

**Patricia Georgee**

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**From:** Darren Churchill [REDACTED]  
**Sent:** Friday, 5 April 2013 4:51 PM  
**To:** FAD  
**Cc:** Roger Howe  
**Subject:** A5 item 3 Reports Submissions  
**Attachments:** Re Dispute 1\_2012.eml; Doc 1\_ [NE-Members] Motions to be determined by email ballot.pdf; Doc 2\_ [NE-Members] Motions for Email Ballot.pdf; Doc 3\_ [NE-Members] Malicious email motions.pdf; Doc 4 [NE-Members] Motion for Email Ballot.pdf; Doc 5\_ Re [NE-Members] Motions to be determined by email ballot.pdf; Doc 6\_ Re [NE-Members] Motion for Email Ballot.pdf; Doc 7\_ Re [NE-Members] Returning Officer and Ballot administrator.pdf; Doc 8\_ Re [NE-Members] vote foe current motions.pdf; Doc 9\_ [NE-Members] Outstanding motions to vote on.pdf; National v Factional (An History of the 201213 NE Schism).pdf; NE STANDING ORDERS 6th July 2010.pdf



**Subject:** [NE-Members] Motions to be determined by email ballot

**From:** Michael Pilling [REDACTED]

**Date:** Thu, 20 Sep 2012 09:45:55 +0930

**To:** National Executive <ne-members@democrats.org.au>

Dear Members of the National Executive,

**RE: EMAIL BALLOT PURSUANT TO NATIONAL EXECUTIVE STANDING ORDER 40**

At the National Executive meeting on the 18th September 2012, three Presidential Members (Churchill, Howe and Collyer) simultaneously left the meeting during the determination of some important motions and midway through a vote. In order not to disadvantage those members, I am listing the unresolved motions from the 18th September for email ballot in order for everyone to have a fair and reasonable opportunity to express their vote on these motions.

Please note that pursuant to Standing Order 40.4 if a clear majority is received before the closure of the ballot in 5 days time (see SO 40.3(b)) then the motions can be declared as passed (or lost) as the case may be. You are therefore at liberty to vote as soon as you receive this email. Per the standing orders - it is necessary to have a seconder for the motions. Hayden Ostrom-Brown is the mover per the meeting on the 18th (and has confirmed that he is the mover for this email ballot).

**The motions are:** (please note they have been renumbered for this email ballot for ease of reference) :

- (1) That Stuart Horrex be appointed National Secretary of the Australian Democrats with immediate effect, in a temporary role while current nominations and election processes are being undertaken. (as amended in the NE Meeting 18/8/12) **MOVED:** Hayden Ostrom-Brown.
  
- (2) That no further media releases are to be issued until such time as they are approved by the Chair of NE, who shall consult with NE first and that the chair of this meeting ("Michael Pilling") (18/9/12) be considered the chair for this purpose. **MOVED:** Hayden Ostrom-Brown.
  
- (3) That Mr. Darren Churchill be immediately suspended from the

membership of the Australian Democrats until such time as a report can be compiled and presented to the National Executive. That such suspension include not being eligible to run for any office or position within the party during the term of the suspension and require Mr Churchill to relinquish all keys, records and electronic passcodes (of any form) to the custody of the NSW President Drew Simmons within 24 hours of the passage of this motion. **MOVED:** Hayden Ostrom-Brown.

(4) That in the absence of a duly elected and/or appointed Registrar or Disputes convenor, that the National Executive appoint Mr Drew Simmons (NSW President), Dr Michael Pilling (SA President) and Mr John Davey (solicitor) to a special committee ("the Special Committee") to investigate and report to the National Executive within 30 days of the passage of this motion upon the allegations contained in this email and to make recommendations regarding their findings. **MOVED:** Hayden Ostrom-Brown.

(5) That the terms of reference of the Special Committee are to include the power to question in writing any party member or official and to afford a reasonable opportunity by any persons to respond to any adverse findings that may be made, before the publication of their report and that the rules of natural justice are to apply. **MOVED:** Hayden Ostrom-Brown.

#### Terms of reference of the Special Committee

a. That the Special Committee be vested with the power and authority to inspect any party document or records or (be it hard copy or electronic) for the purpose of compiling the Committee's report and recommendation.

b. That the Special Committee also report on the integrity and security of the party's membership records and make recommendations regarding the improvement towards the processes of compiling and securing those records.

(6) That the sole custody and responsibility for the Party's membership records be hereby vested in Drew Simmons until the formal appointment of the Membership officer and that no other person is permitted to access, amend or add or subtract to or from the membership records of the party and that access to the electronic and hard copy of the records of the party be changed and vested exclusively in Mr Drew Simmons. Drew Simmons is expressly authorised to discontinue the access to party records by all other persons than himself. **MOVED:** Hayden Ostrom-Brown.

(7) That the national fund raising officer be given a list of all memers of the Australian Democras, including associate members, for the purpose of contacting members for upcoming fundraising initiatives. **MOVED:** Jason Heeris

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Other items to be discussed:

- (8) Planning for National Conference 2013 – Election Year (D. King)
- (9) Non voting positions (H Ostrom Brown)
- (10) I suggest National Executive commence developing a National Fund Raising Strategy so that our people in SA can act in a coordinated national plan for fund raising from corporates. (M Pilling)
- (11) Regulatory Compliance including the new National Workplace Health and Safety laws which directly affect us. (M Pilling)
- (12) Becoming a learning organisation. (M Pilling)

Dr. Michael Pilling

National Executive Chair & SA President

Australian Democrats

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Sent from my mind.

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<b>Part 1.2</b>	<b>Content-Type:</b> text/plain
	<b>Content-Encoding:</b> 7bit



**Subject:** [NE-Members] Motions for Email Ballot

**From:** Hayden Ostrom Brown [REDACTED]

**Date:** Thu, 4 Oct 2012 18:15:00 -0700 (PDT)

**To:** Nat Exec <ne-members@democrats.org.au>

**CC:** p h [REDACTED]

Hi All,  
Find below motions to be determined by email ballot:

2012.05.10 - 1. That the media release authored by Mr Darren Churchill and Mr David Collyer entitled "\$XVADDDQ ' HP RFUDWVDA II( [ SXQJ HIKHIFUP LQDUHFRUGIR I6 RGRP \ " be removed from the party website.

2012.05.10- 2. That authority to post any material on the party website, including state sub-sites, be vested exclusively in Dr Michael Pilling and that all codes to access and update the website are required to be provided to Dr Pilling with 3 days of the passage of this motion. This includes the access codes to the domain name registration for democrats.org.au and to the web hosting provider's hosting account.

2012.05.10 - 3. That all party national committees are hereby dissolved pending the appointment the relevant non-voting members of the national executive.

2012.05.10 - 4. That Mr David Collyer is hereby required to provide an explanation in writing to the National Executive list for issuing a media release in contravention of the recent resolution of the NE resolution requiring within 48 hours of the passage of this motion. Failure to do so will result in the suspension of David Collyer from membership of the party and his dis-endorsement as a candidate for the Australian Democrats.

2012.05.10 - 5. That Darren Churchill be dis-endorsement as a candidate for the Australian Democrats.

2012.05.10 - 6. That there shall be no member questions and answers via the national journal in current and future national ballots. Members are, of course, welcome to question candidates individually as per previous practice.

Regards,  
Hayden Ostrom Brown

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**Subject:** [NE-Members] Malicious email motions

**From:** "Robin Davis" [REDACTED]

**Date:** Mon, 15 Oct 2012 16:03:18 +1100

**To:** "Bruce Hogben" [REDACTED]; "Tim Law" [REDACTED]; "Dr James Page" [REDACTED] "ne-members" <ne-members@democrats.org.au>; "Sandra Kanck" [REDACTED]; "Julia Melland" [REDACTED]; "John Mathieson" [REDACTED]; "Lyn Allison" [REDACTED]

Hello all,

I am dismayed and disgusted by the behaviour of some members of the National Executive. They have abused and dishonoured the trust placed in them by the membership. At a time when unity of purpose is more critical than ever they have fostered animosity and division.

