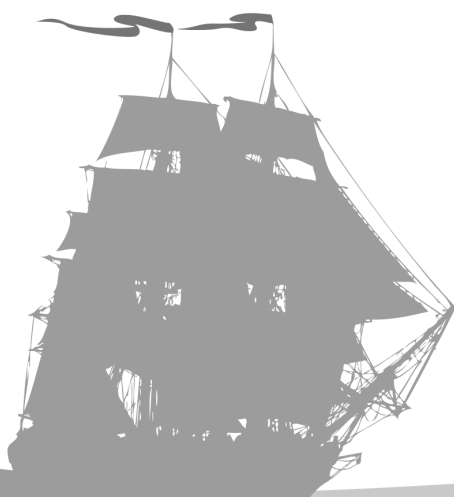




## Party Constitution

September 12, 2024



# Contents

<b>I</b>	<b>Principles &amp; Objects of the Party</b>	<b>1</b>
<b>II</b>	<b>Definitions</b>	<b>2</b>
<b>III</b>	<b>Articles of the Constitution</b>	<b>3</b>
<b>1</b>	<b>Name, Principles and Constitution</b>	<b>3</b>
<b>2</b>	<b>Structure &amp; Composition</b>	<b>3</b>
2.1	State and Territory Branches . . . . .	3
<b>3</b>	<b>National Council</b>	<b>4</b>
3.1	Quorum and Majorities . . . . .	4
3.2	Positions . . . . .	5
3.2.1	President . . . . .	5
3.2.2	Deputy President . . . . .	5
3.2.3	Secretary . . . . .	5
3.2.4	Deputy Secretary . . . . .	6
3.2.5	Treasurer . . . . .	6
3.2.6	Deputy Treasurer . . . . .	6
3.2.7	Councillors . . . . .	6
3.3	Authorised Signatories . . . . .	7
<b>4</b>	<b>Membership</b>	<b>7</b>
4.1	Eligibility . . . . .	7
4.2	Categories of Membership . . . . .	7
4.2.1	Full Membership . . . . .	7
4.2.2	Permanent Resident Membership . . . . .	8
4.2.3	Supporter Membership . . . . .	8
4.2.4	International Membership . . . . .	8
4.3	Additional Categories of Membership . . . . .	9
4.4	Recruitment of Members . . . . .	9
4.5	Refusal, Suspension and Expulsion . . . . .	9
4.6	Member Liability . . . . .	9
<b>5</b>	<b>Policy Formulation, Development and Adoption</b>	<b>9</b>
5.1	Development . . . . .	9
5.2	Adoption . . . . .	9
5.3	Policy Review . . . . .	10
5.4	Positions on issues outside of Platform . . . . .	10
<b>6</b>	<b>Meeting Procedure and Requirements</b>	<b>10</b>
6.1	National Congress . . . . .	11
6.2	Preselection Meeting . . . . .	11
6.3	Policy Meeting . . . . .	11
6.4	Online Voting . . . . .	12
<b>7</b>	<b>Pre-Selection of Candidates for Election to Federal Parliament</b>	<b>12</b>
<b>8</b>	<b>Financial Structure</b>	<b>13</b>
8.1	Property . . . . .	13
8.2	Funding Sources . . . . .	13
<b>9</b>	<b>Constitutional Amendments, Interpretation and By-Laws</b>	<b>14</b>
9.1	Amendments . . . . .	14
9.2	Interpretation . . . . .	14
9.3	Power to Make By-Laws . . . . .	14
9.4	Operational and Temporary Amendments . . . . .	15
<b>10</b>	<b>Councillors, Officers and Party Officials</b>	<b>15</b>
10.1	Election . . . . .	15
10.2	Public Officer . . . . .	16
10.2.1	Eligibility, appointment and removal from office . . . . .	16
10.2.2	Duties and Responsibilities . . . . .	17

<b>11</b>	<b>Constitution Not Enforceable in Law</b>	<b>17</b>
<b>12</b>	<b>Dispute Resolution Committee</b>	<b>17</b>
<b>13</b>	<b>Dissolution</b>	<b>19</b>
<b>14</b>	<b>Electoral Coalitions</b>	<b>19</b>

## **Part I**

# **Principles & Objects of the Party**

Pirate Party Australia strives to protect and expand civil and digital liberties, social equality and freedom of culture. We seek to safeguard the inalienable rights of all natural persons of Australia and the freedoms of the emergent global information society. The Party seeks to have these values reflected in the laws and institutions of Australia.

The growing surveillance of the citizen offends the very notions of a liberal and open democracy. Overbearing and restrictive private monopolies constructed via regimes of antiquated, unfair and unbalanced laws which prevent the free development of culture and ideas are detrimental to financial, economic and cultural outcomes for the citizens of Australia. Changing these laws, and ensuring the protection of these values are the goals of Pirate Party Australia.

