceived conflict of interest, the member shall notify the State Secretary of that fact, and the State Executive shall be entitled to require that member to disqualify himself or herself

from the Tribunal with respect to that matter. In such an event the State Executive shall nominate a suitable replacement member to sit on the Tribunal in relation to that matter.

### **23.6 Powers of the Disputes Tribunal**

23.6.1 In determining an appeal pursuant to Rule 23.3.16 in relation to penalty, the Tribunal may:

- (a) impose no penalty or;
- (b) substitute for the penalty appealed from any one or more of the penalties set out in Rule 23.3.9.

23.6.2 In determining an appeal pursuant to refusal of an application for membership the Tribunal may:

- (a) uphold the decision to refuse membership;
- (b) allow the application for membership either unconditionally, or upon such terms and conditions as the Tribunal sees fit consistent with any limitations upon membership which may be applicable in accordance with the Rules.

23.6.3 Where the appeal is pursuant to Rule 34.3.5, the Tribunal may:

- (a) confirm the rejection by the PRO of the nomination; or
- (b) declare that the nomination should be accepted by the PRO; and/or
- (c) make directions or recommendations to the PRO with respect to the further conduct of the Preselection ballot.

23.6.4 In relation to an appeal against a decision of a PRO pursuant to Schedule 11 Clause 14 or Schedule 12 Clause 10 the Tribunal may:

- (a) confirm the decision of the PRO; or
- (b) rescind the decision of the PRO; and/or
- (c) make recommendations or directions to the PRO as to the further conduct of the ballot.

23.6.5 In respect of any appeal (including appeals referred to in Rules 23.6.1 to 23.6.4 inclusive hereof) the Tribunal may:

- (a) make findings of fact;
- (b) make declarations as to the validity or otherwise of acts or purported acts of Party officers, officials, members or units;
- (c) make declarations as to the validity or otherwise of practices within the Party;
- (d) make recommendations to State Executive to take certain courses of action either in respect of the subject matter of the appeal or generally;
- (e) make recommendations to the Rules Committee as to proposed changes to the Rules;
- (f) dismiss the appeal;
- (g) allow amendment of the appeal at any time; or
- (h) where the Tribunal is of the opinion that an appeal is frivolous, order the forfeiture to the Party of the deposit.

## **23.7 Other Matters**

23.7.1 The Tribunal shall provide written reasons for its decision.

23.7.2 The State Secretary shall report to each regular meeting of State Executive with respect to all current appeals, the dates of proposed hearings to consider the appeals, and of any decisions, directions or recommendations made.

23.7.3 Other than the State Secretary no member shall make public comment concerning any matter which is before the Tribunal except with the permission of the State Executive.

23.7.4 If, as part of the Tribunal's deliberations, any member of the Tribunal reasonably believes an act of criminal dishonesty, including electoral fraud, has been committed, the matter should be immediately referred to the State Secretary for referral to the relevant law enforcement authority.

23.7.5 The Tribunal shall notify all parties and the State Secretary of any decision made by it.

## **24 National**

### **24.1 National Conference Agenda**

Only a Convention, Council or the State Executive may submit items to the National Conference.

### **24.2 National Conference Delegates**

See State Rule 35 and National Rule 33.

## **(D) Party Elections**

### **25 Returning Officers**

#### **25.1 The Party Returning Officer**

25.1.1 The Party Returning Officer ('the PRO') shall:

- (a) be responsible for the conduct and direction of all ballots except those conducted pursuant to Rule 27;
- (b) be in charge of the conduct of all Preselection ballots from the close of nominations onwards.

25.1.2 The PRO shall be elected by Annual Convention every two (2) years. If a further election has not been held by Annual Convention by the time the two year term expires, the PRO shall remain in office until a further election at the next Annual Convention.

25.1.3 The PRO shall have power to appoint such persons as may be necessary to assist him or her in the discharge of his or her or any Deputy Returning Officer ('DRO') duties and functions.

25.1.4 The PRO shall receive such reasonable assistance as he or she may request from the State Secretary.

25.1.5 A PRO must:

- (a) be a member of the Party;
- (b) not be a candidate, proxy or scrutineer for a candidate in any ballots conducted under these Rules;
- (c) must not be under eighteen (18) years of age.

25.1.6 A PRO must not act as PRO at an election of his or her own Sub-Branch or State District.

#### **25.2 Deputy Returning Officers**

25.2.1 The State Executive shall at its first meeting after 31 March in even numbered years, appoint a panel of fifteen (15) DROs for a two year term to assist the PRO in the conduct of ballots other than those conducted at Sub-Branch meetings, and to conduct elections of delegates from State Districts and SA Young Labor.

25.2.2 A DRO must:

- (a) be a member of the Party;
- (b) not perform their duties as a DRO in any ballot conducted under these Rules for which they are a candidate.
- (c) must not be under eighteen (18) years of age.

25.2.3 A DRO must not act as DRO at an election of his or her own Sub-Branch or State District.

25.2.4 For the purposes of assisting in or conducting a ballot, a DRO appointed in accordance with this Rule shall have the same powers as the PRO.

#### **25.3 Local Returning Officers**

25.3.1 At the first meeting after 31 March, each Sub-Branch, FEC, LWN and SA Young Labor must elect from its members a Local Returning Officer ('LRO').

25.3.2 The LRO shall:

- (a) superintend any ballot conducted for officers of the Sub-Branch, FEC, LWN or SA Young Labor and any ballot to elect a non-voting delegate to Convention or Council;
- (b) select the venue for the conduct of any ballot to elect a delegate to Convention or Council, subject to any resolution of State Executive made pursuant to Rule 28.10.6.

25.3.3 An LRO must:

- (a) be a member of the Party;
- (b) not be a candidate, proxy or scrutineer in any of the ballots which he or she superintends;
- (c) not be under eighteen (18) years of age;
- (d) for any LWN ballot, be a woman.

#### **25.4 Method of Counting**

Unless otherwise specified in the Rules, all elections and ballots for two or more positions conducted in accordance with these Rules shall be by the proportional representation system as generally used in the Senate. Ballots for single positions shall be by the exhaustive preferential method.

#### **25.5 Compliance with Procedures**

A failure by the PRO, or a DRO or LRO or any Assistant appointed by the PRO to comply with any procedures or time limits imposed by these Rules with respect to the conduct of elections or ballots will not of itself cause the result of any such election or ballot to be void.

#### **25.6 Terms of Office**

Except in relation to candidates for pre-selection, all persons elected under these rules to any office shall continue in office until their successors are declared elected.

### **26 Affirmative Action**

26.1 This rule applies to all non-single position elections conducted pursuant to Rules 27 to 30 inclusive and to Convention and Council elections conducted pursuant to Rule 33 but does not apply to pre-selection ballots conducted at Convention and Council which are subject to Rule 34.7.

26.2 Provided that there are sufficient nominations from each gender, elections for two (2) positions shall be counted to ensure that one person from each gender is elected.

26.3 All elections for three (3) positions or more shall be conducted to ensure no less than 40% of such positions are filled by each gender, provided that sufficient candidates of the relevant gender nominate ("the basic entitlement"). If the calculation to determine the basic entitlement results in a fraction of



greater than one half then the basic entitlement shall be the next higher whole number, and where it results in a fraction of one half or less then it shall be the next lower number.

- 26.4 No election conducted pursuant to Rules 27 to 30 inclusive and Rule 31 shall be invalid by reason of less than the required number of each gender nominating so as to prevent compliance with this Rule.
- 26.5 For the purpose of Rule 26.3, as from 31 March 2022, the minimum target shall be 45% of all persons. As from 1 January 2025 it shall be 50%.

## **27 Election of Officers to Sub-Branches, Federal Electorate Council and SA Young Labor**

### **27.1 Officers**

- 27.1.1 Officers of a Sub-Branch and an FEC shall consist of a President, Vice President, Secretary, Treasurer and such other officers as the Sub-Branch and the FEC shall determine from time to time.
- 27.1.2 Officers of SA Young Labor shall consist of a President, Vice President, Secretary and ten (10) Ordinary Executive Members.

### **27.2 Mode of Election**

- 27.2.1 Officers shall be elected at the Annual General Meeting of the Sub- Branch, FEC or SA Young Labor of which seven (7) clear days notice in writing shall be given.
- 27.2.2 Only those members who are eligible members in accordance with Rule 27.3 shall be entitled to vote for an officer.
- 27.2.3 The persons so elected shall take office at the conclusion of the Annual General Meeting at which they are elected.

### **27.3 Eligibility to Stand for Office or Vote**

- 27.3.1 Subject to Rule 27.3.2, no member shall be eligible to nominate for office or vote unless he or she:
- (a) is as at 8 June preceding the election of officers:
    - (i) is in at least his or her first year of membership as defined in Rule 5.7.1.
    - (ii) a bona fide resident of the State District which encompasses the Sub-Branch or Federal Division in which he or she seeks to vote or stand for office or:
    - (iii) with respect to SA Young Labor, a bona fide member of SA Young Labor.
  - (b) was enrolled on the State or Commonwealth electoral roll for the State District or Federal Division which encompasses the FEC in relation to which he or she resides as at 30 June preceding the election for office.
- 27.3.2 Where there are no other nominations, any member of a Sub-Branch, FEC or SA Young Labor may stand and be elected.
- 27.3.3 A member under the age of eighteen (18) years or a noncitizen permanent resident of Australia shall be entitled to nominate for office or vote provided he or she is a bona fide resident of the

State District which encompasses their Sub-Branch or Federal Division which encompasses the FEC in relation to which he or she seeks to vote, or with respect to SA Young Labor, is a bona fide member of SA Young Labor.

27.3.4 For the purposes of Rules 27.3.1(a)(ii) and 27.3.3, if a member is no longer a bona fide resident of the State District or Federal Division in which they seek to vote or stand for office, on account of their relocation from the District or Division after 8 June, the member is eligible to vote in the State District or Federal Division in which they were previously a bona fide resident but they are not eligible to stand for office.

#### **27.4 Nominations**

27.4.1 Nominations for election as an officer may be made in writing or orally from the floor of the Annual General Meeting at which the election is to be held.

27.4.2 Nominations close at the Annual General Meeting immediately before the holding of the election.

#### **27.5 Objection to Ballot**

27.5.1 If any candidate objects to the ballot he or she may lodge a complaint in writing specifying the grounds for the objection with the State Executive within seven (7) days of the result being announced.

27.5.2 The State Executive shall investigate the complaint and take all necessary action to determine the validity of the ballot and the result. If the State Executive finds there were irregularities in the conduct or the counting of the ballot, it may decide that the ballot be recounted or if appropriate it may make a declaration as to which candidates have been duly elected which supersedes the LROs declaration or it may order another ballot. The State Executive shall report its actions to Council for endorsement.

### **28 Election of Delegates to Council and Convention**

#### **28.1 SA Young Labor to be treated as State District:**

28.1.1 For the purposes of this Rule a reference to a State District shall include a reference to SA Young Labor and SA Young Labor is to be treated as a State District.

#### **28.2 When held**

28.2.1 Elections shall be held for State District delegates to Council and Convention in August in each odd numbered year by a ballot held in accordance with this Rule.

28.2.2 The number of delegates for each State District shall be determined in accordance with Rule 16.

#### **28.3 Eligibility to Stand as Delegate or Vote**

28.3.1 No member shall be eligible to nominate for election as a delegate to Convention or Council, or to vote in an election for delegates to Convention or Council, unless he or she:

(a) as at 8 June preceding the election of delegates (which shall be the relevant date for fixing the list of members eligible to vote):

(i) is in at least his or her second year of membership or is a full member as defined in Rule 5.7.1.

(ii) is a bona fide resident of the State District in which he or she seeks to vote or nominate, or is a member of a Sub-Branch within that State District pursuant to Rule 5.6.5, and

(b) as at 30 June preceding the election of delegates, was enrolled on the State electoral roll for the State District in which he or she resides.

28.3.2 Notwithstanding Rule 28.3.1(b) a member under the age of eighteen years or a non-citizen permanent resident of Australia shall be entitled to nominate for election as a delegate to Convention or Council and vote provided he or she complies with Rule 28.3.1(a).

28.3.3 Where there are no other nominations, any member who is eligible under Rule 28.3.1(a)(ii) only may nominate for election and be elected notwithstanding Rule 28.3.1(a)(i) or 28.3.1(b).

28.3.4 For the purposes of Rule 28.3.1(a)(ii), if a member is no longer a bona fide resident of the State District or Federal Division in which they seek to vote or stand for office, on account of their relocation from the District or Division after 8 June, the member is eligible to vote in the State District or Federal Division in which they were previously a bona fide resident but they are not eligible to stand for office.

#### **28.4 List of Members Eligible to Vote**

28.4.1 On the first working day after 1 July, the State Secretary shall post to the Secretary of each Sub-Branch and SA Young Labor, the list of members eligible to vote in relation to the relevant State District or SA Young Labor.

28.4.2 The LRO, the Secretary of each Sub-Branch, the Secretary of SA Young Labor, the relevant DRO and local State and Federal MPs, may, by no later than 8 July advise the PRO of any inaccuracies and/or suggested amendments to the list of members.

28.4.3 The PRO shall consider the comments and suggested amendments and shall make such changes he or she considers are necessary to ensure the list of members conforms with the Rules.

28.4.4 On the first working day after 31 July the PRO shall post or make available the amended list of members eligible to vote to the Secretary of each Sub-Branch, and SA Young Labor which amended list of members shall constitute 'the roll'.

#### **28.5 Challenge to the Roll**

28.5.1 A member may challenge the entitlement of another member to be on the roll.

28.5.2 Any challenge by a member must:

(a) be made in writing to the PRO by no later than 7 August or the next working day after.

(b) be supported by facts which are on the public record or by a statutory declaration made by the member who makes the challenge.