The series of belligerent, antagonistic and malicious email motions disseminated during the past few months have bullied and vilified people whose integrity, hard work and valuable contribution over many years is beyond dispute.

Email motions are valid where a formal meeting cannot be practicably arranged. This has not been the case. Therefore the email motions and subsequent vote are invalid, illegitimate and carry no authority. I will not comply with them.

The current national body is clearly dysfunctional. No major decisions should be made until a new presidential ballot is conducted and decided and we have a fully functioning National Executive.

Best regards,

Robin Davis,  
Acting National Membership Officer

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**Subject:** [NE-Members] Motion for Email Ballot

**From:** Hayden Ostrom Brown [REDACTED]

**Date:** Thu, 25 Oct 2012 16:02:39 -0700 (PDT)

**To:** Nat Exec <ne-members@democrats.org.au>, p h [REDACTED]

By email ballot, I move the following motions:

1. That [REDACTED] be suspended from the Membership of the Australian Democrats until an investigation can be undertaken into the unauthorised use of party resources.
2. That in the event that [REDACTED] continues to access party resources and/ or represent himself as being entitled to speak for or on behalf of the Australian Democrats, that the National Executive empower [REDACTED] to provide instructions to a solicitor to advise and commence on proceedings to restrain [REDACTED] and that such instructions include an application of indemnity costs against [REDACTED] personally.

***Particulars and background to the motion:***

In his role on the National Executive, [REDACTED] with others failed to respond to timely requests by the Australian Electoral Commission to verify the party's membership numbers. From the first piece of correspondence issued by the Electoral Commission in September 2011 until the final *Notice of Intention to Deregister the Party* was received by the Australian Democrats, **nine months had elapsed and two failed audits had occurred**. The final submission that was lodged with the Australian Electoral Commission was done so on the last possible legal day (9 months after the Electoral Commission commenced its inquiries). Last weekend at a meeting in Melbourne, [REDACTED] acknowledged that he "*nearly did not lodge the party's submission*". The result would have been certain de-registration of the Australian Democrats as a Federal Political Party.

On the 5th of August, the National Executive passed a resolution requiring [REDACTED] (then in the role as Acting National Secretary) to table all correspondence provided to him regarding a complaint lodged against the election of [REDACTED] as party President and other matters. [REDACTED] did not comply with the resolution of the National Executive. Subsequent to the passing of the deadline imposed by the National Executive, [REDACTED] tabled a number of edited documents which were later found to have been censored by [REDACTED] to remove the name of [REDACTED] from those documents. Accordingly, [REDACTED] did not comply with a lawful direction of the National Executive in this instance.

In his term as Acting National Secretary [REDACTED] repeatedly refused to table motions sent to him by Members of the National Executive (including me as the mover of this motion) in advance of meetings and more often than not, did not circulate agendas in advance of such meetings. It is a requirement under Standing Orders of the National Executive and the Constitution of the party that agenda items be circulated 7 days prior to a National Executive meeting. When [REDACTED] did not support the motions being tabled by members of the National Executive, [REDACTED] refused to, or failed to, list those motions on the National Executives agenda. This behaviour by [REDACTED] was repeated throughout his term as acting National Secretary, which he held for over two years. It represented a breach of trust and a significant conflict of interest by [REDACTED] in his role as National Secretary of the party.

On the 25th of September, the National Executive appointed **Mr Stuart Horrex** as Acting National Secretary of the Party after a majority of members expressed a lack of confidence in [REDACTED] continuing in that role.

On the 7th of October the acting National Secretary wrote to [REDACTED] and others after allowing reasonable time for compliance of the National Executive motion, requesting that he provide Mr Horrex with all passcodes, documents and stationary concerning his former role as National Secretary. The correspondence was sent by email. As at the date of this motion, [REDACTED] has refused to provide Mr Horrex with the materials and passcodes of the Secretary of the Party and therefore remains in illegal possession of such party assets and material.

Between the 8th and 20th of October, [REDACTED] put his name to a piece of correspondence to the membership of the Australian Democrats. The contents of that correspondence were false and misleading and were defamatory of other members of the party. The circulation of that correspondence was undertaken in breach of the Australian Democrats Privacy Policy and was unauthorised. Accordingly, [REDACTED] for his own purposes and own reasons, has accessed and used party resources without the approval of the National Executive.

**On 23 October 2012,** [REDACTED] caused the following notice to appear in his name on the Australian Democrats website – [www.democrats.org.au](http://www.democrats.org.au)

Important Announcement

The Australian Democrats denounce as malicious mischief, claims on some social media overnight that Senior Deputy

National President, Darren Churchill, has resigned from the party.

A number of the party's social media accounts appear to have been hacked by a rogue element and are no longer a credible source of Australian Democrats information.

The party's Twitter @AusDemocrats is still a reasonably reliable source of Australian Democrats information.

The same rogue element has made claims that [REDACTED] holds a position of Chair of National Executive of the Australian Democrats. We confirm no such position exists. The chair is the responsibility of the National President, not a role.

The party is currently holding a ballot to fill the National President vacancy. There are three candidates for the position including Mr Churchill. Until the ballot is concluded, Mr Churchill as Senior Deputy National President is the locum tenens or "place-holder" and therefore chairs the National Executive.

[REDACTED]  
Acting National Secretary  
Australian Democrats  
23rd October 2012

[REDACTED] is neither the Acting National Secretary of the Australian Democrats nor was he authorised to post said "announcement" on the party website. Accordingly, [REDACTED] has again accessed and used party resources without authorisation for his own purpose. The contents of the purported announcement also show a general contempt for the authority of the elected National Executive by denying the acceptance of the National Executive of the resignation of [REDACTED] – who was dis-endorsed by the National Executive by a resolution on the 13th October. Prior to his resignation, [REDACTED] had been suspended from the party due to serious allegations of interference with the party's membership records. Whilst being suspended and after being dis-endorsed [REDACTED] continued to author media releases and represent himself as being a candidate endorsed by the Australian Democrats. He was not. [REDACTED] announcement is not authorised by the National Executive and is false and misleading.

Over an extended period of time, it have become apparent that due to behaviour which can only be described as secretive, lacking in transparency and bizarre, [REDACTED] has appropriate resources and positions to himself to which he is not entitled. Such appropriations in a commercial or employment setting would justify a summary dismissal of an officer conducting himself in the way that [REDACTED] has. It is submitted by me as the mover of this motion, that the National Executive can no longer trust, nor have confidence in [REDACTED]. I believe [REDACTED] not to be a fit and proper person to hold office in the Australian Democrats.

In concluding, it is a breach of party's privacy policy, the Commonwealth Privacy Principles and common decency for this National Executive not to act in the face of what can only be described as rogue behaviour by [REDACTED]. It is unacceptable that any individual members conduct themselves when and how they see fit with party resources, particularly when access to such resources was gained as a former office bearer and in circumstances where significant trust was bestowed.

Members of this National Executive will be well aware of the disrepute and political turmoil that the unauthorised access to union resources has caused the Health Services Union (HSU) and the Federal Labor Government of late. The Australian Democrats can ill afford the same allegations against us, by not acting swiftly.

Accordingly, I move the motion stated at the beginning of this email.

Hayden Ostrom Brown

**HAYDEN OSTROM BROWN**

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**Subject:** Re: [NE-Members] Motions to be determined by email ballot  
**From:** Roger Howe [REDACTED]  
**Date:** Thu, 20 Sep 2012 11:19:37 +1000  
**To:** Michael Pilling [REDACTED]  
**CC:** National Executive <ne-members@democrats.org.au>

Michael and NE,

I refer you to the Standing orders regarding the management of Email Ballots and the Secretary's Responsibilities, in particular section 4.2.(i) To conduct email ballots of NE members. Hence this attempt to proceed via email ballot with the new material introduced at the last NE is out of order.

I would also suggest that any attempt to affect a party member's standing during a ballot period (nominations have closed for National President) is prejudicial and may lead to the ballot becoming invalid, via an appeals process, or as determined by the Returning Officer/Ballots administrator.

My recommendation is that as an NE we allow the current ballot process to continue unencumbered and allow the members decision to take precedence.