Founded on the same principles as other international Pirate Parties, it is part of a global movement against increasingly draconian copyright and patent laws, and the erosion of the right to privacy. The basic tenets of this movement are free culture, civil liberty and intellectual rights reform.

The Party seeks to represent the emerging digital society and offer a new form of politics driven from the grassroots. We believe in exploring the potential of participatory and deliberative democracy, and finding new ways to promote trust between citizens and the state through greater transparency, evidence-based policy, and deliberative and open government. The Party intends to contest Australian Federal Elections in both the House of Representatives and Senate.

An elected representative of the party must not vote for or compromise on any legislation that impinges on or compromises the rights stated here in this Constitution.

Objectives of Pirate Party Australia also include:

- To construct, advocate and implement policies in accordance with the principles stated within this Constitution; and
- To generally educate and bring awareness to the issues that are stated within this Constitution; and
- To educate and encourage other political entities to adopt our objectives, whether that be through advocacy or preference allocation.

Pirate Party Australia firmly holds belief in democracy, and rejects any use of force, intimidation or physical violence as the means to achieving political goals. We vehemently reject any and all forms of political or public corruption.

## Part II

# Definitions

**Simple majority:** One half ( $1/2$ ), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

**Absolute majority:** One half ( $1/2$ ), ignoring the remainder, plus one (1) of all members who have the right to vote on the motion must vote in favour of the motion for it to carry. For the purposes of this type of majority, abstaining is equivalent to voting against the motion.

**Two-thirds majority:** Two-thirds ( $2/3$ ), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

**Absolute two-thirds majority:** Two-thirds ( $2/3$ ), ignoring the remainder, plus one (1) of all members who have the right to vote on the motion must vote in favour of the motion for it to carry. For the purposes of this type of majority, abstaining is equivalent to voting against the motion.

**Three-quarters majority:** Three-quarters ( $3/4$ ), ignoring the remainder, plus one (1) of votes on the motion must be in favour of the motion for it to carry. Abstaining is not considered for the purposes of calculating the majority but still contributes to meeting the relevant quorum.

**Optional preferential voting:** A type of voting where the voter may opt to fill in as few as none and as many as all of the fields provided, with numbering relevant to the voting system being used.

**Schulze voting method:** A Condorcet preferential voting system that compares each candidate by their rank to each other to find the winning candidate.

## **Part III**

# **Articles of the Constitution**

## **1 Name, Principles and Constitution**

- (1) The name of the party will be "Pirate Party Australia", also known as "the Pirate Party". Pirate Party Australia may be referred to as "PPAU" internally. From hereinafter in this document, Pirate Party Australia shall be referred to as either "Pirate Party Australia" or "the Party". The principles and objects of Pirate Party Australia are stated in Part I, and are fundamental to the purpose of the Party. All party documents, members and policies are subject and subordinate to this Constitution.
- (2) Pirate Party Australia is a non-profit organisation. The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.
- (3) Pirate Party Australia's financial year shall begin on 1 July and end on 30 June the following year.

## **2 Structure & Composition**

- (1) The Party shall be governed at a Federal level by a body entitled the "National Council". The National Council may create additional structures and subordinate organisations, such as committees, working groups or branches, as it sees fit.
- (2) The National Council shall be comprised of those persons formally elected to positions elaborated on within this Constitution.
- (3) Those members who form the National Council are to be elected from those eligible persons as elaborated within this Constitution, and are to be elected after deliberation at an annual National Congress.
- (4) The National Council, as the paramount governing body of the Party, has the authority to overrule or amend any policy or decision of any subordinate organisation (except the Dispute Resolution Committee), if it deems those things to be inconsistent with or repugnant to the values, ideals or policies of the Party.
- (5) A two-thirds majority vote of the National Council is required for any action from paragraph (5) to be taken against a subordinate organisation or their decisions.

### **2.1 State and Territory Branches**

- (1) A State or Territory Branch is considered a subordinate organisation of the Party for the purposes of this Constitution.

- (2) These branches exist for the purpose of contesting state/territory elections, and relevant local elections of their region.
- (3) The National Council or National Congress may, at its discretion, opt to offer a mandate to form a state or territory branch to the State/Territory Coordinator of the given state/territory.
- (4) A State or Territory Branch may not contradict a Federal policy, but may expand their policy set beyond the scope of the Federal Party.
- (5) It is mandatory that members of the Federal Party are members of their local State or Territory Branch, and vice versa.
- (6) No State or Territory Branch may enact or enforce policies that contradict this Constitution.
- (7) No State or Territory Branch may register as a federal political party, nor as a division of the Federal Party.

### **3 National Council**

- (1) Members of the National Council shall be referred to as Councillors.
- (2) There is no term limit for Councillors.
- (3) The National Council is the Managing Committee under the *Associations Incorporation Act 2009 (NSW)*.