28.5.3 The PRO shall provide the member whose eligibility to vote is challenged with a copy of all material provided in accordance with Rule 28.5.2 and shall allow the challenged member an adequate opportunity to produce evidence in support of his or her eligibility to vote.

28.5.4 The PRO shall consider all challenges and, if he or she considers it appropriate, make an amended roll for the ballot by no later than 21 August. The decision of the PRO as to the content of the roll shall be final and shall not be subject to appeal.

## **28.6 Dates for Election**

28.6.1 The election shall be held over two days being any Sunday in August or September and the Monday immediately following.

28.6.2 The PRO will choose the election days and notify the State Secretary by 30 June.

28.6.3 Subject to Rule 28.6.1, the PRO may choose different election days for each State District.

28.6.4 If the State Secretary has not been notified by 30 June of the election days for any State District, the State Executive shall have power to set election days which should be set in accordance with Rule 28.6.1 subject to the power of State Executive to alter an election timetable pursuant to Rule 31.

## **28.7 Calling of Nominations**

28.7.1 On 1 August, or the first working day after, the PRO must call for nominations for election for delegates to Convention and Council.

28.7.2 The PRO shall forward by post to those on the list of members eligible to vote as at 8 June a document in the form of Schedule 5 to these Rules calling for nominations for the election of delegates.

28.7.3 Nominations for election as delegate must be made in writing.

## **28.8 Closure of Nominations**

28.8.1 Nominations for election as delegates shall close at 12 noon on 15 August or the next working day after.

28.8.2 A candidate may withdraw his or her nomination for a position as delegate by notice in writing received by the PRO.

28.8.3 If a notice of withdrawal is received:

- (a) by no later than 12 noon on 21 August or, if 21 August falls on a weekend or a public holiday, by no later than 12 noon on the first working day after 21 August the candidate's name shall not appear on the ballot paper;
- (b) after 12 noon on 21 August, or, if 21 August falls on a weekend or a public holiday, by no later than 12 noon on the first working day after 21 August the PRO shall count through the name of the candidate who has withdrawn for the purposes of the ballot.

## **28.9 Equal or Fewer Nominations than Vacancies**

28.9.1 If the number of nominations is equal to or fewer than the number of vacancies, the nominees shall be declared by the PRO to have been elected and the holding of a ballot will not be required.

28.9.2 In relation to the remaining vacancies the PRO shall arrange for another ballot in accordance with this Rule but held at such other time as he or she may nominate.

## **28.10 Holding of the Ballot**

28.10.1 On 21 August, or as soon as practicable thereafter, the PRO shall send to all members on the roll written notice containing the information required by Schedule 6 in relation to the State District with respect to which the member is eligible to vote.

28.10.2 The PRO shall arrange the printing of the ballot papers containing all the information in Schedule 8, listing the candidates in alphabetical order.

28.10.3 On the date the election is to be held pursuant to Rule 28.6, the ballot shall be opened on the Sunday at 12 noon and shall adjourn at 5pm and then be re-opened on the following Monday at 6pm and shall close at 8pm.

28.10.4 Each candidate may by letter to the PRO appoint a scrutineer. Scrutineers may view the roll relating to the relevant State District at the end of balloting on Sunday and may be present when the counting of the ballot takes place.

28.10.5 The venue for the ballot shall be selected by the LRO, or if no LRO has been elected, by the PRO, who should:

- (a) select a venue in the relevant State District if practicable; and
- (b) take into account accessibility, public transport and car parking; and
- (c) take such measures as are practicable to allow all members casting their votes to be able to do so in secret.

28.10.6 The location of a ballot as determined by the LRO or the PRO may be changed by a resolution of State Executive carried by not less than two thirds of those members voting.

28.10.7 All reasonable costs of the ballot, including any hiring charges for the venue and a suitable ballot box, shall be met by the Sub-Branch, or Sub-Branches within the relevant State District.

28.10.8 In those State Districts which are in country areas pursuant to Rule 11.1.3, the PRO shall conduct the ballot by Postal Vote.

### **28.11 Conduct of Ballot**

The procedures for ballots in relation to elections of delegates to Convention and Council are contained in Schedule 9 of these Rules.

### **28.12 Objection to Ballot**

28.12.1 If any candidate objects to the ballot he or she may lodge a complaint in writing specifying the grounds for the objection with the State Executive within seven (7) days of the result being announced.

28.12.2 The State Executive shall investigate the complaint and take all necessary action to determine the validity of the ballot and the result. If the State Executive finds irregularity in the conduct or the counting of the ballot, it may decide that the ballot be recounted or if appropriate it may make a declaration as to which candidates have been duly elected. Such a declaration will supersede the PRO's declaration under clause 3.2 of Schedule 9 or it may order another ballot. The State Executive shall report its actions to Council for endorsement.

## **29 Casual Vacancies – Election of Officers**

- 29.1 In the event of one or more vacancies for any positions elected under Rule 27, such positions shall be advertised to all relevant Sub-Branch, FEC and/or SA Young Labor members in the normal notice for the next normal meeting of that body subject to the requirement that a minimum of seven (7) days notice be given to such members. The ballot to fill such position(s) shall take place at such meeting.
- 29.2 Ballots to fill casual vacancies shall, where possible, be conducted by the LRO. If LRO is unavailable, the meeting shall elect a returning officer from the members present to conduct the ballot. The person conducting the ballot must not be a candidate, proxy, or scrutineer in any of the ballots which he or she superintends.
- 29.3 If only one casual vacancy exists for a position, the ballot to fill it shall be counted using the exhaustive preferential method. If more than one casual vacancy exists for a position, the ballot to fill it shall be counted using the proportional representation method.
- 29.4 The eligibility to stand to fill a vacancy for an office in a Sub- Branch, FEC or SA Young Labor and to vote in an election to fill such a casual vacancy shall be as set out in Rule 27.3.
- 29.5 Any objection arising from the conduct of the ballot shall be dealt with as set out in Rule 27.5.

## **30 Casual Vacancies – Election of Delegates to Convention and Council**

### **30.1 State Districts with one Sub-Branch only and SA Young Labor**

30.1.1 Subject to rule 30.1.3, in the event of one or more vacancies for any positions elected under Rule 28, such positions shall be notified to the relevant Sub-Branch members and/ or to SA Young Labor members in the normal notice for the next normal meeting of that body subject to the requirement that a minimum of seven (7) days notice be given to such members. The ballot to fill such positions shall take place at such meeting.

30.1.2 Ballots to fill such vacancies shall be conducted by the PRO or a DRO under the direction of the PRO.

30.1.3 Notwithstanding Rule 30.1.1 or 30.1.2, in those State Districts which are in country areas pursuant to Rule 11.1.3, the PRO may conduct the ballot by Postal Vote.

## **30.2 State Districts with more than one Sub-Branch**

30.2.1 In the event of one or more vacancies for any positions elected under Rule 28, such positions shall be notified to the relevant Sub- Branch members by notice posted by the PRO, who shall conduct a postal ballot to fill such positions.

30.3 If only one casual vacancy exists for a position, the ballot to fill it shall be counted using the exhaustive preferential method. If more than one casual vacancy exists for a position, the ballot to fill it shall be counted using the proportional representation method.

30.4 The eligibility to stand for election and to vote in a ballot to fill such a casual vacancy shall be as set out in Rule 28.3.

30.5 Any objection arising from the conduct of the ballot shall be dealt with as set out in Rule 28.12.

## **31 Alternation to Election Timeframe**

31.1 Notwithstanding anything else in these Rules, a two-thirds majority of the State Executive shall have power to alter or suspend the timetable for elections held pursuant to Rules 27 and 28 including the date or dates upon which an election must be held.

31.2 State Executive shall report the reasons for any alteration to Council.

## **32 Nomination for State Executive and National Conference**

32.1 Nominations for the State Executive, State President, State Vice Presidents and delegates to National Conference shall be made in accordance with the nomination form set out in Schedule 3 of these Rules.

32.2 Each nominee shall be required to complete and sign the pledge in the form prescribed in Schedule 3 of these Rules.

32.3 Unless he or she is in the second year of membership or is a full member as defined in Rule 5.7, a member shall not be eligible to nominate for State Executive or a delegate to National Conference.

## **33 Convention and Council Elections – Method of Voting**

### **33.1 Election Procedures**

The procedures with respect to the conduct of ballots at Convention and Council (excluding Preselection ballots) are set out in Schedule 10 to these Rules.

### **33.2 Scrutineers**

- 33.2.1 Each candidate for a ballot shall be entitled to appoint one scrutineers who shall be entitled to accompany the PRO in the performance of his or her duties, and watch the counting of that ballots.
- 33.2.2 Each Scrutineer must be appointed in writing by the candidate, must be aged eighteen (18) years or more and be a member of the Party.
- 33.2.3 A Scrutineer must not hinder or obstruct the PRO in the performance of his or her duties and shall not be allowed to assist in the counting of the ballot or in any way touch a ballot paper.
- 33.2.4 If during the counting of the ballot, the PRO forms the opinion that a Scrutineer has acted in a manner in breach of Rule 34.8.3, the PRO may revoke the authority of the Scrutineer and may direct the Scrutineer to leave the counting room.

### **33.3 Irregularity in Ballot**

- 33.3.1 If Convention, or if it is not in session, Council, considers that an irregularity occurred in a ballot, and that such irregularity may have affected the results of the ballot, Convention or Council, as the case may be, shall declare the ballot null and void, provided the proceedings to consider any alleged irregularity were commenced within twenty eight (28) days after the declaration of the ballot by the Returning Officer.
- 33.3.2 In the event of a ballot being declared null and void, the body making the declaration shall forthwith open fresh nominations, determine the closing time for them and the venue for the conduct of a fresh ballot.
- 33.3.3 Notwithstanding any other rule, whenever a ballot conducted at Convention has been declared null and void, a Convention only may conduct the fresh ballot and whenever a ballot conducted at a Council has been declared null and void, the Convention or Council may conduct the fresh ballot.
- 33.3.4 Whenever a ballot has been declared null and void, those persons who occupied the position involved in the ballot prior to the declaration of the ballot shall resume the position they held until the declaration of the fresh ballot by the Returning Officer.

### **33.4 Casual Vacancies**



33.4.1 In the event of one or more casual vacancies for any position elected under Rule 33 such position shall be advertised in the monthly State Secretary's Report to affiliated unions, Sub-Branches and AYL. The ballot to fill such position(s) shall take place on a date set by State Executive.

33.4.2 If only one casual vacancy exists for such position the ballot to fill it shall be counted using the exhaustive preferential method. If more than one casual vacancy exists for such position, the ballot to fill it shall be counted using the proportional representation method.

## (E) Parliamentarians and Candidates

### 34 Selection of Parliamentary Candidates

#### 34.1 Definitions

34.1.1 'Local Component' shall mean:

- (a) in the case of a Preselection ballot for preselecting candidates for a Parliamentary Seat in either the House of Assembly or the House of Representatives, all members of the Party attached to a State District or FEC who are eligible under rule 34.3.1; and
- (b) in the case of a Preselection ballot for preselecting candidates for the Legislative Council or Senate, all members of the Party who are eligible under rule 34.3.1.

34.1.2 'Sub-Branch Delegate Component' shall mean the Preselection ballot of members of the Party elected or appointed under rules 18.9, 18.10 and 18.11 as delegates to the Annual Convention and/or any Special Convention of the Party, for the purpose of preselecting candidates for Parliamentary Positions.

34.1.3 'Union Component' shall mean the Preselection ballot of members of the Party elected or appointed under rule 18.4, 18.5, 18.6 and 18.7 as delegates to the Annual Convention and/or any Special Convention of the Party, for the purpose of preselecting candidates for Parliamentary Positions.

34.1.4 "Nomination Fee" means (unless a higher fee is determined by the State Executive):

- (a) \$500 in the case of nominations for Preselection as a candidate for a Parliamentary Seat in the House of Representatives or the House of Assembly that is presently held by a member of the Party;
- (b) \$1,000 in the case of nominations for Preselection as a candidate for the Senate or the Legislative Council.
- (c) Nil in the case of nominations for Preselection as a candidate for a Parliamentary Seat in the House of Representatives or the House of Assembly that is not presently held by a member of the Party.

34.1.5 Members of each of the local component, sub-branch component and union component vote in a Preselection ballot to elect an endorsed candidate of the Party who will subsequently stand in a Parliamentary election.

#### 34.2 Nominations

34.2.1 Subject to Rule 34.9, the State Executive shall call for nominations from members seeking Preselection as a candidate for a Parliamentary Seat in either the House of Assembly or the Legislative Council or the House of Representatives or the Senate at such times and in such manner as it sees fit. The State Executive will also determine when nominations for Preselection close.

- 34.2.2 A member who wishes to nominate for Preselection must sign and lodge with the State Secretary a nomination form in accordance with Schedule 1 and the Parliamentary Candidates Pledge in accordance with Schedule 2 to these Rules and pay the nomination fee prescribed in rule 34.1.4.
- 34.2.3 No member shall be eligible to nominate for a Preselection ballot unless he or she is a full member in accordance with Rule 5.7 unless this requirement is waived by State Executive pursuant to Rule 20.3.1(d).
- 34.2.4 Upon the close of nominations the PRO shall satisfy himself or herself whether each candidate is eligible to nominate on the basis of the membership record provided by the State Secretary and shall advise the State Secretary within forty eight (48) hours whether each nomination is in accordance with the Rules.
- 34.2.5 All candidates shall be advised in writing by the PRO by notice posted within seventy two (72) hours of the close of nominations as to whether or not their nomination has been accepted.
- 34.2.6 The acceptance of a nomination in accordance with this Rule will not prevent the PRO from later advising that a nomination is rejected in light of further information which comes to the notice of the PRO.
- 34.2.7 Any candidate who has had his or her nomination rejected by the PRO may appeal to the Tribunal by lodging within forty eight (48) hours of the notification, an appeal in accordance with Rules 23.4, 23.5 and 23.6. The Tribunal must determine such an appeal within seven days of the appeal being lodged.
- 34.2.8 Labor Members of Parliament and other candidates contesting a Preselection ballot must participate in any pre-ballot candidate forums which are organised by the Party during the Preselection process.