The new National President will then be in a position to combine the National Executive into one team and ensure that all Office Holders are working to the same strategic plan.

Roger Howe  
National Secretary (Acting)  
Australian Democrats

Attachment -  
PART VI – NATIONAL OFFICERS' DUTY STATEMENTS

4.0 National Secretary

4.1 The National Secretary is responsible for the overall administration of the Party.

4.2 The Secretary has the following specific responsibilities:

(a) To receive and answer correspondence (subject to the president),

(b) general record keeping,

(c)

To prepare and circulate agenda papers,

(d) To take and maintain minutes,

(e) To keep official attendance lists,

(f)

To establish and maintain a calendar of executive events, and

(g) To maintain up to date official documents of the Party, including (but not limited to):

(i)

copies of the national constitution and regulations,

(ii)

copies of Standing Orders and

(iii) a complete list of any standing resolutions;

(h) To provide a copy of official documents to any member if they so request.

(i)

To conduct email ballots of NE members.

(j) To communicate decisions and proceedings of National Executive to members via the National

Journal and via the web site.

(k)

To communicate actions required/decisions made by National Executive to Party Office Bearers.

(l) To Liaise with the Party's legal advisers, when required.

(m) Co-ordinating corporate fundraising conducted at Divisional and National level.

(n) Convenor of National Conferences.

(o) Organising orientation programme for new members of National Executive.

(p) In conjunction with the National President, organise the Annual Report to members, to be presented at each National Conference.

(q) To liaise with and reports to National Executive about ad hoc committees set up/ initiatives of National Executive.

(r)

Archiving of Party documents, and

- 13 -

Australian Democrats, Standing Orders

(as at 06/07/2010)

On Thu, Sep 20, 2012 at 10:15 AM, Michael Pilling [REDACTED] wrote:  
Dear Members of the National Executive,

**RE: EMAIL BALLOT PURSUANT TO NATIONAL EXECUTIVE STANDING ORDER 40**

At the National Executive meeting on the 18th September 2012, three Presidential Members (Churchill, Howe and Collyer) simultaneously left the meeting during the determination of some important motions and midway through a vote. In order not to disadvantage those members, I am listing the unresolved motions from the 18th September for email ballot in order for everyone to have a fair and reasonable opportunity to express their vote on these motions.

Please note that pursuant to Standing Order 40.4 if a clear majority is received before the closure of the ballot in 5 days time (see SO 40.3(b)) then the motions can be declared as passed (or lost) as the case may be. You are therefore at liberty to vote as soon as you receive this email. Per the standing orders - it is necessary to have a seconder for the motions. Hayden Ostrom-Brown is the mover per the meeting on the 18th (and has confirmed that he is the mover for this email ballot).

**The motions are:** (please note they have been renumbered for this email



ballot for ease of reference) :

(1) That Stuart Horrex be appointed National Secretary of the Australian Democrats with immediate effect, in a temporary role while current nominations and election processes are being undertaken. (as amended in the NE Meeting 18/8/12) **MOVED:** Hayden Ostrom-Brown.

(2) That no further media releases are to be issued until such time as they are approved by the Chair of NE, who shall consult with NE first and that the chair of this meeting ("Michael Pilling") (18/9/12) be considered the chair for this purpose. **MOVED:** Hayden Ostrom-Brown.

(3) That Mr. Darren Churchill be immediately suspended from the membership of the Australian Democrats until such time as a report can be compiled and presented to the National Executive. That such suspension include not being eligible to run for any office or position within the party during the term of the suspension and require Mr Churchill to relinquish all keys, records and electronic passcodes (of any form) to the custody of the NSW President Drew Simmons within 24 hours of the passage of this motion. **MOVED:** Hayden Ostrom-Brown.

(4) That in the absence of a duly elected and/or appointed Registrar or Disputes convenor , that the National Executive appoint Mr Drew Simmons (NSW President), Dr Michael Pilling (SA President) and Mr John Davey (solicitor) to a special committee ("the Special Committee") to investigate and report to the National Executive within 30 days of the passage of this motion upon the allegations contained in this email and to make recommendations regarding their findings. **MOVED:** Hayden Ostrom-Brown.

(5) That the terms of reference of the Special Committee are to include the power to question in writing any party member or official and to afford a reasonable opportunity by any persons to respond to any adverse findings that may be made, before the publication of their report and that the rules of natural justice are to apply. **MOVED:** Hayden Ostrom-Brown.

Terms of reference of the Special Committee

a. That the Special Committee be vested with the power and authority to inspect any party document or records or (be it hard copy of

electronic) for the purpose of compiling the Committee's report and recommendation.

b. That the Special Committee also report on the integrity and security of the party's membership records and make recommendations regarding the improvement towards the processes of compiling and securing those records.

(6) That the sole custody and responsibility for the Party's membership records be hereby vested in Drew Simmons until the formal appointment of the Membership officer and that no other person is permitted to access, amend or add or subtract to or from the membership records of the party and that access to the electronic and hard copy of the records of the party be changed and vested exclusively in Mr Drew Simmons. Drew Simmons is expressly authorised to discontinue the access to party records by all other persons than himself. **MOVED:** Hayden Ostrom-Brown.

(7) That the national fund raising officer be given a list of all members of the Australian Democrats, including associate members, for the purpose of contacting members for upcoming fundraising initiatives. **MOVED:** Jason Heeris

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Other items to be discussed:

(8) Planning for National Conference 2013 – Election Year (D. King)

(9) Non voting positions (H Ostrom Brown)

(10) I suggest National Executive commence developing a National Fund Raising Strategy so that our people in SA can act in a coordinated national plan for fund raising from corporates. (M Pilling)

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Dr. Michael Pilling

National Executive Chair & SA President

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**Subject:** Re: [NE-Members] Motion for Email Ballot  
**From:** Darren Churchill <darren.churchill@democrats.org.au>  
**Date:** Fri, 26 Oct 2012 12:45:11 +1100  
**To:** democrats.ne.members@democrats.org.au

Hayden,

These motions are invalid,

- 1) There is no justification for using the email motion process. It is not impracticable to hold an NE meeting. One just hasn't been called due to the hijacking of the previous meeting and the seeming lack of any business relating to an external focus from the party. Still, if members had business to progress the party in an external focus or if an emergency situation arose (eg a federal election) NE would be summoned at once;
- 2) Your proposed motions are malicious and vexatious;
- 3) They are founded on false premises;
- 4) They refer to matters raised in other invalid motions and are therefore irrelevant;
- 5) They were not tabled via the Acting National Secretary with a request to consider email motions.
- 6) It would be most inappropriate for the Acting National Secretary to comply with actions arising from invalid or illegal motions.
- 7) The thought of not lodging the submission arose out of your attempts to remove The Secretary and the President (in March). Had your attempt to remove us succeeded, there would have been no official submission. The only submission would have been the [REDACTED] instigated renegade submission, which would have failed. **Exactly what you, [REDACTED] had wanted. ie. to lose the party's registration.**

If you persist with these childish and malicious attempts to bully other officer of the party, I suggest you resign your position. You are simply abusing your position to attack other members and that is totally inappropriate.

I cautioned you yesterday morning (Wednesday night) for your threatening behaviour. I suggest you give this some serious thought.

We are a political party, not a political club. Rules are there to be followed.

Regards,  
Darren

Darren Churchill  
Senior Deputy National President, Australian Democrats  
[REDACTED]

On 26/10/2012 10:02 AM, Hayden Ostrom Brown wrote:

By email ballot, I move the following motions:

1. That [REDACTED] be suspended from the Membership of the Australian Democrats until an

investigation can be undertaken into the unauthorised use of party resources.

2. That in the event that [REDACTED] continues to access party resources and/ or represent himself as being entitled to speak for or on behalf of the Australian Democrats, that the National Executive empower Dr Michael Pilling to provide instructions to a solicitor to advise and commence on proceedings to restrain [REDACTED] and that such instructions include an application of indemnity costs against [REDACTED] personally.