#### **3.1 Quorum and Majorities**

- (1) Unless otherwise provided within this Constitution, no question regarding Party business is to be decided or resolved at a meeting of the National Council unless at least three (3) members or two-thirds of the National Council are present, whichever number is greater.
- (2) A Councillor may add their contribution to quorum if they are unable to attend, but only for specified issues, by express, written consent, conditional on the following:
  - (a) The vote may only be applied where the exact motion text was known to the Councillor in advance, and the vote is for the unmodified text.
  - (b) Written consent should be included within the minutes.
- (3) All motions must be carried by an absolute two-thirds majority of the National Council.
- (4) The quorum for any motion to accept the minutes of a previous meeting is set at the minimum to achieve a two-thirds majority of those present. All Councillors absent from the previous meeting abstain by default.
- (5) If the total number of Councillors is reduced below the minimum quorum, the National Council may act for the purpose of filling its vacancies in accordance with Article 10.1(8), but for no other purpose.

## **3.2 Positions**

### **3.2.1 President**

#### **3.2.1.1 Duties and Responsibilities**

- (1) The President shall, at a minimum:
  - (a) Act as the coordinator for providing direction of the Party;
  - (b) Take an active role in advocating on behalf of the Party in the public sphere;
  - (c) Default as the chair of the National Congress, and meetings of the National Council; and
  - (d) Co-ordinate the activities of the National Council.

### **3.2.2 Deputy President**

#### **3.2.2.1 Duties and Responsibilities**

- (1) The Deputy President shall, at a minimum:
  - (a) Assist the President with their duties in accordance with this Constitution; and
  - (b) If the President is unable (on a temporary basis) to conduct their obligations under the Constitution, the Deputy is to substitute and fulfil those obligations.

### **3.2.3 Secretary**

#### **3.2.3.1 Duties and Responsibilities**

- (1) The Secretary shall, at a minimum:
  - (a) Provide notice in advance to members of all official meetings, and of the National Congress;
  - (b) Prepare schedules, agenda, and correspondence from members for submission to the meeting or National Congress, and record attendance of persons present, and arrange for minutes or logs to be recorded;
  - (c) Co-ordinate official correspondence of the National Council;
  - (d) Maintain the party register, in accordance with the *Commonwealth Electoral Act 1918* and *Associations Incorporation Act 2009 (NSW)*;
  - (e) Maintain custody of all documents, statements and records of the Party, and except for those documents that are otherwise accounted for in this Constitution, by other officers; and
  - (f) Briefly minute, or delegate responsibility for minuting, listing the decisions of meetings of the National Congress and National Council and ensure publication at the earliest possible convenience.
- (2) The Secretary fulfills the requirements and obligations of the position of Party Secretary as defined in the *Commonwealth Electoral Act 1918*.



- (3) The Secretary fulfills the requirements and obligations of the position of Registered Officer as defined in the *Commonwealth Electoral Act 1918*.

### **3.2.4 Deputy Secretary**

#### **3.2.4.1 Duties and Responsibilities**

- (1) The Deputy Secretary shall, at a minimum:
- (a) Assist the Secretary with their duties in accordance with this Constitution.
  - (b) If the Secretary is unable (on a temporary basis) to conduct their obligations under the Constitution, the Deputy is to substitute and fulfil those obligations.

### **3.2.5 Treasurer**

#### **3.2.5.1 Duties and Responsibilities**

- (1) The Treasurer shall, at a minimum:
- (a) Develop and ensure security and accountability measures for all receipts and payments are followed;
  - (b) Submit an Annual Financial Report to the National Congress, detailing balance sheets, financial statements and relevant particulars;
  - (c) Maintain adequate controls over Party finances and all financial records, documents, securities ensuring smooth transition when position is transferred; and
  - (d) Ensure that all book keeping is conducted by an appropriately skilled person, and all documents conform to relevant legislation and regulations and this Constitution.
- (2) The Treasurer fulfills the requirements and obligations of the Party Agent as defined in the *Commonwealth Electoral Act 1918*.
- (3) The receipt of all monies paid to the Party, the issuing of all receipts and the deposit of such monies into accounts determined by the National Council.

### **3.2.6 Deputy Treasurer**

#### **3.2.6.1 Duties and Responsibilities**

- (1) Assist the Treasurer with their duties in accordance with this Constitution.
- (2) If the Treasurer is unable (on a temporary basis) to conduct their obligations under the Constitution, the Deputy is to substitute and fulfil those obligations.

### **3.2.7 Councillors**

- (1) Three (3) Councillors will be appointed by election at the Annual National Congress to the National Council.

### **3.2.7.1 Duties and Responsibilities**

- (1) The responsibilities of the Councillors will be determined by the National Council.