### **34.3 Conduct of Local Component Ballots for Preselection of Parliamentary Candidate**

#### **34.3.1 Eligibility to Vote**

- (a) No member shall be entitled to vote in a Preselection ballot unless:
- (i) he or she is a full member in accordance with Rule 5.7; and
  - (ii) he or she is correctly enrolled with the AEC to vote in a federal election. The member's address for the purposes of a vote in a Preselection ballot will be their enrolled address with the AEC.
- (b) For the purpose of this Rule, the date by which a member is eligible to vote is the date upon which the State Secretary provides the PRO with the roll pursuant to Rule 34.3.1.9.

#### **List of Eligible Members**

- (c) The State Secretary shall provide the PRO with a list of all members eligible to vote in a Preselection ballot ('the roll') not later than five (5) working days after the close of nominations.
- (d) The PRO shall have the right to check the roll against the membership records held by the State Secretary, and the membership records held by the Secretary of the appropriate Sub-Branch(s) or FECs.
- (e) The PRO shall, upon request made by a candidate, provide the candidate with a copy of the roll.
- (f) Any candidate may challenge an entry or omission from the roll provided that the challenge is:
  - (i) made in writing to the PRO by no less than ten (10) working days before the date for the holding of the ballot.
  - (ii) supported by facts which are on the public record or by a statutory declaration made by the candidate who makes the challenge.
- (g) For the purposes of Rule 34.3.1.6, prima facie evidence in support of a challenge may include returned mail or evidence of electoral enrolment for a different State District or Federal Division or other relevant evidence.
- (h) The PRO shall provide the member whose eligibility to vote is challenged with a copy of all material provided in accordance with Rule 34.3.1.6 and shall allow the challenged member an adequate opportunity to produce evidence in support of his or her eligibility to vote.
- (i) The PRO shall consider all challenges and if he or she considers it appropriate, make an amended roll for the ballot. The decision of the PRO as to the content of the roll shall be final and shall not be subject to appeal.

### **34.3.2 Timing of Ballot**

- (a) A ballot of all eligible members for the local component of a Preselection ballot shall take place on the Sunday and the following Monday as near as practicable to the third Sunday after the close of nominations.
- (b) A ballot of all eligible members for the local component of a Preselection ballot for a Parliamentary Seat in either the Legislative Council or the Senate shall take place by Postal Vote only in accordance with Schedule 12.
- (c) The PRO shall, as soon as practicable, and in any event not later than five (5) working days after the production of the roll by the State Secretary, forward to all members on the roll a written notice informing them that a Preselection ballot is to be held. The notice shall contain the information required by Schedule 12.

### **34.3.3 Conduct of Ballot**

- (a) The ballot shall be conducted in accordance with the procedures and requirements set out in Schedule 12 to the Rules.
- (b) The PRO may conduct the ballot by Postal Vote in those areas designated as country areas pursuant to Rule 9.1.3.
- (c) The PRO may allow members to vote early, provided that eligibility to vote early and the location and procedures for early voting have been approved by a two thirds majority of the State Executive.

#### **34.3.4 Value of Local Component**

- (a) The formal votes cast by the Local Component shall in aggregate equal one-third of the total eligible vote.
- (b) For the avoidance of doubt, a delegate (or proxy delegate) who is a member of the local component and another component, will be entitled to vote once in each component.

### **34.4 Conduct of Sub-Branch Delegate Component Ballots for Preselection of Parliamentary Candidates**

#### **34.4.1 Eligibility to Vote**

A member who has been elected as a sub-branch delegate for State Convention and remains a State Convention delegate at the close of nominations, will be eligible to vote in a Sub-branch Delegate Preselection Ballot.

#### **34.4.2 Notification of Eligible Sub-branch Delegates**

- (a) Twenty one (21) days before the Sub-Branch Delegate Component ballot, or as soon thereafter as is practicable, the State Secretary shall notify the PRO in writing of the names and addresses of the Sub-branch Delegate Component delegates eligible to vote in the ballot which have been notified to him/ her as at that date.
- (b) Fourteen (14) days prior to the Sub-branch Delegate Component ballot the PRO shall post to all eligible delegates of which he/she has been advised by the State Secretary a written notice of the names of candidates for all ballots, the venue of the ballot and the time of the ballot.
- (c) Any eligible delegates who do not receive a written notice in accordance with Rule 34.4.2.5 shall be provided with a copy of same on request to the State Secretary.
- (d) Any candidate may request a copy of the list of eligible delegates of which the State Secretary has been notified by the PRO.
- (e) The PRO shall have the authority to check the names on the list of eligible delegates against the records held by the State Secretary.

#### **34.4.3 Timing of ballot**

The ballot for the Sub-branch Delegate Component will take place at State Convention in accordance with Schedule 13

#### 34.4.4 Conduct of the ballot

(a) The PRO shall conduct the Sub Branch Delegate Component of a Preselection ballot in accordance with Schedule 13 to the Rules.

#### 34.4.5 Value of Sub-branch component

The formal votes cast by the Sub-branch Component shall in aggregate equal one-third of the total eligible vote.

### **34.5 Conduct of Union Component Ballots for Preselection of Parliamentary Candidates**

#### 34.5.1 Eligibility to vote

(a) All affiliated unions shall:

(i) notify the State Secretary in writing of the names and addresses of the eligible delegates elected or appointed to represent them in the Union Component ballot.

(ii) give notice to the State Secretary not less than twenty eight (28) days before the Union Component ballot, or as soon thereafter as is practicable.

(b) Twenty one (21) days before the Union Component ballot, or as soon thereafter as is practicable, the State Secretary shall notify the PRO in writing of the names and addresses of the eligible Union Component delegates which have been notified to him/her as at that date.

(c) Fourteen (14) days prior to the Union Component ballot the PRO shall post to all eligible delegates of which he/she has been advised by the State Secretary a written notice of the names of candidates for all ballots, the venue of the ballot and the time of the ballot.

(d) Any eligible delegates who do not receive a written notice in accordance with **Rule 34.5.1(f)** shall be provided with a copy of same on request to the State Secretary.

(e) Any candidate may request a copy of the list of eligible delegates of which the State Secretary has been notified by the PRO.

(f) The PRO shall have the authority to check the names on the list of eligible delegates against the records held by the State Secretary.

#### **34.5.2 Timing of ballot**

The ballot for the Union Component will take place at State Convention in accordance with Schedule 13.

#### **34.5.3 Conduct of ballot**

(a) The PRO shall conduct the Union Component of a Preselection ballot in accordance with Schedule 13 to the Rules.

(b) Value of Union Component

The formal votes cast by the Union Component shall in aggregate equal one-third of the total eligible vote.

(c) For the avoidance of doubt, a Union Delegate (or proxy delegate) who is a member of the Union Component and another component, will be entitled to vote once in each component.

**34.6 Determination of Preselected candidate/s**

34.6.1 For each Preselection ballot the Local Component, the Sub Branch Delegate Component and the Union Component of the ballot for that seat shall be counted at the same time but separately.

34.6.2 The Local Component, Sub Branch Delegate Component and Union Component shall be counted as one ballot (with ballot papers weighted accordingly).

34.6.3 In the case of a House of Assembly or House of Representatives Preselection ballot the count shall be conducted by the exhaustive preferential method of voting as used by the Australian Electoral Commission.

34.6.4 In the case of Legislative Council or Senate Preselection ballot the count shall be conducted by the Proportional Representation System as generally used in Senate elections.

34.6.5 Each candidate shall carry with him or her their respective first preference votes as a proportion of the Local Component, Sub-branch Delegate Component and Union Component.

**34.7 Affirmative Action – Preselection**

34.7.1 Subject to Rule 34.7.9 below, there shall be a minimum target that 40% of all persons preselected in a preselection cycle for the appropriate range of seats in the South Australian Parliament and the South Australian component of the Federal Parliament shall be women.

34.7.2 For the purposes of calculating the minimum target in the South Australian Parliament, the appropriate range of seats in the House of Assembly and Legislative Council shall be considered to be one group.

34.7.3 For the purpose of calculating the minimum target in the Federal Parliament the appropriate range of seats in the House of Representatives and the Senate shall be considered to be one group.

34.7.4 In the event that the minimum target is not met in the appropriate range of seats in a preselection cycle, all pre-selections in the appropriate range of seats shall be immediately declared void and nominations for all those seats shall be reopened. This process shall continue until the minimum target is met.

34.7.5 For the purpose of this rule fractions shall not be counted.

34.7.6 This rule shall not apply to a casual vacancy.

34.7.7 For the purpose of this Rule ‘the appropriate range of seats’ means:

(a) Those seats that require the lesser of either a 5% improvement in the ALP two party preferred vote to be won or those seats included in group of seats which are capable of delivering to the ALP 55% of either:

(i) all House of Assembly and Legislative Council seats in the case of South Australian Parliament; or

(ii) all House of Representative and Senate seats in the case of Federal Parliament.

(b) Provided that the 'appropriate range of seats' shall:

(i) in relation to South Australian Parliament, never be less than the sum of a simple majority of seats in the House of Assembly and a simple majority of those Legislative Council seats coming up for election, or those seats currently held, whichever is the greater.

(ii) in relation to Federal Parliament, never be less than the sum of a simple majority of seats in the House of Representatives and three Senate seats of those Senate seats coming up for election, or six (6) Senate seats in the case of a double dissolution.

34.7.8 For the purposes of this rule a 'preselection cycle' means all Preselections which take place within the Party for seats in South Australian Parliament or Federal Parliament between one general election and another.

34.7.9 As from 31 March 2022, the minimum target for the purposes of Rule 34.7.1 shall be at least 45% women of all persons preselected in a preselection cycle. As from 1 January 2025 it shall be at least 50% women.

### **34.8 Scrutineers**

34.8.1 Each candidate for pre-selection shall be entitled to appoint a maximum of two (2) scrutineers who shall be entitled to accompany the PRO in the performance of his or her duties, and watch the counting of the ballots.

34.8.2 Each Scrutineer must be appointed in writing by the candidate, must be aged eighteen (18) years or more and be a member of the Party.

34.8.3 A Scrutineer must not hinder or obstruct the PRO in the performance of his or her duties and shall not be allowed to assist in the counting of the ballot or in any way touch a ballot paper.

34.8.4 If during the counting of the ballot, the PRO forms the opinion that a Scrutineer has acted in a manner in breach of Rule 34.8.3, the PRO may revoke the authority of the Scrutineer and may direct the Scrutineer to leave the counting room.

### **34.9 Power to select Candidates**

34.9.1 Subject to this Rule, candidates for Parliamentary seats shall be pre-selected by ballots held in accordance with these Rules.



- 34.9.2 In the case of any seat where State Executive determines that a candidate must be selected before a Convention can be called and held in reasonable time, Council shall select a candidate for the Parliamentary seat.
- 34.9.3 In the case of any seat where a two-thirds majority of those attending State Executive determines that a candidate must be selected before both a Convention and Council can be called and held in reasonable time, State Executive may resolve to select a candidate for a Parliamentary seat.
- 34.9.4 Notwithstanding any other part of Rule 34, State Executive may resolve that seats in the House of Assembly or the House of Representatives where the margin against the Party was greater than 5% of the two party preferred vote at the last election need not go to a Preselection ballot, and recommend to Council or Convention candidates for preselection for those seats.
- 34.9.5 Council or Convention, on receipt of such a recommendation from State Executive pursuant to Rule 34.9.4, may endorse the recommended candidate without the need for a Preselection ballot.
- 34.9.6 In the event of a double dissolution election being called, State Executive shall have power to select candidates for all House of Representative seats where a candidate has not by that date been selected and for the Senate. Such pre-selection shall be by a resolution of the State Executive which shall be carried by not less than two-thirds of those members voting.

#### **34.10 Nominations by Sitting Members**

- 34.10.1 Within seven (7) days of the call for nominations for Preselection for seats in the House of Assembly or House of Representatives, all sitting Members of Parliament in the seats for which nominations have been called shall advise the State Executive in writing whether they intend to nominate for Preselection and for which seat.
- 34.10.2 At the end of the seven (7) day period, the response of the Sitting Member shall be made available to any Party member on request to the State Secretary.
- 34.10.3 If any sitting Member notifies of an intention to nominate for a particular seat, but fails to do so, or dies, or withdraws his or her nomination before the Preselection ballot is held, new nominations shall be called for as soon as practicable.

#### **34.11 Death of a Candidate**

In the event of the death of any candidate for Preselection for a seat in any of the House of Assembly, the Legislative Council, the House of Representatives or the Senate, fresh nominations shall be called for as soon as practicable.

### **35 National Conference – Election of Delegates from the Rank and File**

- 35.1 The State Executive of the ALP (SA) will create National Conference Election Zones (NCEZ).

35.2 The number of NCEZ will be equal to half the minimum number of rank and file delegates required to be elected from the rank and file allocated to South Australia by the National Rules. If this calculation produces a fraction, the number will be rounded up.

35.2.1 For the election of rank and file delegates to the 2018 National Conference, the number of NCEZ will be 11, being the minimum number of rank and file delegates required by the National Rules divided by 2, which when round equates to 6 NCEZ.

35.2.2 When South Australia's minimum allocation of rank and file delegates required by the National Rules reduces to 10, the number of NCEZ will be  $10/2$ , equalling 5 NCEZ.