**Particulars and background to the motion:**

In his role on the National Executive, [REDACTED] with others failed to respond to timely requests by the Australian Electoral Commission to verify the party's membership numbers. From the first piece of correspondence issued by the Electoral Commission in September 2011 until the final *Notice of Intention to Deregister the Party* was received by the Australian Democrats, **nine months had elapsed and two failed audits had occurred**. The final submission that was lodged with the Australian Electoral Commission was done so on the last possible legal day (9 months after the Electoral Commission commenced its inquiries). Last weekend at a meeting in Melbourne, [REDACTED] acknowledged that he "nearly did not lodge the party's submission". The result would have been certain de-registration of the Australian Democrats as a Federal Political Party.

On the 5th of August, the National Executive passed a resolution requiring [REDACTED] (then in the role as Acting National Secretary) to table all correspondence provided to him regarding a complaint lodged against the election of Brian Greig as party President and other matters. [REDACTED] did not comply with the resolution of the National Executive. Subsequent to the passing of the deadline imposed by the National Executive, [REDACTED] tabled a number of edited documents which were later found to have been censored by [REDACTED] to remove the name of [REDACTED] from those documents. Accordingly, [REDACTED] did not comply with a lawful direction of the National Executive in this instance.

In his term as Acting National Secretary [REDACTED] repeatedly refused to table motions sent to him by Members of the National Executive (including me as the mover of this motion) in advance of meetings and more often than not, did not circulate agendas in advance of such meetings. It is a requirement under Standing Orders of the National Executive and the Constitution of the party that agenda items be circulated 7 days prior to a National Executive meeting. When Mr [REDACTED] did not support the motions being tabled by members of the National Executive, [REDACTED] refused to, or failed to, list those motions on the National Executives agenda. This behaviour by [REDACTED] was repeated throughout his term as acting National Secretary, which he held for over two years. It represented a breach of trust and a significant conflict of interest by [REDACTED] in his role as National Secretary of the party.

On the 25th of September, the National Executive appointed **Mr Stuart Horrex** as Acting National Secretary of the Party after a majority of members expressed a lack of confidence in Mr Howe continuing in that role.

On the 7th of October the acting National Secretary wrote to [REDACTED] and others after allowing reasonable time for compliance of the National Executive motion, requesting that he provide Mr Horrex with all passcodes, documents and stationary concerning his former role as National Secretary. The correspondence was sent by email. As at the date of this motion, [REDACTED] has refused to provide Mr Horrex with the materials and passcodes of the Secretary of the Party and therefore remains in illegal possession of such party assets and material.

Between the 8th and 20th of October, [REDACTED] put his name to a piece of correspondence to the membership of the Australian Democrats. The contents of that correspondence were false and misleading and were defamatory of other members of the party. The circulation of that correspondence was undertaken in breach of the Australian Democrats Privacy Policy and was unauthorised. Accordingly, [REDACTED] for his own purposes and own reasons, has accessed and used party resources without the approval of the National Executive.

On 23 October 2012, [REDACTED] caused the following notice to appear in his name on the Australian Democrats website – [www.democrats.org.au](http://www.democrats.org.au)

Important Announcement

The Australian Democrats denounce as malicious mischief, claims on some social media overnight that Senior Deputy National President, Darren Churchill, has resigned from the party.

A number of the party's social media accounts appear to have been hacked by a rogue element and are no longer a credible source of Australian Democrats information.

The party's Twitter @AusDemocrats is still a reasonably reliable source of Australian Democrats information.

The same rogue element has made claims that [REDACTED] holds a position of Chair of National Executive of the Australian Democrats. We confirm no such position exists. The chair is the responsibility of the National President, not a role.

The party is currently holding a ballot to fill the National President vacancy. There are three candidates for the

position including Mr Churchill. Until the ballot is concluded, Mr Churchill as Senior Deputy National President is the locum tenens or "place-holder" and therefore chairs the National Executive.

██████████  
Acting National Secretary  
Australian Democrats  
23rd October 2012

██████████ is neither the Acting National Secretary of the Australian Democrats nor was he authorised to post said "announcement" on the party website. Accordingly, ██████████ has again accessed and used party resources without authorisation for his own purpose. The contents of the purported announcement also show a general contempt for the authority of the elected National Executive by denying the acceptance of the National Executive of the resignation of Mr Darren Churchill – who was dis-endorsed by the National Executive by a resolution on the 13th October. Prior to his resignation, ██████████ had been suspended from the party due to serious allegations of interference with the party's membership records. Whilst being suspended and after being dis-endorsed, Mr Churchill continued to author media releases and represent himself as being a candidate endorsed by the Australian Democrats. He was not. Mr Howe's announcement is not authorised by the National Executive and is false and misleading.

Over an extended period of time, it have become apparent that due to behaviour which can only be described as secretive, lacking in transparency and bizarre, ██████████ has appropriate resources and positions to himself to which he is not entitled. Such appropriations in a commercial or employment setting would justify a summary dismissal of an officer conducting himself in the way that ██████████ has. It is submitted by me as the mover of this motion, that the National Executive can no longer trust, nor have confidence in ██████████. I believe ██████████ not to be a fit and proper person to hold office in the Australian Democrats.

In concluding, it is a breach of party's privacy policy, the Commonwealth Privacy Principles and common decency for this National Executive not to act in the face of what can only be described as rogue behaviour by ██████████. It is unacceptable that any individual members conduct themselves when and how they see fit with party resources, particularly when access to such resources was gained as a former office bearer and in circumstances where significant trust was bestowed.

Members of this National Executive will be well aware of the disrepute and political turmoil that the unauthorised access to union resources has caused the Health Services Union (HSU) and the Federal Labor Government of late. The Australian Democrats can ill afford the same allegations against us, by not acting swiftly.

Accordingly, I move the motion stated at the beginning of this email.

Hayden Ostrom Brown

**HAYDEN OSTROM BROWN**

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Think carefully about the slander and libel laws for your country.

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<b>Part 1.2</b>	<b>Content-Type:</b> text/plain
	<b>Content-Encoding:</b> 7bit



**Subject:** Re: [NE-Members] Returning Officer and Ballot administrator  
**From:** Hayden Ostrom Brown [REDACTED]  
**Date:** Sat, 29 Sep 2012 14:43:12 -0700 (PDT)  
**To:** Paul Young [REDACTED] "ne-members@democrats.org.au"  
<ne-members@democrats.org.au>

Hi All,

I second both these motions.

Regards,  
Hayden Ostrom Brown

---

**From:** Paul Young [REDACTED]  
**To:** ne-members@democrats.org.au  
**Sent:** Friday, 28 September 2012 11:24 AM  
**Subject:** [NE-Members] Returning Officer and Ballot administrator

As Deputy of the WA Exec I Move the following motions.

Motion 1: That the National Executive, Kindly thank Deane Crabb and Julia Melland for their work as Returning officer and Ballot Administrator.

Motion 2: That the National Executive Re-Appoint Deane Crabb as the National Returning Officer and Drew Simmons as National Ballot Administrator.

Kind regards

Paul Young  
WA Deputy President

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<b>Part 1.2</b>	<b>Content-Type:</b> text/plain <b>Content-Encoding:</b> 7bit
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**Subject:** Re: [NE-Members] vote foe current motions  
**From:** Roger Howe [REDACTED]  
**Date:** Tue, 2 Oct 2012 16:47:40 +1000  
**To:** ne-members@democrats.org.au, "<democrats.ne.members@democrats.org.au>"  
<democrats.ne.members@democrats.org.au>  
**CC:** david.collyer@vic.democrats.org.au, "tim.neal@democrats.org.au"  
<tim.neal@democrats.org.au>, robert.livesay@vic.democrats.org.au, John Davey  
<johnd@hermlegal.com.au>, p h [REDACTED], Ellen Hardy  
<secretary@vic.democrats.org.au>

NE, (CC Vic Exec members/attendees)

I sent an earlier email, but it appears to be lost in the ether.

I would like some background to these motions, as they have come out of the blue for me, it was only last NE meeting that we agreed to advertise all positions.

Has Julia Melland indicated a wish to step down ?  
Why reappoint Deane Crabb as an officer to an office in which he already serves in ?  
Have the positions been advertised as agreed at the last NE ?  
Can the full list of applicants and their applications be circulated please ?  
As these positions are held by people with no other party responsibilities ie no conflict of interest, is Drew intending to step down from his other positions?