## **3.3 Authorised Signatories**

- (1) An authorised signatory is a party official that is capable of signing official documents on behalf of the party.
- (2) The president and secretary are automatically considered to be authorised signatories.
- (3) The National Council may appoint additional authorised signatories from among the Councillors as deemed necessary.
- (4) Authorised signatories are not to be automatically considered signatories to any party bank accounts.

# **4 Membership**

## **4.1 Eligibility**

- (1) Membership is open to all natural persons who:
  - (a) Have read and agreed to the terms and principles provided within this Constitution;
  - (b) Pay an annual membership fee, if applicable, as set by the National Council;
  - (c) Are not currently members for electoral-registration purposes of any other political party in Australia;
  - (d) Have not been members of another registered or unregistered political party in Australia in the previous twelve (12) months, unless this is disclosed in the membership application by the applicant; and
  - (e) Full Members are required to be registered on the Australian electoral roll.
- (2) A Member's Party membership will not lapse unless the Member resigns from the Party in writing to the Secretariat, or an applicable membership fee is failed to be paid more than ninety (90) days after their membership period has expired.
- (3) A Member must be sent an email to inform them that their membership will lapse in 30 days before that Member's membership may lapse.
- (4) The National Council may at its discretion opt to waive membership fees on a case-by-case basis.

## **4.2 Categories of Membership**

### **4.2.1 Full Membership**

- (1) Full Members are entitled to:

- (a) Be elected into a formal position within the party, at any level;
- (b) Where eligible, and approved by the nomination processes within this Constitution, stand as a candidate in any election the party contests;
- (c) Communicate and submit policy amendment proposals and Constitutional amendment proposals;
- (d) Participate in policy and issue discussion, debate and partake in the decision making process in accordance with this Constitution;
- (e) Where eligible, participate in working groups defined by the National Council or any organ of the Party; and
- (f) Vote at Party Meetings, Congresses and Policy Formulation, Development and Adoption proceedings.

#### **4.2.2 Permanent Resident Membership**

- (1) Permanent resident members are entitled to all privileges of a full member, except they are unable to exercise any privileges which cannot be granted due to restrictions imposed by federal, state or territory legislation.
- (2) A permanent resident member must provide evidence of their permanent residency status to be eligible for this membership type.

#### **4.2.3 Supporter Membership**

- (1) Supporter members are entitled to the same privileges as full members, except they
  - (a) are ineligible for National Council and Dispute Resolution Committee positions, and
  - (b) may not lead any committee, and
  - (c) do not have voting rights, but have the ability to motion through the sponsorship of a full or permanent resident member, and
  - (d) are not eligible to stand as a candidate in any election the Party contests, and
  - (e) are unable to exercise any privileges which cannot be granted due to restrictions imposed by federal, state or territory legislation.
- (2) Supporter members are exempt from Article 4.1(1)(c).

#### **4.2.4 International Membership**

- (1) For all purposes, an international member is considered to be a supporter member, except they
  - (a) must reside at a non-Australian address, and
  - (b) are exempt from the requirements of Article 2.1(5).

### **4.3 Additional Categories of Membership**

- (1) The National Council may propose to existing members the creation of additional categories of Membership of the Party. A quorum of 10% of the entire existing membership is necessary for such a vote, which will be decided by simple majority of those members.

### **4.4 Recruitment of Members**

- (1) The National Council may specify rules to prevent the abusive recruitment of new members into the Party or abusive renewal of memberships.

### **4.5 Refusal, Suspension and Expulsion**

- (1) The National Council may refuse to accept an application for membership by any individual on the grounds that the acceptance of the membership may be prejudicial to the interests or values of the Party.
- (2) The National Council also has the power to suspend or expel a member should that individual's membership or actions whilst a member be prejudicial to the interests of the Party.
- (3) Any refusal to admit a person as a member, and any suspension or expulsion of a member, shall be accompanied by a written statement of reasons for the action, and this statement is to be made available to all membership (unless requested to be kept confidential by the member affected).
- (4) A refusal of an application for membership, or the suspension or expulsion of any member may only be decided by a two-thirds majority vote of the National Council.

### **4.6 Member Liability**

- (1) The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by Article 4.1(1)(b).

## **5 Policy Formulation, Development and Adoption**

### **5.1 Development**

- (1) Policy development must occur with as much interaction with members as is feasible, the process must be as participatory as is feasible, and outcomes must be reached through consensus where feasible.

### **5.2 Adoption**

- (1) New policy, unless dictated by circumstances of urgency, shall be decided on at the National Congress.

- (2) Where circumstance of urgency are apparent and declared, the National Council may make policy, that shall be considered official, however that policy is subject to vote at the next National Congress, and is subject to the same conditions as those above.
- (3) A policy will not be adopted if it is inconsistent with Part I of this Constitution.
- (4) All policies adopted by the National Congress will be recorded in a central register available to all Members.
- (5) Every feasible effort must be taken to ensure that there is some accessible and equitable mechanism available for remote participation at the National Congress.