35.3 When determining the NCEZ, the State Executive must:

35.3.1 Ensure each NCEZ has, as near as practicable, equal numbers of ALP SA members. To determine the number of members in each NCEZ, Branch membership numbers will be calculated as follows:

(a) When a National Conference occurs on or after October 1, the membership numbers as of June 30 in the year before a National Conference.

(b) When a National Conference occurs between June 30 and September 3, the membership numbers will be those at June 30 in the previous year, that is 12 to 15 months preceding the conference.

35.3.2 Use existing boundaries, where possible, in this order of preference:

(a) State Electorate Boundaries

(b) Federal Electorate Boundaries

(c) Council Boundaries

(d) Other Boundaries as determined by the State Executive

35.3.3 The final boundaries require the support of  $3/4$  of the membership of State Executive.

35.4 Each NCEZ will have two (2) delegate positions elected by a proportional representation ballot with the voting method to be determined by State Executive.

35.5 Only members who are at least Second Year member are eligible to nominate as NCEZ delegate.

35.6 Each nomination for a delegate position must include ten (10) endorsement signatures from Financial Members of the Party who are not probationary members.

## **36 State Parliamentary Labor Party**

36.1 The SPLP shall consist of members of the House of Assembly and Legislative Council who are members of the Party.

36.2 Meetings of the State Parliamentary Labor Party shall be convened at any time at the request of six (6) Labor Members of State Parliament, or at the request of the whip or the Leader of the SPLP.

- 36.3 The SPLP shall supply a copy of its Caucus minutes to the State Secretary within three (3) days of each meeting
- 36.4 A State Labor Government shall not bind itself to any decisions that are not in accordance with the Rules and Platform of the Party.
- 36.5 The SPLP shall provide each year, through the State Executive to the Annual Convention, a report on the action it has taken to implement the Platform.
- 36.6 The State Secretary shall allocate to Labor Members of Parliament certain areas in which they are to service Sub- Branches and to do any organising work which may be in the interests of the Party
- 36.7 When required by the State Executive a written or oral report shall be submitted to Council by Labor Members of Parliament giving particulars of all organising work they have performed.
- 36.8 Where any Labor Member of Parliament refuses to carry out the duties allocated to that member without sufficient reason, the State Executive shall, at the following pre-selection ballots, provide a report of such refusal to Convention or Council.

### **37 Parliamentary Pledge**

- 37.1 A member of the Party seeking pre-selection shall be required to sign the Pledge prescribed by Schedule 2.
- 37.2 No member of the Party shall be permitted to give a written pledge or undertaking to any other Party or organisation that is not in accordance with the Platform of the Party.

### **38 Allocation of Preferences**

- 38.1 The State Executive shall, in determining the allocation of ALP Preferences for Federal and State Elections, take the following into account:
- 38.1.1 the overall interests of the Party; and
- 38.1.2 any decision of a Convention or Council; and
- 38.1.3 any decision of the appropriate FEC or Sub-Branch.

### **39 Parliamentary Candidates' Deposits**

Candidates for pre-selection shall, if pre-selected, be responsible for lodging any nomination and deposit required under the Electoral Acts and for correct completion of Electoral Act forms.

### **40 Party Support for Own Candidates**

- 40.1 The Party shall only endorse Candidates who are members of the Party for Parliamentary or other public positions.

- 40.2 Only the required number of Candidates necessary to fill a vacancy shall be endorsed, unless otherwise determined by Convention or Council on the recommendation of the State Executive.

#### **41 Unauthorised Expenditure**

No Parliamentary Candidate shall incur any expenditure in the name of the Party or authorise any material in the name of the Party unless it has been authorised by the State Executive or State Campaign Director. Every Candidate must accept the responsibility for paying any liability not authorised by the State Executive or State Campaign Director.

#### **42 Authorisation of Material and Funding**

- 42.1 All propaganda material issued by an FEC, Sub-Branch, affiliated union, SA Young Labor, Country Labor or a Candidate shall be in strict accordance with the Objectives, Principles and Platform of the Party and shall be submitted to the State Executive or State Campaign Director for approval before being published.
- 42.2 All fundraising activity by an FEC, Sub-Branch, affiliated union, SA Young Labor, Country Labor or a Candidate shall be in accordance with the current ALP Code of Conduct for Fundraising as approved by the National Executive.

#### **43 Member Opposing Selected Candidate**

- 43.1 A member of the Party opposing an endorsed Labor Candidate or supporting a Candidate opposing a Labor Candidate or occupying a position on a committee or publicly speaking or canvassing on an opposing Candidate's behalf, shall automatically cease to be a member of the Party.
- 43.2 Any person not being a member of the Party who as a Candidate opposes or has opposed an endorsed Labor Candidate shall not be eligible for membership of the Party except as provided for in Rule 43.4.
- 43.3 Notwithstanding Rule 40.1 and 40.2 above, in special circumstances the State Executive shall have authority to grant permission for a member to nominate for a specified seat.
- 43.4 Any member who ceases to be a member due to the operation of Rule 43.1, or pursuant to a charge proved under Rule 23.3.2 (a), or who is not eligible for membership of the Party due to the operation of the Party due to the operation of Rule 43.2, and who seeks membership of the Party must apply for admission in accordance with Rule 43.5.
- 43.5 An application for admission shall be in writing and addressed to the State Executive. The State Executive shall fix the time and date when the application shall be considered by Convention. The applicant shall be present when the application is considered and the applicant may be heard personally.
- 43.6 Notwithstanding any other rule, if a two-thirds majority of those attending State Executive are of the opinion that an application for admission under Rule 43.5 is without merit, it may be dismissed without being considered by Convention. Such a decision must be reported to the next Convention held.

## **(F) Finances**

### **44 Membership Fees**

- 44.1 Convention shall fix membership fees on the following basis:
  - 44.1.1 A standard membership fee for all members in receipt of a regular income.
  - 44.1.2 A reduced membership fee for applicants or members who are unemployed, students, pensioners or on a low income. Head Office may require an applicant or member to provide evidence of an entitlement to be charged the reduced membership fee only.
  - 44.1.3 A lesser membership fee for applicants who are financial members of an affiliated union.
- 44.2 Applicants for membership or renewal shall pay to Head Office in accordance with Rule 5.3 or 5.8 the appropriate membership fee applicable to them and fixed in accordance with Rule 44.1.

### **45 Union Affiliation Fees**

- 45.1 Convention shall fix the affiliation fee to be paid to the Party by each affiliated union. To the extent that affiliation fees are fixed by reference to the membership of an affiliated union, Convention shall have regard to the number of members of each affiliated union in accordance with Rule 16.3.1.
- 45.2 Subject to Rule 45.3, affiliated unions shall pay Head Office the affiliation fee as fixed by Convention from time to time in the manner set out in Rule 45.4.
- 45.3 An affiliated union must pay the affiliation fee in respect of not less than 50% and not more than 100% of their financial membership calculated in accordance with Rule 45.7 to Rule 45.13 inclusive.
- 45.4 Affiliation fees shall be paid quarterly in advance in April, July, October and January.
- 45.5 Any disputes regarding an affiliated union's level of affiliation shall be referred to the State Executive for recommendation to the Council for determination.
- 45.6 If an unfinancial union fails to pay its annual affiliation fee within twelve months of the due date (see Rule 45.4) that union shall cease to be an affiliated union. Such union shall only re-affiliate in accordance with Rules 7.2 to 7.5 inclusive.
- 45.7 Each affiliated union's affiliation shall be determined each year by an audit of the union's membership as at 30 June of the preceding year. This audit shall determine the union's maximum affiliation as:
  - 45.7.1 the number of members eligible to vote in a ballot for an office in that union at 30 June as conducted by the appropriate Electoral Commission/s; and
  - 45.7.2 the number of members identified in 45.7.1 above for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year.
- 45.8 Before 4.00pm on the last Friday in February in each year, each union shall provide an independent audit report from the previous year and advice on the number of members the union will affiliate on for the current year.
- 45.9 The independent audit report and affiliation fee advice shall be provided to the PRO in a sealed envelope addressed "Confidential – Union affiliation". These envelopes shall be secured in a ballot box

and opened in the presence of scrutineers at an agreed time and place following the date determined in Rule 45.8. Each affiliated union is entitled to send a scrutineer.

45.10 A union's affiliation for the purposes of determining Convention and Council delegates shall be based upon the three year rolling average of the union's affiliation for the current and the two preceding years. Rule 18.3.2 shall continue to apply with respect to a union attending Convention or Council for the first time.

45.11 If a union fails to lodge an independent audit report by the date determined in Rule 45.8 the PRO shall use the union's previous year's affiliation reduced by 15%.

45.12 Each union shall comply with the following conditions in preparing the independent audit report:

45.12.1 Engage a registered company auditor; and

45.12.2 Request that the work performed in the audit be in accordance with Australian Auditing Standard 802 "The Audit Report on Financial Information Other than a General Purpose Financial Report" and Auditing Guidance Standard 1044 "Audit Reports on Information Provided Other than a Financial Report".

45.13 The independent audit report shall include:

45.13.1 An audit certificate signed by the auditor which shall include advice as set out in Schedule 19;

45.13.2 A statistical return which shall include a figure determined to be equal to or less than the union's maximum affiliation as of 30 June of the year in question.

## **46 Parliamentary Members' Salary Levy**

46.1 Labor Members of Parliament must pay a levy of 6% of their Parliamentary income into a Fund to be used for purposes and activities as determined by the State Secretary and or State Treasurer from time to time.

46.2 The levy provided for in this rule shall be paid by way of payroll deduction where that facility is available or such other facility as agreed by the State Secretary. In all other cases the levy shall be paid monthly no later than fourteen (14) days after the last day of each calendar month.

46.3 For the purpose of this Rule, 'Parliamentary Income' shall include all Parliamentary salaries, allowances, expenses and Committee remunerations that are fixed as annual rates, but shall not include the additional electoral allowance payable to country Members over and above the amounts fixed for metropolitan Members.

46.4 The Party may have a Parliamentary Members Salary Levy Committee, which if appointed shall consist of two (2) members of the State Parliamentary Labor Party elected by them, two (2) South Australian Members of the Federal Parliamentary Labor Party elected by them, the State President, the two (2) Vice- Presidents and the State Secretary. Any proposals to amend Rule 45.1 shall be referred to a Parliamentary Members Salary Levy Committee for a report to a subsequent Convention.

## 47 Election Finance Committee

- 47.1 The State Executive must from time to time consider the likely date or time of the next State election and, no later than 12 months before an election is expected, must by resolution establish an Election Finance Committee.
- 47.2 The members of the Election Finance Committee will be the State Secretary, the Assistant State Secretary and the Leader of the SPLP (or his or her nominee).
- 47.3 The Election Finance Committee must consider how the Party's funds should be applied in light of any statutory limits on expenditure in State election campaigns and must, subject to rule 47.4, recommend to the State Executive how the funds should be applied.
- 47.4 The Election Finance Committee may only make a recommendation under rule 47.3 by unanimous vote.
- 47.5 The State Executive may adopt a recommendation under rule 47.4 only by a two-thirds majority vote.
- 47.6 If there is no recommendation under rule 47.4, or if the State Executive fails to adopt a recommendation by the necessary two-thirds vote, the State Executive may by a two-thirds majority resolution determine how the Party's funds are to be applied in light of statutory limits on expenditure in State election campaigns and any such resolution will be binding on the State Secretary.

## 48 Application of Party Funds

- 48.1 The funds of the Party shall be used for the purpose of carrying out the objectives of the Party.
- 48.2 Subject to the provisions of clause 49, no new bank accounts shall be opened or operated without the approval of the State Secretary.
- 48.3 The members of the Finance Committee shall be:
- 48.3.1 the persons from time to time holding the office of State Secretary and Treasurer;
- 48.3.2 two members of State Executive appointed or reappointed by the State Executive at its first meeting after the Annual Convention; and
- 48.3.3 four members of the Party appointed or reappointed by the State Executive (each appointment or reappointment to be for a term of not more than three years from the date of appointment).
- 48.4 Any two (2) members of the Finance Committee shall be authorised to:
- (a) sign cheques;
- (b) authorise payments by electronic transfer or other means by written statement to the State Secretary and operate the Head Office bank accounts of the Party, provided that all:
- (i) cheques shall be countersigned; and
- (ii) payments shall be authorised in writing by the State Secretary (as the case may be).

## 49 Property Ownership

All books, funds and property of an FEC, a Sub-Branch, Country Labor, SA Young Labor, Labor Women or any other committee or organ of the Party shall be the property of the Party (and shall be sent to the

Head Office when requested by the State Executive).

## **50 ALP Holdings Pty. Ltd.**

- 50.1 ALP Holdings Pty. Ltd., shall be the holder and trustee of such funds and property as may be transferred to it by the Party or as may be donated to it, and shall hold such funds and property upon trust for the purpose of the Party generally:
- 50.1.1 The directors of the ALP Holdings Pty Ltd, shall be:
- (a) the person from time to time holding the office of State Secretary; and
  - (b) three members of the Party appointed or reappointed by a two thirds majority of the State Executive (each appointment or reappointment to be for a term of not more than three years from the date of appointment).
- 50.1.2 Shares in ALP Holdings Pty Ltd are to be held by the person from time to time holding the office of State Secretary and one of the persons appointed as a director in accordance with the procedure set out in clause 50.1.1(b) and such person shall execute declarations of trust in relating to such shares for the benefit of the Party.
- 50.1.3 The Trustee shall have discretion to pay the income of such funds and property to Party Members or for the purposes of the Party, or to accumulate the income.
- 50.1.4 Income accumulated may be added to capital.
- 50.1.5 The Trustee shall have powers of investment and management of such funds and property provided that such investment and management is in accordance with the Party's Principles, Objectives and Platform.