I feel that it would be remiss of me in my duty to express an opinion on these motions without the required background information.

Thanks,  
Roger

On Sun, Sep 30, 2012 at 8:22 AM, p h [REDACTED] wrote:

The Tasmanian Division votes YES to both the following motions

Motion 1: That the National Executive, Kindly thank Deane Crabb and Julia Melland for their work as Returning officer and Ballot Administrator.

Motion 2: That the National Executive Re-Appoint Deane Crabb as the National Returning Officer and Drew Simmons as National Ballot Administrator

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<b>Part 1.2</b>	<b>Content-Type:</b> text/plain <b>Content-Encoding:</b> 7bit
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**Subject:** [NE-Members] Outstanding motions to vote on

**From:** Michael Pilling [REDACTED]

**Date:** Thu, 11 Oct 2012 13:18:27 +1100

**To:** ne-members@democrats.org.au

Dear All,

We have some outstanding motions on the table, it's time to vote on them:

Paul Young moved the following motions and I've renumbered these to in YYYY-MM-DD.n

2012-09-28.1: That the National Executive, Kindly thank Deane Crabb and Julia Melland for their work as Returning officer and Ballot Administrator.

2012-09-28.2: That the National Executive Re-Appoint Deane Crabb as the National Returning Officer and Drew Simmons as National Ballot Administrator.

Hayden Ostrom Brown moved the following (I've renumbered these putting back in YYYY-MM-DD.n):

2012.10.05.-1. That the media release authored by Mr Darren Churchill and Mr David Collyer entitled "~~XXXXXXXXXX~~  
' HP RFUDWVDA II ( [ SXQJ HIKKHIFUP LQDUHFRUGIR I6 RGFP \ " be removed from the party website.

2012.10.05.- 2. That authority to post any material on the party website, including state sub-sites, be vested exclusively in Dr Michael Pilling and that all codes to access and update the website are required to be provided to Dr Pilling with 3 days of the passage of this motion. This includes the access codes to the domain name registration for democrats.org.au and to the web hosting provider's hosting account.

2012.10.05.- 3. That all party national committees are hereby dissolved pending the appointment the relevant non-voting members of the national executive.

2012.10.05.- 4. That Mr David Collyer is hereby required to provide an explanation in writing to the National Executive list for issuing a media release in contravention of the recent resolution of the NE resolution requiring within 48 hours of the passage of this motion. Failure to do so will result in the suspension of David Collyer from membership of the party and his dis-endorsement as a candidate for the Australian Democrats.

2012.10.05.-5. That Darren Churchill be dis-endorsed as a candidate for the Australian Democrats.

2012.10.05.-6. That there shall be no member questions and answers via the national journal in current and future national ballots. Members are, of course, welcome to question candidates individually as per previous practice.

Regards,

Michael

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## **NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE**

### **National Executive and YADs Executive Nominations 2012**

#### **National President**

Darren Churchill

Brian Greig

#### **Deputy National Presidents (5)**

Jason Heeris

Darren Churchill

Tim Neal

Chris Ridings

Roger Howe

David Collyer

Michael Pilling

David King

Hayden Ostrom Brown

Stuart Horrex

#### **YADs President**

Aaron Moss

### **Resulting National Executive (elected 13<sup>th</sup> July 2012)**

#### **National President**

Brian Greig

#### **Senior Deputy National President**

Darren Churchill

#### **Deputy National Presidents (in order elected)**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

#### **YADs President**

Aaron Moss

+

#### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Rick Westgarth (Vic Proxy)

Anthony David (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)

John Davey (claiming WA Proxy)

Sandra Kanck (SA President)

### **National Executive, following the resignation of Brian Greig (7<sup>th</sup> August National Executive meeting)**

#### **Senior Deputy National President**

Darren Churchill

#### **Deputy National Presidents (in order elected)**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

#### **YADs President**

Aaron Moss

+

## NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE

### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)  
 Rick Westgarth (Vic Proxy)  
 Anthony David (ACT Proxy)  
 Drew Simmons (NSW President)  
 Paul Stevenson (Qld President)  
 Tim Neal (WA Proxy)  
 Sandra Kanck (SA President)

**Following AGMs in SA and ACT (18<sup>th</sup> September National Executive meeting)**

### Elected National Executive

#### **Senior Deputy National President**

Darren Churchill

#### **Deputy National Presidents (in order elected)**

Roger Howe  
 Hayden Ostrom Brown  
 David Collyer  
 Jason Heeris

#### **YADs President**

Aaron Moss

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)/Josh Mitchell (Tas President)  
 Rick Westgarth (Vic Proxy)  
 Trevor Jenner (ACT Proxy)  
 Drew Simmons (NSW President)  
 Paul Stevenson (Qld President)  
 Tim Neal (WA Proxy)  
 Michael Pilling (SA President)

### Faction's version

#### **Chair**

Michael Pilling (SA President)

#### **Deputy National Presidents**

Darren Churchill (SDNP)  
 Roger Howe  
 Hayden Ostrom Brown  
 David Collyer

Jason Heeris

#### **YADs President**

Aaron Moss

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)  
 Trevor Jenner (ACT Proxy)  
 Drew Simmons (NSW President)  
 Paul Stevenson (Qld President)/Jim Page (claiming to vote for Qld)  
 Tim Neal (WA Proxy)

**20<sup>th</sup> September - Rick Westgarth resigns from party. In a private telephone conversation he cited Hayden Ostrom Brown and Paulene Hutton's behaviour at September NE meeting. Faction creates its own interpretation as to how National Executive is constituted and start making up their own rules.**



## NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE

### National Executive (as at 21<sup>st</sup> September)

#### Real National Executive

##### **Senior Deputy National President**

Darren Churchill

##### **Deputy National Presidents**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Aaron Moss

+

##### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)/Josh Mitchell (Tas President)

Robin Davis (Vic Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)

Tim Neal (WA Proxy)

Michael Pilling (SA President)

#### Factional Executive

##### **Chair**

Michael Pilling (SA President)

##### **Deputy National Presidents**

Darren Churchill (SDNP)

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Aaron Moss

+

##### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)/Jim

Page (claiming to vote for Qld)

Tim Neal (WA Proxy)

**25<sup>th</sup> September (morning) – Faction claims to have suspended Darren Churchill from membership, via invalid email motion.**

**25<sup>th</sup> September (evening) – ACT Division Executive resolves that Darren is still the Divisional President and candidate for Ginninderra, at its September meeting.**

**7<sup>th</sup> October - Josh Mitchell resigns from the party citing childish, factional power games. Facebook comments at the time showed that this was directed at the factional group.**

### National Executive (as of 8<sup>th</sup> October):

#### Real National Executive

##### **Senior Deputy National President**

Darren Churchill

##### **Deputy National Presidents**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Aaron Moss

+

##### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Robin Davis (Vic Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)

Tim Neal (WA Proxy)

Michael Pilling (SA President)

#### Factional Executive

##### **Chair**

Michael Pilling (SA President)

##### **Deputy National Presidents**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Aaron Moss

+

##### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)/Jim

Page (claiming to vote for Qld)

Tim Neal (WA Proxy)

## NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE

**13<sup>th</sup> October** – Faction claims to have dis-endorsed Darren Churchill as a candidate in the ACT Election, via invalid email motion.

**23<sup>rd</sup> October** – Faction claims Darren Churchill has resigned from the party due to continuing to be an endorsed candidate.

**29<sup>th</sup> October (morning)** – Faction claims to have suspended Roger Howe from membership, via invalid email motion.

**29<sup>th</sup> October (afternoon)** - Aaron moss resigns from the party following a paternalistic response from Pilling to a question about the attempt to suspend Roger and “trying to salvage some kind of process out of this mess.”