### **5.3 Policy Review**

- (1) Where not less than 15% of Full Members petition the National Council, a policy will come under official review by the party, where that policy will be reviewed and voted upon at the National Congress.

### **5.4 Positions on issues outside of Platform**

- (1) No member of the Party may imply that a personal position on issues outside of the scope of the Party principles, platform or policies is the position of the Party.

## **6 Meeting Procedure and Requirements**

- (1) Meetings should be structured so as to allow all members to participate, and have their opinions acknowledged.
- (2) All members should be notified at least 24 hours in advance of any official meeting of the National Council, and of the intended agenda of such meetings.
- (3) Consensus should be the focus of any proposal or decision at a meeting. However, where consensus cannot be achieved, a two-thirds majority will be sufficient to carry forward a proposal.
- (4) Where there is disagreement, or members indicate that a delay in voting is required, sufficient time should be given for discussion before any voting begins.
- (5) Meetings are only open to members unless a simple majority of the members present permit specified non-members to observe the meeting.
- (6) The method of voting and the medium by which the meeting occurs is to be determined by the meeting facilitator, except where otherwise provided for by this Constitution.
- (7) The minutes of a meeting should be distributed to the Members within fourteen days of the meeting or before the group next convenes, whichever is shorter. The National Council may specify procedures for the collection and dissemination of such minutes.
- (8) The National Council may specify additional meetings procedures.
- (9) Unless specified elsewhere, proxy voting is not permitted at party meetings.

- (10) All votes at or arising from a National Congress, Policy Meeting or Preselection Meeting shall be overseen by a Returning Officer who is neither a candidate or a current or outgoing member of the National Council.

## **6.1 National Congress**

- (1) The National Council will organise the National Congress.
- (2) A National Congress must begin in July each year, and shall be referred to as the Annual National Congress where disambiguation is necessary.
- (3) The National Congress must be announced at least forty-two (42) days prior to the date of the Congress.
- (4) The agenda must be finalised at least seven (7) days prior to the date of the Congress.
- (5) If at least 25% of the members petition the National Council in writing expressing their lack of confidence in the National Council, or if otherwise required to satisfy legal obligations, the National Council shall organise an emergency National Congress of the Members within thirty (30) days.
- (6) The National Congress has the exclusive right, by two-thirds majority vote, to allow the Party to merge with, affiliate with or disaffiliate with any other organisation.
- (7) A National Congress is a General Meeting under the *Associations Incorporation Act 2009 (NSW)*.
- (8) The National Council may, when it thinks fit, convene a special National Congress. The announcement and notification periods of business to be transacted are the same as for an Annual National Congress.

## **6.2 Preselection Meeting**

- (1) The National Council will organise the Preselection Meeting.
- (2) The Preselection Meeting may be an independent meeting, or may coincide with the National Congress or another meeting.
- (3) Multiple Preselection Meetings may be held where deemed appropriate by the National Council in the lead up to an election.
- (4) The National Council may determine that a separate Preselection Meeting may be held for each specific geographic area.

## **6.3 Policy Meeting**

- (1) The National Council will organise the Policy Meeting.
- (2) The Policy Meeting may:
  - (a) be an independent meeting,
  - (b) coincide with the National Congress, or
  - (c) coincide with another meeting.

- (3) A Policy Meeting must always coincide with the Annual National Congress, but additional Policy Meetings may be held as often as deemed appropriate by the National Council.

## **6.4 Online Voting**

- (1) Some elements of the National Congress and Policy Meetings are required to be put to a final vote on an online voting system.
- (2)
  - (a) The online voting period must not be less than seven (7) days and not more than fourteen (14) days.
  - (b) Voting arising from a meeting must commence no more than seven (7) days after the close of that meeting.
  - (c) Results must be announced no more than seven (7) days after voting closes.
- (3) The online voting system must ensure that only Full Members can vote, and that each member may only vote once per poll.
- (4) Motions of the following types that carry at a National Congress will be put to a final vote on an online voting system for Full Members, where said motions will only carry if they pass by the threshold provided for by the Constitution, or where not provided, a two-thirds majority:
  - (a) Constitutional amendments,
  - (b) Platform amendments, policy amendments and position statements,
  - (c) Other documentation that guides party position or direction, and
  - (d) Party mergers, formal affiliations or disaffiliations with other organisations.
- (5) Motions of the following types that carry at a Policy Meeting will be put to a final vote on an online voting system for Full Members, where said motions will only carry if they pass by the threshold provided for by the Constitution, or where not provided, a two-thirds majority:
  - (a) Platform amendments, policy amendments and position statements
- (6) Officer election requirements as provided for by the Constitution, including for the Dispute Resolution Committee, will be fulfilled by the online voting system.