## **51 Auditor**

- 51.1 A registered Auditor who shall be appointed by the State Executive shall:
- 51.1.1 make an annual audit of the accounts of the Party covering the period ending 30 June;
  - 51.1.2 have power to call for all books, papers, vouchers and documents belonging to the Party;
  - 51.1.3 submit a report in writing upon such audit to the State Executive and sign the statements of income and expenditure; and
  - 51.1.4 make an audit at any time at the direction of the State Executive.
- 51.2 Printed copies of the statement of assets and liabilities together with the statement of income and expenditure, and the Auditor's Report of the State Branch shall be supplied to the Delegates at the Annual Convention.
- 51.3 A year for the purpose of this rule shall commence on 1 July each year and end on 30 June in the following year.



## **(G) Conduct of Meetings**

### **52 Standing Orders**

- 52.1 All meetings of Annual Convention, Special Convention, Council, Special Council, State Executive, Special State Executive, FECs, Sub-Branches, Country Labor, Labor Women and the SA Young Labor shall be conducted in accordance with the Standing Orders set out in Schedule 13 to these Rules.
- 52.2 The business of Convention shall be conducted in the manner set out in Schedule 14 unless otherwise determined by Convention.
- 52.3 The business of Council shall be conducted in the manner set out in Schedule 15 unless otherwise determined by Council, in accordance with clause 4 of Schedule 15.
- 52.4 The Order of Business of all meetings of FECs, Sub-Branches, Country Labor, the SA Young Labor and Labor Women shall be conducted in accordance with Schedule 16 unless otherwise determined by the meeting.

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# Schedule 1

**Australian Labor Party (South Australian Branch)**  
**APPLICATION FOR PARTY ENDORSEMENT**  
**(House of Representatives and House of Assembly)**

I,.....  
FULL NAME

of.....  
ADDRESS

Occupation.....

A member of.....  
NAME OF SUB-BRANCH

and a Member of.....  
NAME OF AFFILIATED UNION

desire to apply for endorsement as a candidate for:  
.....  
NAME OF SEAT

Candidate's date of birth.....

Signature.....

Date.....

Below are names and signatures of no less than twenty members who have completed the Probationary Period provided for in rule 5, of which no more than five are from anyone Sub -Branch.

**Endorsement Signatures Required for Nomination**

Candidate: .....

1	Name (as on your ALP Membership Application)	Sub-Branch	Signature
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
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13			
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16			
17			
18			
19			
20			

Not more than 5 endorsements from any one sub-branch.

# Schedule 1A

**Australian Labor Party (South Australian Branch)**  
**APPLICATION FOR PARTY ENDORSEMENT**  
**(House of Representatives and House of Assembly)**

I,.....  
FULL NAME

of.....  
ADDRESS

Occupation.....

A member of.....  
NAME OF SUB-BRANCH

and a Member of.....  
NAME OF AFFILIATED UNION

desire to apply for endorsement as a candidate for:  
.....  
SENATE OR LEGISLATIVE COUNCIL

Candidate's date of birth.....

Signature.....

Date.....

Below are names and signatures of no less than twenty members who have completed the Probationary Period provided for in rule 5, of which no more than five are from anyone Sub -Branch.

**Endorsement Signatures Required for Nomination**

Candidate: .....

1	Name (as on your ALP Membership Application)	Sub-Branch	Signature
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
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19			
20			

Not more than 5 endorsements from any one sub-branch.

## Schedule 2

### Australian Labor Party (South Australian Branch)

#### PARLIAMENTARY CANDIDATE'S PLEDGE

Any member of the Party accepting nomination for pre-selection for the Senate, House of Representatives, House of Assembly or Legislative Council, shall be required to sign the following Pledge:

I hereby agree to consent to and obtain a national police check (at my own expense) and to provide it to the State Secretary upon request to do so. I acknowledge that my failure to do so may result in my nomination as a Labor Candidate not being accepted by the Party.

I hereby agree that I am eligible in accordance with law to contest an election for the Parliament for which I am nominating and, should I be elected or returned to Parliament, to hold such office.

I hereby agree to be bound by the National and State Platforms and Rules of the Australian Labor Party and by all decisions of National Conference, State Convention and State Council that do not conflict with such Objective, Platforms and Rules. I also agree to be bound by decisions of the State Executive that do not conflict with the National and State Platforms or Rules of the Australian Labor Party or with decisions of National Conference, State Convention and State Council.

I hereby pledge myself not to withdraw from an election contest after being duly endorsed, without the consent of the State Executive, nor to oppose a selected candidate of the Party except as provided for in Rule 40. And if returned to Parliament I pledge myself to attend all Caucus meetings and on all occasions to do my utmost to ensure the carrying out of the principles embodied in the Platforms of the Australian Labor Party, and on all questions before Parliament to vote as a majority of the Parliamentary Labor Party may decide at a duly constituted Caucus meeting provided that such decisions do not conflict with the provisions laid down in the previous paragraph.

I pledge myself, if elected, not to resign without first having consulted, and obtained the consent of State Convention, State Council or the State Executive nor to incur any expenditure in the name of the Party, unless it has been authorised by the State Executive or State Campaign Director. I agree to be responsible for payment of, and to indemnify the Party in relation to, any unauthorised expenditure incurred by me or on my behalf. No member shall be eligible to stand for preselection who has an outstanding debt payable to the ALP SA Branch.

I pledge to abide by the Party's Codes for Conduct of Fundraising and Campaign Guidelines.

Signature .....

Address .....

Occupation .....

Member of Affiliated Union .....

Date .....

I hereby acknowledge and agree that I sign this pledge in consideration for the Party accepting my nomination for preselection as a candidate for a Parliamentary Seat in either the House of Assembly or the Legislative Council or the House of Representatives or the Senate and that any failure by me to comply with my obligations in accordance with this pledge may result in my immediate dis-endorsement by the party.

# Schedule 3

## Australian Labor Party (South Australian Branch)

### PLEDGE AND NOMINATION FORM

I, .....

CANDIDATE'S FULL NAME

of .....

SUB-BRANCH

desire to nominate for the position of:

.....

POSITION TO BE CONTESTED

I hereby agree to be bound by the National and State Platforms and Rules of the Australian Labor Party and the Australian Labor Party (South Australian Branch). I also agree to be bound by decisions of the State Executive taken in accordance with these Rules.

Signature .....

Address .....

Occupation .....

Date .....

This form must be used when nominating for State President, State Vice Presidents, State Executive, Delegates to National Conference, Country Labor Executive, Platform Committee, Credential Committee, Agenda Committee, and Campaign Committee.



## Schedule 4

### Australian Labor Party (South Australian Branch)

#### CONVENTION AND COUNCIL DELEGATE'S PLEDGE

I hereby agree to be bound by the, National and State Platforms and Rules of the Australian Labor Party. I also agree to be bound by decisions of the State Executive taken in accordance with these Rules.

Signature.....

Address .....

.....

Occupation .....

Date .....

# Schedule 5

## Australian Labor Party (South Australian Branch)

### PLEDGE AND NOMINATION FORM

#### Convention and Council Delegate Nomination

I, .....

CANDIDATE'S FULL NAME

of .....

SUB-BRANCH

desire to nominate for the position of:

.....

POSITION TO BE CONTESTED

I hereby agree to be bound by the National and State Platforms and Rules of the Australian Labor Party and the Australian Labor Party (South Australian Branch). I also agree to be bound by decisions of the State Executive taken in accordance with these Rules.

Signature .....

Address .....

Occupation .....

Date .....

Below are the names and signatures of the two required Party members who endorse my nomination.

Name .....

Signature .....

Name .....

Signature .....

# Schedule 6

## Australian Labor Party (South Australian Branch)

### NOTIFICATION OF BALLOT

On 1 July nominations opened for the election of .....delegate(s)  
to represent ..... at ALP State Conventions  
and of .....delegate(s)  
to represent the .....at ALP State Councils.

The nominations were as follows:

**Convention delegate(s)**

**Council delegate(s)**

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

As the number of nominations exceed the number of vacancies, a ballot will be held on Sunday,  
.....August between the hours of 12 noon and 5pm and on Monday,  
.....August between the hours of 6pm and 8pm at  
.....



NAME OF LOCAL RETURNING OFFICER

.....

SIGNATURE OF LOCAL RETURNING OFFICER

.....

NAME OF DEPUTY RETURNING OFFICER

.....

SIGNATURE OF DEPUTY RETURNING OFFICER

# Schedule 8

## Australian Labor Party (South Australian Branch)

### BALLOT PAPER

For the positions of .....

NO. OF POSITIONS / DELEGATES

to .....

ALP STATE COUNCIL/ALP STATE CONVENTION

from the.....

NAME OF SUB-BRANCH/DISTRICT ASSEMBLY/ FEDERAL ELECTORATE COUNCIL/SA YOUNG LABOR

#### List of Candidates (in alphabetical order)

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- You must number every square.
- Rule 26 Affirmative Action applies.

# Schedule 9

## Australian Labor Party (South Australian Branch)

### PROCEDURES FOR CONDUCT OF BALLOT FOR ELECTION OF DELEGATES TO CONVENTION AND COUNCIL (RULE 28.11)

#### 1 Procedures

- 1.1 As far as practicable, the PRO and DROs shall follow the same procedures as apply from time to time in ballots conducted by the Australian Electoral Commission, such as the exclusion from the polling place of persons other than members voting, the Returning Officers and the candidates' scrutineers.
- 1.2 No member, having received his or her ballot paper, shall be permitted to remove their ballot paper from the polling place without rendering the ballot paper informal.
- 1.3 The procedures contained in clause 4 of Schedule 10 apply to How to Vote Cards.

#### 2 Issue of Ballot Papers

- 2.1 The PRO or a DRO shall be responsible for the issue of ballot papers.
- 2.2 The commonly used name as well as the surname of each candidate shall be printed on the ballot papers.
- 2.3 The PRO or a DRO may request proof of identity and residence of a prospective voter and, if not satisfied, shall refuse a vote, provided that the prospective voter may then cast a declaration vote. Such votes shall be handled in the following manner:
  - (a) The ballot paper completed by the voter shall be placed in an envelope;
  - (b) This envelope shall be placed inside a larger envelope, upon which shall be written the name and address of the person casting the declaration vote and both the reason for the refusal of the vote and any explanation given by the person casting the vote. The PRO or a DRO and the person casting the declaration vote shall then both sign the envelope;
  - (c) Both envelopes shall be placed in the ballot box;
  - (d) Before the counting of the ballot, the PRO shall make a ruling as to the validity of the vote.
- 2.4 The PRO or a DRO on issuing the ballot paper:
  - (a) shall cross the name of the member from the roll in ink.
  - (b) shall initial the ballot paper in ink.
- 2.5 A spoiled ballot paper may be returned by the member and replaced with another by the PRO or a DRO.

#### 3 Close of Ballot and Conduct of Count

- 3.1 At the close of the ballot the PRO or a DRO shall take the sealed ballot box to a venue determined by the PRO for counting. The PRO or his or her nominee shall open the ballot box.
- 3.2 The PRO shall declare the required number of delegates elected in order and shall make a return to the State Secretary within forty eight (48) hours in a form consistent with Schedule 7.
- 3.3 Scrutineers nominated in accordance with Rule 28.10.4 shall be allowed reasonable observation when the counting of the ballot is taking place.

- 3.4 The ballot papers and/or any other related material must remain secure in Head Office for seven days after the declaration of the ballot.
- 3.5 The PRO shall in the presence of a witness, seal the ballot papers in an envelope and the PRO and the witness shall sign across the seal.



# Schedule 10

## ELECTION PROCEDURES FOR CONVENTION AND COUNCIL ELECTIONS (RULE 33.1)

### 1 Content of Ballot Paper

- 1.1 The commonly used name as well as the surname of each candidate shall be used on ballot papers.

### 2 Nominations

- 2.1 Where a ballot is to be held at Council or Convention then:
  - (a) when Council or Convention starts on a working day, nominations shall not be withdrawn later than 12 noon on that day;
  - (b) when Council or Convention starts on a weekend or a public holiday, nominations shall not be withdrawn later than 12 noon on the last working day before commencement of Council or Convention.
- 2.2 Notwithstanding clause 2.1, the PRO shall accept a withdrawal of a nomination later than the time specified in clause 2.1, and if necessary shall count through the name of a withdrawn nominee for the purposes of a ballot.

### 3 Duties of PRO

- 3.1 The PRO shall put a resolution to each Convention and Council meeting whenever a ballot is to be conducted, containing details of the time, place and general procedures that are proposed for the holding of the ballot, which resolution shall be voted on by Convention or Council.
- 3.2 The PRO shall take such measures as are practicable to ensure that no interference occurs to any delegate or member whilst voting is proceeding.
- 3.3 As soon as practicable after a ballot has been conducted, the PRO shall announce the result and declare the successful candidate elected and advise the State Secretary accordingly.

### 4 How to Vote Cards

- 4.1 Candidates for election to positions in the Party including Preselections may distribute to delegates a how-to-vote card authorised by the candidate or a member of the Party on the candidate's behalf.
- 4.2 All how to vote cards must comply with the following requirements:
  - 4.2.1 The card shall not contain any untrue statements.
  - 4.2.2 The card shall list all candidates contesting the positions.
  - 4.2.3 The compliance with any how-to-vote instructions on the card must not result in an informal vote.
  - 4.2.4 The name/s of members authorising the card must be printed on the card.
  - 4.2.5 The card shall not attack any other member of the Party.

### 5 Conduct of Ballot

- 5.1 The PRO, any assistants appointed by the PRO, and any scrutineers appointed under rule 33.2 shall be the only persons present during the counting of any ballot.
- 5.2 In the event of there being a tied vote of any Convention or Council, then a drawing of lots shall take place to determine which of the tied candidates is successful.