### National Executive (as of 30<sup>th</sup> October)

#### Real National Executive

##### **Senior Deputy National President**

Darren Churchill

##### **Deputy National Presidents**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Mathew Burke

+

##### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Robin Davis (Vic Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)

Michael Pilling (SA President)

Tim Neal (WA President)

#### Factional Executive

##### **Chair**

Michael Pilling (SA President)

##### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Jason Heeris

##### **YADs President**

Mathew Burke

+

##### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)/Jim

Page (claiming to vote for Qld)

Tim Neal (WA President)

**24<sup>th</sup> November to 29<sup>th</sup> November** - Faction proceeds to appoint officers (by invalid email procedure) following its call for nominations in an invalid document purporting to be the National Journal. Claiming vote is for valid members of National Executive only. Three valid members of National Executive are excluded (Darren Churchill, Roger Howe, Trevor Jenner). Four invalid people are included: 1) Tim Neal invalidly claims a DNP vote (from a purported count-back from Darren Churchill); 2) Paul Young invalidly claims WA proxy; 3) Jim Page invalidly claims Qld Proxy; 4) Stuart Horrex invalidly claims a DNP vote (they apparently assumed that Jason Heeris would be elected President and that a countback of the July ballot results would see the DNP position go to Horrex).

Appointments conducted in secrecy, not even discussed on NE List (the NE's email list where general discussion is undertaken prior to a meeting or to inform NE members of various happenings), except where DNP David Collyer warned them the process was invalid.

**2<sup>nd</sup> December** – Jason Heeris resigns from the party, after the illegal one-candidate ballot was conducted and counted and give the result of 43% Yes - 56% NO. Jason's resignation read “Please, don't any of you ever contact me again.”

### National Executive (as of 24<sup>th</sup> November)

## NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE

### Real National Executive

#### **Senior Deputy National President**

Darren Churchill

#### **Deputy National Presidents**

Roger Howe

Hayden Ostrom Brown

David Collyer

Jason Heeris

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Robin Davis (Vic Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)

Michael Pilling (SA President)

Tim Neal (WA President)

### Factional Executive

#### **Chair**

Michael Pilling (SA President)

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex (claiming countback)

Tim Neal (claiming countback)

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Drew Simmons (NSW President)

Paul Stevenson (Qld President)/Jim

Page (claiming to vote for Qld)

Paul Young (claiming WA Proxy)

**4<sup>th</sup> December – Robert Livesay elected Victoria Division President**

**11<sup>th</sup> December – Paul Cole elected Queensland President (unable to be on National Executive due to not having 12 months membership). No valid proxy produced. Although NE has still not formally been advised of Paul's election.**

**12<sup>th</sup> December – Darren Churchill elected National President (declared 20<sup>th</sup> December). Countbacks also conducted for DNP positions created by Jason Heeris (resigned) and Darren Churchill (elected National President). Stuart Horrex and Tim Neal now DNPs.**

**Countback sees Roger Howe elected Senior DNP.**

### **National Executive (as of 12<sup>th</sup> December)**

#### Real National Executive

#### **National President**

Darren Churchill

#### **Senior Deputy National President**

Roger Howe

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Tim Neal

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Michael Pilling (SA President)

Paul Young (WA Proxy)

Robert Livesay (Vic President)

Paul Cole (Qld President– non voting)

#### Factional Executive

#### **Chair**

Michael Pilling (SA President)

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Tim Neal

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Drew Simmons (NSW President)

Paul Cole (Qld President – **non voting**)/Jim Page (claiming to vote for Qld)

Robert Livesay (Vic President)

Paul Young (WA Proxy)

## NATIONAL EXECUTIVE v FACTIONAL EXECUTIVE

**27<sup>th</sup> December – Tim Neal resigns from office holder positions. Countback sees Chris Ridings elected DNP. Paul Young becomes Acting WA President.**

**National Executive (as of 27<sup>th</sup> December)**

### Real National Executive

#### **National President**

Darren Churchill

#### **Senior Deputy National President**

Roger Howe

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Chris Ridings

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Michael Pilling (SA President)

Robert Livesay (Vic President)

Paul Young (Acting WA President)

Paul Cole (Qld President– **non voting**)

### Factional Executive

#### **Chair**

Michael Pilling (SA President)

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Chris Ridings

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Drew Simmons (NSW President)

Paul Cole (Qld President – **non voting**)/Jim Page (claiming to vote for Qld)

Robert Livesay (Vic President)

Paul Young (Acting WA President)

**12<sup>th</sup> January 2013 – Ballot of South Australian members declares the position of SA President vacant. The SA Division State Management Committee, at its meeting on 20<sup>th</sup> December, determined that either Bruce Hogben or Greg Croke would be the Division's representative if that ballot was successful.**

**National Executive (*current*, as of 11<sup>th</sup> January, 2013)**

### Real National Executive

#### **National President**

Darren Churchill

#### **Senior Deputy National President**

Roger Howe

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Chris Ridings

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (Tas Proxy)

Trevor Jenner (ACT Proxy)

Drew Simmons (NSW President)

Paul Young (Acting WA President)

Robert Livesay (Vic President)

Paul Cole (Qld President– **non voting**)

Bruce Hogben/Greg Croke (SA Proxy)

### Factional Executive

#### **Chair**

Michael Pilling (SA President)

#### **Deputy National Presidents**

Hayden Ostrom Brown

David Collyer

Stuart Horrex

Chris Ridings

#### **YADs President**

Mathew Burke

+

#### **State Presidents or Proxies**

Paulene Hutton (claiming Tas Proxy)

Drew Simmons (NSW President)

Robert Livesay (Vic President)

Paul Cole (Qld President – **non voting**)/Jim Page (claiming to vote for Qld)

Paul Young (Acting WA President)

## AUSTRALIAN DEMOCRATS

### Standing Orders and Rules for Debate

<b>PART I – MEETINGS</b>
--------------------------

*Section 1 - General*

**1. Use, Authority and Amendment**

- 1.1 These Standing Orders shall apply to all meetings of the National Executive of the Australian Democrats and must be interpreted subject to the National Constitution and Regulations.
- 1.2 These Standing Orders apply to all committees of National Executive, with any necessary modification.
- 1.3 These rules may apply to all other Party bodies where such bodies have no, or insufficient standing orders.
- 1.4 Alterations to these Standing Orders shall only be made by a meeting only where at least 7 days prior notice of motion has been given.
- 1.5 Any notice of alteration to Standing Orders shall be clearly designated by the standard format, "That the Standing Order be amended such that..."

**2. Further Rules and Suspension**

- 2.1 If any matter is not dealt with in these Standing Orders, the rules governing debate in the House of Representatives of the Commonwealth of Australia apply, otherwise the Chair may make a ruling.
- 2.2 These Standing Orders may be departed from only:
  - (a) with the unanimous consent of meeting where a member "Seeks leave of the meeting"; or
  - (b) where a member may move "That so much of standing orders be suspended as would prevent..."
- 2.3 This procedural motion may be debated.
- 2.4 This procedural motion requires a two-thirds (2/3) majority in order to be carried.

**3. Validity**

Subject to the National Constitution and Regulations, any decision made by a validly constituted meeting is not void by reason only of a departure from these Standing Orders which was not detected until after the decision had been made.

**4. Convening and Notice**

- 4.1 The President or Secretary as nominee must convene meetings; if the President fails to convene a meeting, any Deputy President may do so.
- 4.2 The notice required of the time, date, and place of a face-to-face meeting is at least twenty-one (21) days.
- 4.3 The notice of agenda (including topics for debate) for meetings must be published at least seven (7) days prior to the meeting.
- 4.4 Face-to-face meetings must be convened at least three (3) times in a financial year
- 4.5 The venue of any meeting must have adequate disability access.

**5. Special Meetings**

- 5.1 Special meetings of Executive may be convened by teleconference in order to deal with matters of urgency, but must not consider any other business.
- 5.2 The convenor of a special Executive meeting must give at least five (5) days notice of the time, date, method, and the full text of the specific matter(s) for which the meeting has been called.
- 5.3 Notwithstanding the previous clause, extraordinary meetings of Executive may be convened, provided that at least twenty-four (24) hours notice is given of the nature of the extraordinary circumstances and the time, date, method, and full text of the specific matter(s) for which the meeting has been called.