## **7 Pre-Selection of Candidates for Election to Federal Parliament**

- (1) All Members seeking to stand as candidates for election to Federal Parliament must be nominated at a Preselection Meeting and seconded by another member.
- (2) The National Council will determine whether all members (or a geographical sub-set of members) will vote to select candidates for election to Federal Parliament.
- (3) All members seeking to stand as candidates must submit to the Preselection Meeting a detailed and truthful statement as to their suitability for election.

- (4) The National Council may establish procedures for the vetting of candidates backgrounds and must publish these procedures to the Membership.
- (5) As far as is practicable, candidates should be selected at least twelve (12) months before the normal time of the next election.
- (6) All members wishing to run as candidates for Pirate Party Australia must sign a declaration to the effect of:
  - (a) I hereby pledge to advance and adhere to the platform and ideals of Pirate Party Australia, both during the election campaign and upon election to Parliament.

## **8 Financial Structure**

### **8.1 Property**

- (1) All property and resources of the Party are to be used solely for the purposes of promoting and achieving the principles and goals stated within this Constitution.
- (2) All Members, upon request to the National Council, may have access to the latest financial reports of the Party.
- (3) All bank accounts of the Party will:
  - (a) be held separately from those of its members;
  - (b) require more than one signatory for the disbursement of funds; and
  - (c) include the wording Pirate Party in their title.
- (4) All non-banking financial accounts (for example, PayPal) of the Party will:
  - (a) be held separately from those of its members;
  - (b) have multiple signatories/user accounts linked to the account, if possible;
  - (c) move all funds into the bank accounts as soon as feasible; and
  - (d) have all records published annually.
- (5) All accounts of the Party will be audited annually and the auditor's report published to the members at the National Congress.

### **8.2 Funding Sources**

- (1) The funds of the association are to be derived from membership fees, donations and any other such sources that the National Council determines.
- (2) All money received by the party must be deposited as soon as practicable and without deduction to the credit of the party's bank or other authorised deposit-taking institution account
- (3) The party must, as soon as practicable after receiving any money, issue an appropriate receipt.



- (4) Such fundraising activities shall not occupy a major portion of the party's time and resources in execution.

## **9 Constitutional Amendments, Interpretation and By-Laws**

### **9.1 Amendments**

- (1) The Constitution may only be amended during the National Congress. Amendments require a three-quarters majority vote with a quorum of twenty (20) percent of Members at the time the amendment was proposed.
- (2) Constitutional amendment proposals must be submitted by email to the Secretary by 9:00 am AEST on the Saturday that falls on the 28th day before the first day of the National Congress.
- (3) Members must be notified by email of any proposals for amendments by 11:59 pm AEST on the Saturday that falls on the 28th day before the first day of the National Congress. This requirement can be fulfilled by placing the proposals at a specified place on the Party website or wiki before this deadline and informing the membership of their location.
- (4) New proposals may not be added after the deadline specified in Article 9.1(2), but already proposed amendments may be modified by the proposer prior to the National Congress, so long as:
  - (a) These modifications do not substantially change the proposed amendments but may include updates in wording for clarity, or to correct errors; and
  - (b) These modifications are recorded and justified.
- (5) Once the National Congress has begun amendments may be modified by a formal motion on the floor in order to correct errors or better reflect the intent of the submitter. Unanimous consent of the submitter(s) is required.
- (6) Constitutional Amendment Proposals are Special Resolutions under the *Associations Incorporation Act 2009 (NSW)*.

### **9.2 Interpretation**

- (1) Where a dispute may arise with regards to the interpretation of this Constitution, the Dispute Resolution Committee shall in accordance with Article 12 make a determination with regards to the dispute.

### **9.3 Power to Make By-Laws**

- (1) The National Council:
  - (a) Has authority to enact by-laws that, within the constraints of this Constitution, may affect or clarify this Constitution;
  - (b) Is empowered with authority to enact, amend or revoke by-laws; and

- (c) Must keep a register of all such by-laws which shall be available to members on request.

## **9.4 Operational and Temporary Amendments**

- (1) A three-quarters majority of the National Council is empowered to make alterations to the Constitution where circumstances of urgency dictate, or where it is necessary for party operation.
- (2) Such alterations are temporary, and are considered proposed amendments and as such must be voted upon by Members at the next National Congress, where (if approved) they shall become amendments; and
- (3) If such an amendment does not receive the necessary majority as stipulated at Article 9.1, then such a proposed amendment will lapse and the National Council may not use their powers to resurrect the provisions again without an amendment proposal being put to the National Congress.