5.3 A candidate may request the PRO to conduct a recount of the ballot before the result is declared by the PRO. The PRO shall have the discretion to decide whether a recount is warranted.

# Schedule 11

## CONDUCT OF LOCAL COMPONENT BALLOT FOR PRE-SELECTION OF CANDIDATES (Rule 34.4)

1. The PRO shall cause to have printed ballot papers for the Preselection ballot, listing the names of each candidate in alphabetical order.
2. The PRO shall be responsible for the safe keeping of the ballot papers.
3. The opening and closing times of the ballot shall be as follows: Sunday 12 noon-5pm and the following Monday 6pm-8pm.
4. The venue for the holding of the ballot shall be selected by the PRO who shall take such measures as are practicable to ensure that it is accessible to as many eligible members as is possible, taking into account such factors as public transport, car parking and access for the disabled.
5. The PRO shall discharge the following responsibilities in relation to the ballot:
  - 5.1 select the venue for the holding of the ballot.
  - 5.2 establish the polling booth.
  - 5.3 take such measures as are practicable to ensure that any member is able to vote in secret.
6. As far as practicable the PRO shall follow the same procedures as apply, from time to time, in ballots conducted by the Australian Electoral Commission, such as the exclusion from the polling place of persons other than the eligible members voting, the PRO, Assistants and Scrutineer(s).
7. The Party shall meet all reasonable costs of establishing the polling booths.
8. No eligible member having received their ballot papers shall be permitted to remove their ballot paper from the polling place, without rendering the ballot paper informal.
9. The PRO or his or her assistant is responsible for the issue of ballot papers. Each ballot paper shall be personally initialled in ink by the PRO. The PRO shall, on issuing the ballot paper, cross the name of the eligible member from the roll in ink.
10. The PRO shall allow inspection by Scrutineers of the Master roll at the end of voting on Sunday.
11. Each eligible member on receiving the ballot paper shall vote for candidates in order of preference, by placing a number alongside the name of each of the candidates and shall place the completed ballot paper in a ballot box provided by the PRO.
12. Completed ballot papers are to be placed in a ballot box provided by the PRO which shall remain secure until the conclusion of the ballot.
13. The PRO may request proof of identity, and/or residence of any person seeking to vote in the Preselection ballot and may refuse to provide a ballot paper if the PRO is not satisfied as to any person's identity and/or residence.
14. If the PRO refuses a vote he or she must allow the prospective voter to cast a declaration vote that is then placed inside a double envelope and put in the ballot box. The election will proceed notwithstanding any dispute over the issue of ballot papers.

15. The PRO must advise any person denied a ballot paper that they may appeal to the Disputes Tribunal by lodging a written notice of appeal within forty eight (48) hours of the time of refusal with the State Secretary together with a \$50.00 deposit. The Tribunal shall, subject to any other rules contained herein, confirm or rescind the PRO's decision within seven (7) days of the appeal being lodged.
16. At the conclusion of the ballot, the PRO shall open the ballot box, in the presence of a witness, and without counting the ballot papers contained therein shall seal them in an envelope. The PRO and the witness shall sign across the seal.
17. The PRO shall take all steps necessary to keep the ballot papers secure and shall lodge the sealed envelope with the Gouger Street branch of the Commonwealth Bank of Australia or such other place as may be nominated by the PRO the day following the closure of the ballot. Only the PRO or a person acting under his or her written instructions shall have the authority to retrieve the sealed envelope.
18. The PRO shall retrieve the sealed envelope containing the ballot papers prior to the conclusion of the Preselection ballot conducted by the central component, and shall count the local component in accordance with Rules 34.5.1 and 34.5.2. In the event of an appeal under clause 15 of this schedule, the count shall not commence until the Disputes Tribunal has determined the appeal.
19. The ballots cast for the local component shall be kept separate.

## Schedule 12

### CONDUCT OF SUB-BRANCH DELEGATE AND UNION COMPONENT BALLOT FOR PRE-SELECTION OF CANDIDATES (Rule 34.4 and 34.5)

1. On the day of the Preselection ballot of the Sub-Branch Delegate and Union component, the PRO shall establish a separate and distinct polling area for the conduct of any ballots.
2. The venue of the polling booth shall be the place determined by the State Executive. In establishing a separate polling area, the Party Returning Officer must take such measures as are practicable to ensure that each eligible delegate's vote can be cast in secret.
3. As far as practicable the procedures of the Australian Electoral Commission shall be followed, such as the exclusion from the polling booth of persons other than the eligible delegates voting, the Party Returning Officer, his or her assistants and the candidates scrutineer(s).
4. No eligible delegate having received their ballot paper shall be permitted to remove their ballot paper from the polling place without rendering their ballot paper informal.
5. The polling booth shall be open from 10am-1pm unless otherwise determined by Convention.
6. Each eligible delegate shall be issued a ballot paper by the PRO personally initialled in ink. The PRO shall, on issuing the ballot paper, cross the name of the eligible delegate from the roll in ink.
7. Ballot papers shall be issued by the PRO as follows:
  - 7.1 In the case of ballots for seats in the House of Assembly or House of Representatives, the PRO shall issue to eligible delegates representing an affiliated union a white ballot paper.
  - 7.2 The PRO shall issue other eligible delegates a different coloured ballot paper.
8. The PRO may request proof of identity of any eligible delegate and may refuse to issue a ballot paper to any person who is unable to provide proof of identity.
9. If the PRO refuses to provide a ballot paper he or she must allow the prospective voter to cast a declaration vote that is then placed inside a double envelope and put in the ballot box. The election will proceed notwithstanding any disputes over the issue of ballot papers.
10. The PRO must advise any person denied a ballot paper that they may appeal to the Disputes Tribunal by lodging a written notice of appeal within forty eight (48) hours of the time of refusal with the State Secretary together with a \$50 deposit. The Disputes Tribunal shall, subject to any other rules contained herein, confirm or rescind the PRO's decision within seven (7) days of the appeal being lodged.
11. Each eligible delegate shall vote by placing a number against each of the names of the candidates in order of their preference.
12. At the close of the ballot the PRO shall immediately seal the polling booth area from persons other than the PRO, his or her assistants and authorised scrutineers and commence the count in accordance with Rules 34.5.1 and

34.5.2. In the event of an appeal under clause 11 of this schedule, the count shall not commence until the Tribunal has determined the appeal.

## Schedule 12A

### POSTAL BALLOTS

1. The PRO shall cause to have printed ballot papers for the Preselection ballot, listing the names of each candidate in alphabetical order.
2. The PRO shall be responsible for the safe keeping of the ballot papers.
3. All full members eligible to vote will be mailed a ballot paper and a prepaid envelope (with the seal of the Australian Labor Party (South Australian Branch) addressed to the Head Office of the Party in South Australia.
4. The PRO or his or her assistant is responsible for the issue of ballot papers. Each ballot paper shall be personally initialled in ink by the PRO.
5. The PRO shall, on issuing the ballot paper, cross the name of the eligible member from the roll in ink.
6. At the end of each business day after the issuing of ballot papers the PRO or his or her assistant will attend the Head Office of the Party in South Australia to place those pre-paid envelopes with the seal of the Australian Labor Party South Australian Branch in a secure place to be determined by State Executive.
7. The PRO shall allow inspection by Scrutineers of the Master roll at the end of voting.
8. Each eligible member on receiving the ballot paper shall vote for candidates in order of preference, by placing a number next to the name of every candidate and shall place the completed ballot paper in an envelope addressed to the Head Office of the Party in South Australia.
9. The PRO may request proof of identity, and/or residence of any person seeking to vote in the Preselection ballot and may refuse to provide a ballot paper if the PRO is not satisfied as to any person's identity and/or residence.
10. If the PRO refuses a vote he or she must allow the prospective voter to cast a declaration vote that is then placed inside a double envelope and put in the ballot box. The election will proceed notwithstanding any dispute over the issue of ballot papers.
11. The PRO must advise any person denied a ballot paper that they may appeal to the Disputes Tribunal by lodging a written notice of appeal within forty eight (48) hours of the time of refusal with the State Secretary together with a \$50.00 deposit. The Tribunal shall, subject to any other rules contained herein, confirm or rescind the PRO's decision within seven (7) days of the appeal being lodged.
12. At the conclusion of the ballot, the PRO shall open the ballot box, in the presence of a witness, and without counting the ballot papers contained therein shall seal them in an envelope. The PRO and the witness shall sign across the seal.
13. The PRO shall retrieve the sealed envelope containing the ballot papers prior to the conclusion of the Preselection ballot conducted by the Sub-Branch Delegate and Union component, and shall count the local component in accordance with Rule 34. In the event of an appeal under clause 15 of this Schedule, the count shall not commence until the Disputes Tribunal has determined the appeal.
14. The ballots cast for the local component shall be kept separate.

## Schedule 13

### GENERAL STANDING ORDERS FOR MEETINGS (Rule 52.1)

- 1 All motions shall be:
  - 1.1 of an affirmative character;
  - 1.2 duly proposed and seconded; and
  - 1.3 the property of the meeting.
- 2 Motions may be:
  - 2.1 of an affirmative character;
  - 2.2 withdrawn only by leave;
  - 2.3 adjourned from time to time; and
  - 2.4 amended or altered until a decision is arrived at.
- 3 A motion may be amended and further amended at any time during the debate thereon by:
  - 3.1 striking out certain words;
  - 3.2 adding certain words; or
  - 3.3 striking out certain words and inserting others in their place, provided that the effect from any proposed amendment is not to establish a direct negative to the original motion.
- 4 A proposal that an item be referred to another body for consideration shall be regarded as an amendment.
- 5 Upon any amendment being carried it shall take the place of the original motion.
- 6 A motion may be superseded at any time by:
  - 6.1 another motion that it be discharged from the notice paper; or
  - 6.2 a motion that the next order of business be proceeded with being resolved in the affirmative.
- 7
  - 7.1 When a motion has been duly proposed and seconded, the Chairperson shall at once proceed to take the votes thereon unless some member rises to oppose it or propose an amendment.
  - 7.2 Not more than two (2) members shall speak in succession, either for or against any question before the meeting. **(Sequence of Speakers)**
  - 7.3 If at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting. **(Motion to be put)**
  - 7.4 Provided that the mover of an indicated amendment shall have the right to speak, after which the mover of the motion before the chair shall have the right to reply.
- 8
  - 8.1 A debate may be closed at any time by a motion, 'That the question be now put' being resolved in the affirmative, when the mover of the motion shall reply. **(Closing of Debate)**
  - 8.2 After the motion 'That the question be now put' has been carried, and before the mover has replied, a member may, at the discretion of the Chairperson, be allowed to ask a question.



8.3 After a motion has been moved and seconded, the debate shall not be closed by the motion 'That the question be now put' until two (2) speakers have been allowed to oppose the motion if they desire to do so. **(Debate not to be closed)**

9

9.1 Any member desiring to speak shall rise and address the Chairperson. **(Right to speak)**

9.2 If two (2) or more members rise, the Chairperson shall call upon the member who, in his or her opinion first rose to speak.

10 A member shall not speak more than once upon any question except: **(Not to speak more than once)**

10.1 the mover in reply upon an original motion;

10.2 in explanation or correction of some matter during the debate; or

10.3 upon a point of order raised during the debate.

11 A member shall not be held to have spoken if the member only uses the words 'I second the motion' or 'I second the amendment', as the case may be but for the purpose of debate, shall be deemed to be the second speaker in favour of the motion or amendment. **(Sequence of Speakers)**

12

12.1 The Chairperson shall put all questions in a distinct and audible voice to the meeting by asking the 'Ayes' to vote first and afterwards the 'Noes' and shall declare his or her opinion as to which has a majority.

**(Method of Voting)**

12.2 Any member may demand a show of hands when the vote shall be taken in like manner. **(Show of Hands)**

12.3 Any member may demand a division by standing in his or her place. The Chairperson shall take the votes by asking the 'Ayes' to go to the right of the Chair and the 'Noes' to the left. **(Division)**

13 No member shall speak on any question while it is being put by the Chairperson, nor during a division, except to a point of order. **(Not to Speak)**

14

14.1 No member shall vote on any show of hands who was not present when the question was first put. **(Not to Vote)**

14.2 No member shall be permitted to enter or leave the room at the calling of or during a division without the Chairperson's permission.