**6. Quorum**

- 6.1 The quorum for meetings of Executive is defined by the National Constitution and Regulations.
- 6.2 Subject to the previous clause, quorum is the number of votes, including proxies, required to exercise a simple majority of votes exercisable at that time, provided that at least three (3) representatives, or their proxies, from Divisions, and half of the presidential team are present.
- 6.3 The Chair must ensure that a quorum is present before declaring a meeting open.
- 6.4 Subject to the previous clause, a meeting must commence promptly at the time set out on the official notice of the meeting.
- 6.5 If quorum is not reached within sixty (60) minutes of the times set for a session, then that session lapses and all business is stood over to a subsequent session.
- 6.6 Quorum must be present in order for any valid vote to be taken.
- 6.7 If quorum is lost during a meeting, the Chair may either:

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- (a) Continue with general discussion for a period of not longer than thirty (30) minutes or the remainder of the session, whichever is the longer; or
  - (b) Close the session.
- 6.8 If a quorum is not regained within thirty (30) minutes from the time it was lost, then the session lapses and all remaining business is stood over to a subsequent session.
- 6.9 Any voting member of the Executive may request that the Chair confirms that quorum is present.
- 7. Proxies**
- 7.1 Division Executives have the power to appoint proxies for their representatives.
- 7.2 A proxy must be a financial member of the Party and may be a current voting member of the National Executive.
- 7.3 Subject to the following clauses, any voting member of the National Executive may carry any proxy.
- 7.4 A member may only carry one (1) proxy.
- 7.5 Subject to this section, a proxy must be a Party member eligible to be elected or appointed to the executive.
- 7.6 The Federal Parliamentary Leader and Deputy may only appoint another Federal Parliamentarian (or each other) as a proxy for all or part of a meeting.
- 7.7 The State/Territory Parliamentary representative may only appoint another State/Territory Parliamentarian as a proxy for all or part of a meeting.
- 7.8 The YADs National President may only appoint another member of YADs as a proxy for all or part of a meeting.
- 7.9 The National President and Deputy National Presidents are not permitted to appoint proxies.
- 7.10 Appointments of a proxy must be in writing and must:
- (a) specify:
    - (i) the duration of the appointment;
    - (ii) the order in which appointments are to exercise the proxy;
    - (iii) any conditions attached to the proxy;
  - (b) be signed by the member, or person authorised to sign,
  - (c) state the date and time the appointment(s) were made,
  - (d) not be altered once signed, and
  - (e) be given to the National Secretary.
- 7.11 Appointments of proxy do not apply when the sitting member is physically present at the meeting.
- 7.12 Notwithstanding, the previous clause a member may delegate their vote to an appointment on their proxy list for a particular item.
- 8. Agenda**
- 8.1 The agenda must be followed in the order in which it is set out, unless otherwise determined by a simple resolution of the meeting.
- 8.2 Subject to quorum being present, the meeting must continue until all business on the agenda is disposed of, unless otherwise determined by a simple resolution of the meeting.
- 8.3 Only business on notice may be resolved, however other business may be discussed.
- 9. Chair of Meetings**
- 9.1 The Chair of all meetings, except Committee meetings, is the President or nominee.
- 9.2 If the President or nominee is absent from a meeting, the meeting must then elect a Chair for that meeting by a simple majority, not being subject to dissent.
- 9.3 The Chair must, at the beginning of each meeting, remind those assembled that mobile phones and pagers are to be turned off or placed on a silent ring function for the duration of the meeting.
- 9.4 The Chair has both a deliberative and a casting vote.
- 9.5 The Chair's casting vote may only be exercised in a fashion as to maintain the status quo.
- 9.6 The Chair must read out (or cause to have read out) the full text of any motion or matter if any member so requests.
- 9.7 The Chair must not recognise any person(s) in an intoxicated state, and such a person may be removed from the meeting.
- 10. Eligibility to attend meetings**
- 10.1 Subject to the following clauses, any member of the Party may attend meetings.
- 10.2 Any person who is currently recorded by the National Membership Officer as being expelled or excluded from the Party, is prohibited from attendance at any National Executive meeting unless expressly invited by the National Executive to attend at a subsequent National Executive meeting.
- 10.3 Persons who are not members of the Party may attend meetings and may take part in any discussion only by invitation from the President or Secretary, subject to a resolution of the meeting.
- 10.4 The media can only attend meetings if expressly invited by the President, and must not take part in any discussion, subject to a resolution of the meeting.
- 10.5 Admission of non-members to other meetings must be by invitation only, subject to a resolution of that meeting.

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- 10.6 Any non-members must not:
- (a) move or second motions, or
  - (b) vote.
- 11. Conduct at Meetings**
- 11.1 Speakers may only address the meeting when called on to do so by the Chair.
- 11.2 Subject to these regulations, speakers must be heard in silence and may only be interrupted by the Chair.
- 11.3 All business of a meeting must be by way of motions and amendments, except when:
- (a) Reports are being considered; or
  - (b) The meeting resolves itself into a committee of the whole.
- 11.4 No member shall reflect disparagingly upon the vote of a meeting except on a motion of rescission of any resolution previously adopted.
- 12. Minutes**
- 12.1 A record of proceedings must be kept at all meetings, called 'minutes'.
- 12.2 The Minutes of a meeting must include:
- (a) An attendance list, stipulating the name, branch, and/or division of which each attendee is a member;
  - (b) The times that the meeting opened and closed;
  - (c) Who held the Chair;
  - (d) The order in which business was conducted; and
  - (e) The full text of all motions considered at the meeting including:
    - (i) the names of proposers and seconders, and
    - (ii) the determination of the meeting.
- 12.3 Executive may make further rules to govern the format and any extra content of minutes, by standing resolution.
- 12.4 Presence at a meeting is deemed to have occurred upon signing of the attendance list.
- 12.5 Where a member claims to have been present at a meeting but whose name does not appear in the official attendance list, that person may have their name added if they can provide evidence of attendance to the satisfaction of the meeting.
- 12.6 The minutes of National Executive are the responsibility of the National Secretary.
- 12.7 Draft minutes from a meeting must be distributed to all executive members within twenty-one (21) days of the meeting being held.
- 12.8 A meeting must consider a motion to confirm the minutes from the previous meeting.
- 13. Standing Resolutions**
- 13.1 Executive may make standing resolutions to give effect to the constitution and regulations or to govern any other aspect of the operations of the Party.
- 13.2 Standing resolutions require a two-thirds (2/3) majority in order to be passed and remain in effect until they are repealed, or replaced by a new standing resolution.
- 13.3 Standing resolutions may be amended after they have come into effect, however, such amendment requires a two-thirds (2/3) majority
- 13.4 All standing resolutions must be recorded and attached to these standing orders under the heading: "Appendix A - Standing Resolutions".
- 13.5 Appendix A - Standing Resolutions must contain:
- (a) the full text of the resolution,
  - (b) the body that passed the resolution,
  - (c) the date on which the resolution was passed, and
  - (d) the original date and the date of any amendment made to an existing standing resolution.
- 13.6 The proposers of a standing resolution must give at least seven (7) days notice of the intention to make or amend a standing resolution.
- 13.7 The Chair must determine whether a motion before the meeting is to be considered as a standing resolution if passed.
- 14. Petitions**
- 14.1 The executive must be open to and responsive to the needs of members and groups within the Party.
- 14.2 Accordingly:
- (a) Members of the Party, branches, divisions and other organisations or groups within the Party may petition the executive;
  - (b) A petition to the executive must be in writing and signed by the individual member or members, or be signed by the relevant person or persons for and on behalf of a group or organisation as the case requires;

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- (c) A petition received by the secretary more than ten (10) days prior to the first day of a scheduled meeting of the executive meeting must be placed for consideration on the notice papers for that meeting;
- (d) A petition received by the secretary less than ten (10) days prior to the start of an executive meeting, or received during a meeting or between sessions of an adjourned meeting may be considered at that meeting by leave of the meeting, and otherwise, unless withdrawn by the petitioner, must be placed on notice for consideration at the next scheduled meeting of the executive; and
- (e) A petitioner, or person representing a petitioner or representing a petitioning group or organisation may, by leave of the meeting, address the executive during the course of the deliberations of the executive relating to the substance of the petition, but may not propose or second any procedural or substantive motion of the executive.