## **10 Councillors, Officers and Party Officials**

### **10.1 Election**

- (1) The positions enumerated within Article 3.3 will be appointed by election through a vote of the Full Members at the National Congress, for a term that shall begin at the National Congress at which they are elected, and will all end at the next Annual National Congress, except where otherwise provided for in this Constitution.
- (2) The members who are elected to positions on the National Council at the National Congress will take up those positions seven (7) days after the result is announced.
- (3) The outgoing members of the National Council must hand over and communicate as much relevant knowledge as is feasible.
- (4) Those members that nominate themselves, or are nominated, for a position on the National Council, working group or committee must consent in writing to their nomination.
- (5) No more than one National Council position may be filled by one member, except in cases where a position is subject to a temporary vacancy and pending a permanent appointment. In any case, no member of the National Council may cast more than one vote in any motion before the National Council.
- (6) A member of the National Council is automatically considered to be unable or unwilling to perform their duties if they fail to attend a meeting four (4) consecutive times or for two (2) consecutive months, whichever occurs first, and the position is automatically declared vacant.
- (7) The National Council may declare a National Council member unable or unwilling to perform their duties and render that position vacant by an absolute two-thirds majority vote of those remaining members of the National Council.
- (8) In the event a vacancy appears on the National Council:

- (a) If at the last National Congress there were further candidates for the vacant position, the National Council must invite the next strongest candidate for that position onto the National Council, and repeat until the list exhausts. The National Council has seven (7) days to fill the vacancy using this method.
  - (b) If there are no candidates or the time expires, the position is announced as vacant and an election is called for twenty-one (21) days from the date of the expired timer or date of resignation if no timer was triggered.
  - (c) Other than the above, the election procedure is to follow the voting procedures of a National Congress, and may be held entirely online.
  - (d) If no candidates stand for election, the National Council may opt to appoint a member to the National Council by absolute two-thirds majority vote of the remaining members of the National Council.
- (9) The voting method to be used for elections at the National Congress shall be the optional preferential Schulze method.
- (10) Each member is only entitled to vote once in each election.
- (11) Candidates for any electable position or appointment within the Party must present a declaration of any potential conflicts of interest prior to the election or appointment taking place.

## **10.2 Public Officer**

### **10.2.1 Eligibility, appointment and removal from office**

- (1) The Public Officer is appointed at the discretion of the National Council.
- (2) All party members residing in NSW who are over the age of 18 are eligible to be Public Officer.
- (3) The Public Officer is removed from office or are otherwise ineligible if they:
  - (a) die
  - (b) resign in writing to the National Council
  - (c) become bankrupt
  - (d) cease to be a resident of NSW
  - (e) are removed from office by a simple majority motion of the National Congress
  - (f) are unable to fill their responsibilities due to personal or health related concerns
  - (g) are otherwise unable to fulfil their responsibilities for a month or longer.
- (4) The National Council must appoint a new Public Officer within 28 days of the position becoming vacant.
- (5) The Public Officer has no fixed term, nor term limit.

### **10.2.2 Duties and Responsibilities**

- (1) The Public Officer is responsible for taking delivery and sending out official correspondence with the Office of Fair Trading NSW on behalf of the party.
- (2) Upon being appointed, a new Public Officer must notify NSW Fair Trading within 28 days of taking office, along with providing their correspondence address.
- (3) The Public Officer's correspondence address cannot be a post office box.
- (4) The Public Officer must notify NSW Fair Trading within 28 days of any change in their correspondence address.
- (5) The Public Officer is an authorised signatory for the purpose of signing and executing official documents on behalf of the party. Such signatures may only be done in accordance with their duties and responsibilities as documented here, or otherwise specified by the National Council.

## **11 Constitution Not Enforceable in Law**

- (1) In this Article, Constitution means all constituent documents of the Party, all resolutions of the National Congress and all resolutions of the National Council relating to the structure and organisation of the Party.
- (2) It is expressly intended that all disputes within the Party, or between one member and another that relate to the Party will be resolved in accordance with the Constitution and not through legal proceedings.
- (3) By joining the Party and remaining members, all members of the Party consent to be bound by this Article.

## **12 Dispute Resolution Committee**

- (1) At the National Congress, members of the Party must elect three (3) members who will form the Dispute Resolution Committee, as per the requirements of Article 10.1.
  - (a) If any committee members, elected at a previous Congress, have not completed serving their term by the end of the congress, their position will not be considered up for reelection, and the number of members to be elected will be reduced accordingly.
- (2) The tenure of a Dispute Resolution Committee member will be two (2) Annual National Congresses and also includes any intervening emergency or special National Congresses.
- (3) A member of the Dispute Resolution Committee will cease to hold their position if they notify the National Council in writing of their resignation from the Dispute Resolution Committee or resignation from the Party.
- (4) In the event that a member of the Dispute Resolution Committee is unable or unwilling to perform their duties, the National Council may declare the position vacant by a three-quarters majority.