14.3 Every member present during a division shall vote. **(Shall Vote)**

15 Any member speaking must resume his or her seat at once if:

15.1 the Chairperson speaks; or

15.2 a point of order is raised, and shall not resume his or her speech until the point of order has been decided. **(Point of Order)**

16

16.1 The Chairperson shall have a deliberative vote and not a casting vote, and in the event of the vote being equal the question shall be decided in the negative. **(Chairperson to have a Deliberative Vote)**

113

16.2 The Chairperson's decision or ruling shall in all cases be final, unless a motion disagreeing with such a decision or ruling be carried by a majority of the members present at the time of such decision or ruling being given. **(Chairperson's Decision Final)**

16.3 Only the mover and the Chairperson shall have the right to speak on the Motion disagreeing with the Chairperson's ruling. **(Disagreement with the Chairperson's ruling)**

17 Time of speaking shall be limited to five (5) minutes for mover, three (3) minutes for other speakers, and five (5) minutes to reply, unless an extension of time is granted. **(Time of Speaker)**

18

18.1 In the event of any member infringing any of the Standing Orders, the Chairperson shall call the member to order.

18.2 Should the member persist in such conduct, the member may be suspended by the Chairperson for the remainder of the meeting, provided such suspension is confirmed by a majority of the members present at the meeting. **(Infringement of Standing Orders)**

19 A meeting may, by resolution at any time, resolve itself into a Committee of the whole. **(Committee of the Whole)**

20 Matters which are ruled by the Presiding Officer as 'social questions' may be freely debated within the South Australian ALP but any decisions taken shall not be binding on members of the Party. **(Conscience Issues)**

## Schedule 14

### STANDING ORDERS FOR CONVENTION (Rule 52.2)

- 1 In addition to the Standing Orders contained in Schedule 13 the following Standing Orders shall apply at the Annual and Special Conventions.
- 2
  - 2.1 President to declare Convention open and welcome delegates.
  - 2.2 Report of Credentials Committee.
  - 2.3 Admittance of Visitors.
  - 2.4 Admittance of the media or the appointment of a Media Committee.
  - 2.5 Decide sessions of Convention.
  - 2.6 Minutes of Convention as Official Report.
  - 2.7 Financial Statement and Auditor's Report.
  - 2.8 President's Address.
  - 2.9 Federal Parliamentary Labor Party Leader's Address.
  - 2.10 State Parliamentary Labor Party Leader's Address.
  - 2.11 State Secretary's Report, Election of State Executive, National Conference Delegates and Committees.
  - 2.12 Agenda Committee Report and Recommendations
- 3
  - 3.1 A motion for the adjournment of a debate may be proposed at any time during such debate provided the mover, but no other person, other than those provided for in this Rule, shall be entitled to speak for three (3) minutes unless an extension of time is granted.
  - 3.2 If time is mentioned in the adjournment motion an amendment to alter the time may be proposed, but the mover of the amendment shall confine his or her remarks to the question of time.
  - 3.3 The mover of the motion, proposed to be adjourned shall be entitled to speak before the adjournment motion is put.
- 4 Motions discussed and voted on by a Convention shall not be reconsidered unless with the consent of a two-thirds majority of that Convention.
- 5 Only the business for which a Special Convention has been called shall be dealt with.

## Schedule 15

### STANDING ORDERS FOR COUNCIL (Rule 52.3)

- 1 In addition to the Standing Orders contained in Schedule 13 the following Standing Orders shall apply at all meetings of Council.
- 2
  - 2.1 Application for affiliation.
  - 2.2 Confirmation of Minutes.
  - 2.3 Business arising out of the Minutes.
  - 2.4 Financial Statement.
  - 2.5 State Executive's Report.
  - 2.6 Discussion of business of which notice has been given at the previous meeting  
Motions for Sub-Branches
  - 2.7 Items submitted by affiliated unions
  - 2.8 Reports of Committees and consideration of any business in connection with those committees.
  - 2.9 Each Council meeting shall be allocated a part of the platform to serve as a focus of debate. Priority on the agenda shall be given to motions that relate to that part.
  - 2.10 Notices of Motion
  - 2.11 General Business
- 3 The business at Special Meetings of Council shall be confined to reading the notice convening the meeting, and consideration of the subject for which the meeting was called. **(Special Council Meeting)**
- 4
  - 4.1 The only Standing Order which may be suspended is that determining the Order of Business, and this shall not be suspended before 8.30 p.m. unless it is on the recommendation of the State Executive to deal with urgent business. **(Suspension of Order of Business)**
  - 4.2 The Chairperson shall take the Chair at 7.30pm and the meeting shall close no later than 10pm.
- 5 It shall be competent by a simple majority of the members present for Council to suspend the order of business after 8.30pm provided that the business to be brought forward is authorised by the organisation which the member represents. **(Suspension of Order of Business)**
- 6 The debate on matters before the meeting shall cease no later than 9.50pm and a vote taken providing that two (2) members have had the opportunity to oppose the motion or an adjournment is not secured. The mover shall have the right to reply. **(Debate to cease)**
- 7 Any member under instructions from the member's organisation may, at any ordinary meeting of Council, give notice of Motion for a future meeting by reading such notice to Council and handing a copy thereof to the Chairperson. **(Notice of Motion)**

- 8 Such 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 Council and shall lapse if the member or some member on the member's behalf be not present when such notice is read. **(Precedence of Notice of Motion)**
- 9 Subject to Schedule 15 – 2.9, when a motion for the adjournment of the Council has been carried, the business then undisposed of shall have precedence at the next meeting. **(Precedence of Notice of Motion)**
- 10
- 10.1 A motion for the adjournment of either the State Council or a debate may be proposed at any time during the meeting of the State Council or the debate, as the case may be provided the mover, but no other person other than those provided for in this Rule, shall be entitled to speak for three (3) minutes unless an Extension of Time is granted.
- 10.2 If time is mentioned in the adjournment, an amendment to alter the time may be proposed, but the mover of the amendment shall confine his or her remarks to the question of time.
- 10.3 The mover of the motion proposed to be adjourned shall be entitled to speak as if in reply, before the adjournment motion is put.
- 10.4 When a motion to adjourn the State Council is proposed, the State Secretary shall be entitled to speak, as if in reply, before the motion of adjournment is put.
- 11 Any Motion discussed and voted on by the State Council shall not be again debated or rescinded within three (3) months from the date of carrying such Motion, unless:
- 11.1 A Motion has been carried ordering a Special Meeting of the State Council for that purpose; and
- 11.2 A Special State Council Meeting is called under Rule 17.3.
- 11.3 This rule can be suspended when a two thirds majority is obtained **(Motion not be again Debated)**
- 12 A majority of the members present at the Special State Council Meeting may rescind any former decision of the State Council.
- 13 Subject to the Standing Orders, a Motion for a Special Meeting for the State Council may be proposed at any time without previous notice upon any meeting night. **(Special Meeting of State Council)**
- 14 No Motion carried by the Council shall be invalid by reason of the informality in convening a meeting. **(Motion not to be Invalid)**
- 15
- 15.1 No member shall be allowed to obtain a discussion upon any subject unless that matter has been forwarded by way of correspondence from an affiliated Organisation (provided the correspondence reaches Head Office at 4.45pm on the day, one week, preceding the meeting of State Council) or by leave of Council. **(To be forwarded by an Organisation)**
- 15.2 Notwithstanding 15.1 above, any delegate may obtain a discussion on any subject provided:
- 15.2.1 the subject matter has arisen since the closing time of agenda items; and

15.2.2 is of extreme urgency or has considerable political significance. By moving for the suspension of Standing Orders which to be carried must be supported by a majority of at least two-thirds of the delegates attending the meeting.

## Schedule 16

### ORDER OF BUSINESS (Rule 52.4)

- 1 Applications for Membership (Sub-Branch meetings only)
  - 1.1 Apologies.
  - 1.2 Reading or tabling of Minutes.
  - 1.3 Business arising out of the Minutes.
  - 1.4 Financial Statement.
  - 1.5 Discussion of business of which notice has been given at the previous meeting.
  - 1.6 Correspondence.
  - 1.7 Notices of Motions.
  - 1.8 General Business.
- 2 A maximum of five (5) minutes shall be allowed for each report, unless an extension of time is granted.
- 3 Unless otherwise determined, the meeting shall open no earlier than 6.30pm and the meeting shall close no later than 2.5 hours after the Chairperson takes the Chair “meeting close time”). The debate on matters before the meeting shall cease no later than 10 minutes prior to the meeting close time and a vote taken providing that the two (2) members have had the opportunity to oppose the Motion or an adjournment is not secured. The mover shall have the right of reply.

## Schedule 17

### ALLOCATION OF DELEGATES TO AFFILIATED UNIONS (Rule 18.4)

- 1 Delegates shall be allocated to affiliated unions ('unions') for representation at Convention and Council in accordance with the procedure set out below.
- 2 The allocation process is subject to the requirement that a union must have an average membership of at least 100 calculated pursuant to Rule 16.3 before it can be included in the allocation process or have an entitlement to any delegate.
- 3 The allocation shall proceed in accordance with the following steps:
  - 3.1 The average membership of each union is calculated pursuant to Rules 45.7 to 45.13 and Rule 18.3.1 to produce a 'union membership number'.
  - 3.2 The union membership numbers of all unions shall be aggregated to produce a 'total union membership number'.
  - 3.3 Each union which has a union membership number of at least 100 shall have a 'primary delegate entitlement' of one delegate.
  - 3.4 The primary delegate entitlement of all unions shall be aggregated. This number shall be subtracted from 100 to produce the 'remaining delegate number'.
  - 3.5 The union membership number for each union is divided by the total union membership number and then multiplied by the remaining delegate number to produce a 'secondary delegate entitlement' for each union.
  - 3.6 Each union is allocated the number of delegates equivalent to the whole number of the secondary delegate entitlement applicable to that union. Any fractions are to be ignored.
  - 3.7 The primary delegate entitlement of each union is added to the secondary delegate entitlement of each union to produce a 'tertiary delegate entitlement' for each union.
  - 3.8 If less than 100 delegates have been allocated, then the balance shall be allocated as follows:
    - 3.8.1 the union membership number for each union is divided by the total union membership number and then multiplied by 100 to produce a 'notional union membership entitlement' (this number shall be expressed to three decimal places);
    - 3.8.2 the tertiary delegate entitlement for each union shall be subtracted from the notional union membership entitlement for each union to produce an 'entitlement differential' for each union;
    - 3.8.3 except for the calculation provided in (iv) below, the entitlement differential of every union shall be calculated once only in this process;
    - 3.8.4 a delegate shall be allocated to the union with the highest entitlement differential and one (1) shall be subtracted from its entitlement differential. This then becomes that union's entitlement differential. At the completion of that step, if there are delegates still to be allocated, this process is repeated by identifying the union with the highest entitlement differential and allocating it a delegate (and subtracting one (1) from its entitlement differential);



- 3.8.5 the process in (38.4) above is repeated until no delegates remain to be allocated;
- 3.8.6 should more than one union possess an equal entitlement differential then a drawing of lots shall take place to determine which union shall be allocated another delegate.

## Schedule 18

### ALLOCATION OF DELEGATES TO STATE DISTRICTS (Rule 18.10)

- 1 Delegates shall be allocated to State Districts for the purposes of representation at Convention and Council in accordance with the procedure set out below.
- 2 The procedure is subject to the terms of Rule 18.11.
- 3 The allocation shall proceed in accordance with the following steps:
  - 3.1 The number of members of each State District is calculated pursuant to Rule 18.3.3 to produce a 'State District membership number'.
  - 3.2 The State District membership numbers of each State District are added together to produce a 'total State District membership number'.
  - 3.3 The State District membership number for each State District is divided by the total State District membership number and then multiplied by the number of delegate positions available (96) to produce a 'basic delegate entitlement' for each State District.
  - 3.4 Each State District is allocated the number of delegates equivalent to the whole number of the basic delegate entitlement applicable to that State District. Any fractions are ignored in this initial allocation process.
  - 3.5 If less than 96 delegates have been allocated in the initial allocation process, the remaining delegate allocations shall be made as follows:
    - 3.5.1 if a State District or State Districts with at least 25 members have not been allocated a delegate, each such State District shall be allocated one delegate;
    - 3.5.2 if the circumstance referred to in (3.5.1) above do not apply, or if there are still delegate positions to be allocated after all eligible State Districts have been allocated at least one delegate, the remaining delegate allocations shall be made progressively to State Districts in the order of the State District(s) with the highest fraction above the whole number of the basic delegate entitlement until all 96 delegate positions have been allocated.

# Schedule 19

## Australian Labor Party (South Australian Branch)

### TRADE UNION AFFILIATION

(It is not a requirement that this form be used, but all the information required below MUST be provided)

I certify that I have inspected the membership records and financial records of the

.....

NAME OF AFFILIATED UNION

I certify that as of the 30th day of June 20 ....., this Union

has ..... members who meet the requirements of Rule 45.7;

- 1) Rule 45.7.1: the number of members eligible to vote in a ballot for an office in that union at 30 June (of that year) as conducted by the appropriate electoral Commissions; AND
- 2) Rule 45.7.2: the number of members identified in 45.7.1 above for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year. I am satisfied that I have been presented with all the necessary information that I require to make this declaration.

Name .....

Company .....

Address .....

Telephone .....

Signature of Auditor .....

This advice must be provided to the ALP before 4pm on the last Friday in February of each year. (Rule 45.8)

Unions may affiliate for not less than 50% and not more than 100% of their financial membership. (Rule 45.3)

# Schedule 20

## Australian Labor Party (South Australian Branch)

### APPEAL TO THE DISPUTES TRIBUNAL

I, .....

APPELLANT'S FULL NAME

Hereby lodge an appeal to the Disputes Tribunal pursuant to Rules 23.4 to 23.7.

The decision or administrative action I complain of is:

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Please attach further information and supporting documentation if necessary.

A \$50.00 deposit is required by be lodged at the time of lodging this appeal (Rule 23.4.5(e)).

Please note - the State Secretary shall forward a copy of the appeal to any named respondent or to any Party with an appropriate interest.

# Appendix A

## ALP CODE OF CONDUCT FOR FUNDRAISING

### Preamble

Australia's political and economic stability is dependent on the strength of our democracy. The Labor Party believes that democracy in Australia will be strengthened by moderate and equal financial contributions from corporate Australia to both sides of politics.

- This code of conduct establishes the conditions that govern fundraising by the Labor Party at State, Territory and National levels. It is binding on all Labor Party branches, units and candidates for public office.
- Funds are raised by the Organisational wing of the Labor Party to assist candidates for public office to gain and/or maintain office.
- Funds are needed for policy development, Party administration and, most importantly, campaigning. All these political tasks must be carried out Federally and in each State and Territory.
- Each State, Territory and National Secretary of the Labor Party has a responsibility to raise funds.
- Campaign responsibilities can overshadow the need for adequate funds to support a strong and effective party organisation. Lack of funding for party maintenance and administration not only drains the Party's ability to develop policy and membership, but also undermines Labor's ability to campaign effectively and therefore undermines the stability of Australia's political system.

### Organisation of Fundraising

- The Party's National Director of Fundraising is the National Secretary. State and Territory Directors of Fundraising are the relevant State or Territory Secretary.
- Each State and Territory Branch and the National Secretariat raise funds cooperatively but separately.
- Each State and Territory Branch and the National Secretariat has a Finance Committee and a Fundraising Director. These individuals and their committees and/or donation collectors have sole responsibility for fund raising for their respective Branches. Each Branch organises its efforts independently and according to its own methods.
- State and Territory Finance Committees, all of whose members act in a voluntary capacity, collect funds from individual unions and corporations. Such funds supplement the Party's income from normal membership dues and affiliation fees.
- The National Secretariat collects funds for national campaigning, maintenance of the National Secretariat and the support of various State Branches. These funds support the National Secretariat's role of national policy development, assistance to the Federal Parliamentary Party and maintenance of the Party's professional and voluntary organisation throughout Australia.
- State, Territory and National offices shall operate systems of 'centralised banking'.
- All local campaign and other party accounts will be held under the relevant State or Territory central banking system with the relevant Tax File Number.

### Conditions

- The Labor Party observes a fundraising code of conduct. This code is fundamental to the integrity of the Party and its organisational and Parliamentary members.
  - Parliamentarians can, and should, voice the Party's needs for funds or services and on occasions sign appeal letters.
  - On reasonable request, Parliamentarians can, and should, speak or appear at Labor Party fundraising events.

- Members of the Parliament or candidates should not accept money or services on the Party's or their own behalf, above the amount of \$3000 from any one source. Donations that are accepted must be held in appropriate Labor Party central banking accounts styled in the form: Australian Labor Party Campaign Account.
- Any funds held in accounts, or otherwise not under a State or Territory central banking system with the relevant Tax File Number, will be regarded by the Australian Labor Party and any other interested party as 'personal accounts'.
- Cheques should be made payable to the Australian Labor Party named account, not individuals.
- It is the legitimate responsibility of the relevant Fundraising Director, Finance Committee members and/or collectors to accept money on behalf of the Party.
- On the written authority of the relevant State, Territory or National Secretary, Parliamentarians or Candidates may act as fundraising agents for the Labor Party.
- Members of parliamentary executives may not be asked to act as fundraising agents or collectors.
- The detail of donations shall be publicly disclosed as per the requirements of the Commonwealth Electoral Act 1918.
- The Labor Party does not accept funds that are subject to conditions of any kind.
- Under no circumstances will the Labor Party accept funds which, even if only by inference, are intended to obtain the Party's support for specific actions, attitudes or public statements.
- Donors have a right to put views to the Party – but a right to no more than that.
- The Labor Party never raises funds on behalf of any other Party or Organisation.
- Candidates for public office who act outside these guidelines will be liable to sanctions by the relevant Labor Party Caucus or State or Territory Administrative Committee or other interested parties.

## Party Presidents

1891 F.A. Freer

1892 A.A. Kirkpatrick

1893 G. McGregor

1894 J. Hutchison

(No records have been found between 1894 and 1898, but in 1899 a Conference was held and the United Labor Party formed then has continued throughout the years.)

1897 C.B. Brann

1898 E.L. Batchelor

1899 F.J. Hourigan

1899-1900 A.A. Kirkpatrick

1900-1901 G. Dankel

1901-1902 W.O. Archibald

1902-1904 V.P.W. Gilbert

1904-1905 A.A. Kirkpatrick

1905-1906 H. Chesson

1906-1907 D. Jolly, MLC

1907-1908 E. Roberts, MP

1908-1909 C. Vaughan, MP

1909-1910 J.D. Brown

1910-1911 E.L. Klauer, MP

1911-1912 H. Jackson, MP

1912-1913 R.P. Blundell, MP

1913-1914 J.H. Vaughan, MLC

1914-1915 E.A. Anstey, MP

1915-1916 C. Melbourne

1916-Feb 1917 H. Gilmore Feb

1917-1917 F.W. Lundie

1917-1918 L.L. Hill, MP

1918-1919 N.J. Makin, MP

1919-1920 S .R. Whiftord, MP

1920-1921 M.J. Murphy

1921-1922 C.S. McHugh

1922-1923 H. Kneebone

1923-1924 F.W. Birrell

1924-Apr 1925 J.L. Price, MP

1925-Sep 1925 A. McArthur

1925-1926 M.R. O'Halloran

1926-1927 J.J. Daly

1927-1928 J. McInnes, MP

1928-1929 R.S. Richards, MP

1929-1930 N.J. Makin, MP

1930-1931 Senator H. Kneebone

1931-1932 E.R. Daws, MP

1932-1933 T.W. Grealy

1933-1935 J.F. Walsh

1935-1936 R.S. Walsh, MP

1936-1937 E.R. Dawes

1937-1938 C. Chambers

1938-1940 A.V. Thompson, MP

1940-1942 A.W. Lacey, MP

1942-1943 S. O'Flaherty

1943-1944 J.F. Walsh MP

1944-1946 K.E. Bardolph, MLC

1946 1948 C.R. Cameron

1948-1950 J.F. Walsh MP

1950-1951 K.E. Bardolph, MLC

1951-1952 S.J. Lawn, MP

1952-1953 S.C. Bevan, MLC

1953-1954 A.J. Shard

1954-1955 Sen J.P. Toohey

1955-1956 C.D. Hutchens, MP

1956-1957 C.F. Ridley

1957-1958 R.E. Bannister

1958-1959 C.R. Cameron, MP

1959-1960 J.R. Ryan MP

1960-1961 D.A. Dunstan, MP

1961-1962 J.C. Sexton, MP

1962-1963 E.R. O'Connor

1963-1964 C.R. Cameron, MP  
1964-1965 C.I. Hayes  
1965-1966 R.E. Hurst, MP  
1966-1967 M.H. Nicholls, MP  
1967-1968 D.N. Cameron  
1968-1969 A.R. Griffiths  
1969-1970 Sen R. Bishop  
1970-1971 G.T. Virgo, MP  
1971-1972 R.M. Glastonbury  
1972-1973 H.H. O'Neill  
1973-1974 A.A. Yuill  
1974-1975 G.M. Stevens  
1975-1976 J.D. Wright, MP  
1976-1977 M.J. Young, MP  
1977-1978 J.B. Dillon  
1978-1979 G.T. Whitten  
1979-1980 D.J. Foreman  
1980-1981 B.J. Wiese, MLC  
1981-1982 R.J. Gregory, MP  
1982-1983 H.H. O'Neill  
1983-1984 D.M. Ferguson, MP  
1984-1985 V. Heron  
1985-1986 A. Pengelly  
1986-1987 A.S. Begg  
1987-1988 T. Crothers  
1988-1989 M. Rice  
1989-1990 D. Farrell  
1990-1991 P. Acfield  
1991-1992 C. Watkins  
1992-1993 B. Martin  
1993-1994 R. Clarke  
1994-1995 D. Tedmason  
1995-1996 D. LeCornu  
1996-1997 R. Sawford  
1997-1998 M. Butler

1998-Apr '00 A. Hurley  
2000-Oct '00 R. Sneath  
2000-Apr '02 M. Doyle  
2002-Oct'02 A. Hurley  
2002- 2003 C. Pickles  
2003- 2004 T. Koutsantonis  
2004-2005 A. McEwen  
2005-2006 N. Champion  
2006-2008 S. Close  
Aug '08-Oct '08 M. Pinnegar  
Oct '08-Oct '09 N. Paul  
Oct '09-Nov '10 P. Malinauskas  
Nov '10-Oct '11 S. Georganas  
Oct '11-Oct '12 M. Pinnegar  
Oct '12-Oct '13 L. Harrison  
Oct '13-Nov '14 J. Gee  
Nov '14-Oct '15 P. Malinauskas  
Oct '15-Oct '16 K. Hildyard  
Oct '16-Oct '17 A. Digance  
Oct '17-Oct '17 C. Rich  
Oct '18-Oct '19 J. Hall  
Oct '19-Mar '21 D. Pnevmatikos  
Mar '21- Oct 22 E. Bourke



## Party Secretaries

1884 R. Hannor\*  
1886 J. A. McPherson #  
1892 W.A. Robinson ^  
1899 T. B. Merry  
1905 C. Vaughan  
1906 R.P. Blundell  
1911 G.E. Yates  
1914 J. Oliphant  
1919 F.W. Birrell  
1920 G.E. Yates  
1923 T. Grealy  
1923 F.F. Ward  
1944 J. Welsh 1947 E. Hanretty  
1947 - 1953 J.P. Toohey  
1953 - 1958 J.C. Sexton  
1958 - 1963 M.H. Nicholls  
1963 - 1968 G.T. Virgo  
1968 - 1974 M.J. Young  
1972 H.D. Combe (3)  
1974 - 1975 G.T. Whitten  
1975 - 1979 H.H. O'Neill  
1979 - 1987 C.C. Schacht

1987 - 1994 T. Cameron  
1994 - 1997 J. Hill  
1997 - June 1998 Kaye Sutherland  
1998 - 2006 I. Hunter  
2006 - 2011 M. Brown  
2011 - Oct 2012 K. Maher  
2012 - 2022 R. Martin  
2022 - A. Bourke

\* Honorary Secretary of the Labor Political Party

# In the year 1891 J.A. McPherson became the Secretary of the United Trades and Labor Political Committee

^ Between 1892 and 1899 E.L. Batchelor, J. Hutchison and H. Adams were Secretaries but the records of the particular years are not to be found

*This significant document was passed at the October 2016 State Convention.*

*While not forming part of the rules, it has been decided that it should be attached at the back of the Rule Book so that it is widely available to Members to read.*

# **The South Australian Branch of our Labor Party recognises that –**

## **The Importance of Our Members**

“The South Australian Branch of our Labor Party recognises that –

- South Australia is best served by a Labor Government, and the best asset that we have to achieve this are our membership and affiliate Unions;
- our members and affiliate Unions are at the heart of our Party and are its strength;
- our capacity to engage and activate members contributes to the achievement of our objectives; and
- our shared values should be the basis for our engagement with our members.

Being part of the Labor Party is a choice, and we acknowledge and value that our members have chosen to join and actively contribute to Australia’s oldest political party.

This document sets out the principles that underpin member interaction within our Party and articulates how we should engage with members.

## **Principles**

In all dealings within our Party - through branches, state wide committees, elected bodies and informal gatherings – the values on which our Party was founded form the basis for our engagement, and members can expect –

- to have their voices sought and heard;
- to be treated with respect, and to treat others with respect;
- transparency;
- effective communication;
- to have their volunteering efforts recognised;
- access to information about the structure and direction of our party;
- to be able to actively participate in shaping the future of our party;
- access to a number of different opportunities to engage with our party; and
- the hierarchy of our party, both the parliamentary and the administrative wings, to be accessible to them through these pathways.

## **Duty Members, Sub Branches and FECs**

Our party’s candidates and Members of Parliament are the public face of our Labor Party, and they must be open and willing to listening to members of our party and our party’s affiliates, and to take account of their views.

We acknowledge that members of our party who do not have a local Labor MP face more difficult challenges than those that have a sitting Labor MP.

To ensure members are properly represented and given every opportunity to engage with our Party and to campaign on local and broader South Australian issues, the role of the Duty Member must be articulated, emphasised and able to be relied on by party members.

A member who volunteers their time must feel that they are being well serviced and regularly supported and empowered to speak about our Party and its policies.

Members should be proud of their involvement with Labor and should be encouraged to grow our Party by inviting people who share our values to become an active member of Labor.

To achieve this, the State Executive will annually review the role of the Duty Members, ensuring that it is based on engaging and activating party members, and will distribute to all Sub Branch and FEC executives a document articulating the role and responsibilities of Duty Members and what members can expect from them.

## **Policy Development**

Our members' deep understanding of their communities and the South Australian political context is an asset that should be sought and heard. Members should therefore have opportunities to be active in the development and direction of our party's policies.

Clear information should be available to members about the structure of our party, and how they can participate in policy development at various levels within this structure.

## **Campaign Involvement**

One measure of success of the Labor Party in South Australia is its electoral outcomes. Active members play a significant role in elections and other issues based campaigns and our Party appreciates that they do so.

Party members should have every opportunity to identify local issues to campaign around and every opportunity to participate in election and other campaigns. We recognise that their local and broader community connections are a valuable resource in campaigning and we are committed to harnessing those connections and to ensuring their expertise is properly utilised.

## **Education - Skills and Knowledge Development of our Members**

Our Members bring an enormous wealth of skills, knowledge and expertise to our Party. Recognising and harnessing this is a benefit to both the individual members and our broader Party. We will regularly undertake a survey of members to better understand this valuable asset. We will use this to enable members to fully participate in all aspects of our Party and to provide education where needed to support their increased participation.

Education and development of members should be regularly available throughout our party, and we should utilise the skills, knowledge and expertise of our members and affiliates in educating other members and engaging more broadly with the public and with potential members.

## **Pre-selections**

Labor's processes for preselection should be clear and transparent, and members can expect to have this process explained in a simple and readily available document.

Those wishing to stand for preselection should feel satisfied that the processes we have are designed to find the best possible candidates for State and Federal elections, and that the pre-selections are conducted in a professional, rigorous and transparent manner.

## **Communication between members, sub-branches, party office**

Keeping our members informed is increasingly important, and Party office has a central role in this. Utilising email and digital techniques for providing relevant and up to date information makes our Party stronger and better prepared to speak with other members of the community about the issues and challenges we share.

Mechanisms that promote communication between members and between branches will benefit us all.

An online database of all Labor activities across the state will ensure that members can readily access information about events and activities beyond their sub-branch.

### **Members' Right to be Heard**

The Party Rules have provisions for dealing with complaints about process and enforcement and members have access to the Disputes Tribunal. Notwithstanding, members who feel that they are not being treated in a way that this document infers can put their concerns to the State Executive, and they can expect a thorough and considered response in a timely fashion.