- (5) If a Dispute Resolution Committee member joins the National Council, their Dispute Resolution Committee position must be declared vacant from the date on which the member begins their term on the National Council.
- (6) In the event that a position within the Dispute Resolution Committee becomes or is declared vacant, or remains unoccupied following a National Congress, the National Council must arrange, as soon as feasible, for the election of a replacement by the members with not less than seven (7) days in which nominations may be received, with a voting period on the same terms as clause 6.4.
- (7) If a National Council member joins the Dispute Resolution Committee, their National Council position will be declared vacant from the date on which the member begins their term on the Dispute Resolution Committee, and will be filled in accordance with clause 10.1(6).
- (8) Members will first attempt to resolve disputes in good faith amongst themselves, then may appeal to the Deputy President for assistance in resolving the dispute. Only after attempts to resolve the dispute have failed, then those members may apply to the Dispute Resolution Committee to resolve that dispute.
- (9) The Dispute Resolution Committee will only hear an appeal after all feasible avenues of appeal or resolution, in accordance with any policy or by-law, or the policy or by-laws of the subordinate organisation or other organ of the Party have been exhausted.
  - (a) This section does not apply if a policy or bylaw that would prevent referral to the DRC is the policy or bylaw being disputed.
- (10) The Dispute Resolution Committee will be responsible for hearing all appeals for resolution of disputes between members, where that dispute:
  - (a) is in relation to the Party;
  - (b) relates to compliance with, or interpretation of, this Constitution; or
  - (c) relates to any rights or obligations of members, subordinate organisation or organ of the party.
- (11) The Dispute Resolution Committee must:
  - (a) comply with rules of procedural fairness;
  - (b) conduct its proceedings as expeditiously as is possible;
  - (c) refer its determination in writing to the National Council.
  - (d) declare any real or apparent conflicts of interest its members may have in relation to the dispute prior to the dispute being heard.
- (12) The National Council must:
  - (a) as expeditiously as possible implement the determinations of the Dispute Resolution Committee;
  - (b) publish and make available to members the result of such a determination.
- (13) If the National Council is reduced to zero members, the Dispute Resolution Committee, as the senior remaining Party body, must act to establish a new National Council in accordance with Article 10.1(8).

## 13 Dissolution

- (1) The Party may only be dissolved by a postal ballot - where more than two-thirds of members elect to dissolve, and not less than half of current Full Members participate in that ballot. Members will be given at least three months advance notice of this proposal to disband.
- (2) Dissolution is effective within 30 days of the results of the ballot being formally announced, or whatever date that ballot may specify.
- (3) If, after the election to dissolve, all liabilities and debts have been satisfied, and remaining costs and fees with regards to the dissolution have been accounted for, there remains property belonging to the Party, that remainder shall be distributed to any organisation with similar goals and principles as set out in this Constitution.

## 14 Electoral Coalitions

- (1) Pirate Party Australia may affiliate to an electoral coalition.
- (2) All Full Members of the Party are to be members of the coalition. Relevant member details will be shared within the coalition, but only for the purposes of:
  - (a) obtaining and maintaining electoral registration;
  - (b) conducting coalition-level membership ballots;
  - (c) establishing and maintaining geographic branches;
  - (d) campaigning operations; and
  - (e) notifying members of coalition meetings, activities, and similar business.
- (3) The coalition must endorse the principles of democracy, civil liberties and freedom of culture.
- (4) Decisions within the coalition must be made on a democratic and equitable basis.
  - (a) Each member of the coalition must be entitled to an equal number of voting representatives on constitutional committees.
  - (b) The Party shall reserve the right to stand a candidate on any coalition ticket for a multi-member election.
  - (c) Policy development and adoption at a coalition level must occur with as much consultation, participation and consensus as is feasible.
- (5) If the Party is not the organisation within the coalition holding electoral registration, it may be considered a "branch", "movement" or similar term under the constitution of that organisation.
- (6) The Party reserves the right to independently amend this Constitution.
- (7) If not elected, the Party reserves the right to disaffiliate from the electoral coalition, provided that this occurs between 6 and 18 months after a general election.

- (8) The Party will not leave an electoral coalition during the parliamentary term of any Party member elected as part of that coalition.
- (9) Joint costs will be borne on an equitable basis.
  - (a) Where applicable, candidate nomination fees will be borne by the branch that candidate is originally from.
- (10) All other members of the coalition are entitled to the privileges of Supporter membership.
- (11) Membership of an affiliated electoral coalition does not prevent membership under Article 4.1(1)(c), but Full Members must be considered primarily members of this Party within the coalition.
- (12) The National Council may declare that a coalition-level preselection process fulfils the requirements of a Preselection Meeting, provided that it is:
  - (a) open to Full Members;
  - (b) includes a member ballot; and
  - (c) is generally of like nature to the Party's own preselection process.