#### 15. Reports

Reports to the executive may be received for consideration from:

- (a) all members of the executive (whether those members are voting or non-voting members);
- (b) officers of the party as specified by the National Constitution and Regulations;
- (c) the convenors from time to time of the committees and sub-committees of the executive;
- (d) members of the Parliamentary Party of the Australian Democrats;
- (e) Executive of a Division; and
- (f) any such other body as the Executive may request.

### *Section 2 - Conduct of Business*

#### 16. Motions & Amendments

- 16.1 All motions and amendments, other than procedural motions, must be submitted in writing to the Secretary.
- 16.2 All motions and amendments must have a mover and a seconder.
- 16.3 Notwithstanding the previous clause, procedural motions require a mover only.
- 16.4 Motions and amendments, other than procedural motions, may be seconded *pro forma* where the seconder may not necessarily agree with the motion but wishes it to be debated.
- 16.5 Motions and amendments must be affirmative or non-committal in character.
- 16.6 A motion or amendment may be altered by the mover, subject to leave of the meeting.
- 16.7 Movers and seconders may reserve or waive their speaking rights.
- 16.8 Movers and seconders may delegate their speaking rights to another member present.
- 16.9 The mover, subject to the right of any other member to take up these rights, may withdraw motions and amendments; however, no motion can be withdrawn while an amendment to it is under consideration or after an amendment has been adopted.
- 16.10 A member may speak only once to a particular motion or amendment, subject to the mover's right of reply.
- 16.11 Motions and amendments will lapse in want of a mover and seconder who are present in person; however any other members may take up these rights.
- 16.12 No member may speak to any motion or amendment after it has been put to the vote.

#### 17. Motions

- 17.1. All movers of motions, other than procedural motions, may exercise a right of reply.
- 17.2 This right of reply may be exercised immediately before the motion is put, or before any one amendment is put, but may only be exercised once.
- 17.3 "The question" at any stage during debate is deemed to be the original motion incorporating any amendments adopted up to that stage.

#### 18. Amendments

- 18.1 Amendments must be relevant to the motion.
- 18.2 Amendments must not be in direct negation of the substance of the motion.
- 18.3 Multiple amendments to a motion must be considered in the order determined by the Chair.
- 18.4 When any one amendment is before the Chair, discussion must be confined to that amendment.
- 18.5 Amendments may only be debated and voted on one at a time; however further amendments may be tabled.
- 18.5 Movers of amendments have no right of reply.
- 18.6 Amendments must not be made to any motion after it has been declared at the same meeting.

#### 19. Foreshadowed Motions

- 19.1 Where more than one motion deals with the same issue, they may be considered together.
- 19.2 Where two (2) or more motions are in direct conflict, they must be considered together.
- 19.3 Voting must be conducted on each of these motions in the order in which they were moved, until either a motion is carried, in which case the remaining motions lapse, or until all the motions are



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defeated.

**20. Recommittal**

- 20.1 Any resolution, question or matter that has been determined at a meeting must not be reconsidered again during the course of that particular meeting.
- 20.2 Any resolution, question or matter determined at a previous meeting may be rescinded or overturned at a future meeting, provided that at least seven (7) days prior notice is given.

**21. Rescission**

- 21.1 A motion of the Executive may not be rescinded unless at least seven (7) days prior written notice has been given of the proposal to rescind, except that during a meeting the Executive may rescind, by two-thirds (2/3) majority, a motion made at that meeting.
- 21.2 The previous clause may only be suspended by a two-thirds majority or by leave, where the names and vote of members must be recorded.

**22. Participation in formal debate**

Motions and amendments of the executive may be placed on notice, proposed, seconded and debated by:

- (a) members of the executive;
- (b) non-voting members of the executive;
- (c) officers of the Party as specified in the National Constitution and Regulations; and
- (d) Federal and State/Territory Parliamentary Party members of the Party by leave of the Chair.

**23. Order of Debate**

- 23.1 The order of debate on a question is as follows:
- (a) Mover of the question,
  - (b) Secunder of the question,
  - (c) Speaker against the question,
  - (d) Alternate speakers 'in favour' and 'against' the question,
  - (e) Mover's right of reply
  - (f) The vote.
- 23.2 Members may move 'formal opposition' or 'formal support' in order to maintain this order without speaking.
- 23.3 This order applies to motions and amendments except that mover's of amendments have no right of reply.
- 23.4 Once the right of reply has been exercised, the vote must be put immediately at the conclusion of that speech.

**24. Voting**

- 24.1 Under these standing orders, all votes require a simple majority in order to be carried, unless otherwise prescribed.
- 24.2 Subject to the rules, all votes are to be determined on the voices.
- 24.3 The Chair may call for any vote to be taken by a show of hands.
- 24.4 Where a vote is inconclusive, or for any reason, the Chair may, or at the direction of at least three (3) voting members standing, the chair must, call for a 'division' on that vote.
- 24.5 Where a 'division' is called, the names and votes of all members must be recorded in the minutes.
- 24.6 Any vote must proceed by way of secret ballot, if any voting member(s) present so requests.
- 24.7 Any member must have his/her vote or abstention recorded in the minutes only where the member so requests.

*Section 3 - Procedural Motions*

**25. The Gag**

- 25.1 A member who has not already participated in the debate may move "That the speaker no longer be heard".
- 25.2 This procedural motion may interrupt a speech and must be put without amendment, adjournment or debate.
- 25.3 This procedural motion requires a two-thirds (2/3) majority in order to be carried.

**26. Closure**

- 26.1 A member who has not already participated in the debate may move "That the question now be put".
- 26.2 This procedural motion may interrupt a speech and must be put without amendment, adjournment or debate.
- 26.3 If this procedural motion is carried, the motion or amendment under consideration must be put immediately to the vote, subject only to the right of reply.
- 26.4 This procedural motion requires a two-thirds (2/3) majority in order to be carried.

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**27. Adjournment of Debate**

- 27.1 A member who has not already participated in the debate may move "That the debate be adjourned".
- 27.2 This procedural motion must not interrupt a speech.
- 27.3 This procedural motion must specify when the debate is to be resumed
- 27.4 This procedural motion may only be amended as to time, date and place.

**28. Adjournment of Meeting**

- 28.1 A member who has not already participated in the debate may move "That the meeting be adjourned".
- 28.2 This procedural motion must not interrupt a speech.
- 28.3 This procedural motion may only be amended as to time date and place.

**29. Proceed to Next Business**

- 29.1 A member who has not already participated in the debate may move "That the meeting proceed to the next item of business".
- 29.2 This procedural motion must not interrupt a speech.
- 29.3 This procedural motion must be put without amendment, adjournment or debate.

**30. The Previous Question**

- 30.1 A member who has not already participated in the debate may move "That the question not now be put".
- 30.2 This procedural motion may interrupt a speech and must be put without amendment or adjournment, but may be debated concurrently with the substantive motion.
- 30.3 Notwithstanding the previous clause, amendments to the substantive motion may still be considered where the Chair has notice of such amendments.
- 30.4 This procedural motion may only be put once all amendments have been disposed of.
- 30.5 If this procedural motion is carried, the substantive motion lapses.
- 30.6 If this procedural motion is defeated, the substantive motion or amendment under consideration must be put immediately to the vote, subject only to the right of reply.
- 30.7 This procedural motion requires a two-thirds (2/3) majority in order to be carried.

**31. Question Lie on Table**

- 31.1 A member who has not already participated in the debate may move "That question lie on the table".
- 31.2 This procedural motion must not interrupt a speech.
- 31.3 This procedural motion must be put without amendment, adjournment or debate.
- 31.4 If this procedural motion is moved and carried on an amendment, then the substantive motion and any other amendments are also laid on the table.
- 31.5 There can be a subsequent procedural motion at the same meeting "That the question be taken from the table".
- 31.6 Any substantive motion 'laid on the table' will lapse if not dealt with at that meeting, but may be re-listed for a future meeting.

*Section 4 - Special Procedure*

**32. Points of Order**

- 32.1 A member may at any time move points of order in regard to any irregularity in the proceedings, or interpretation of the Rules; however, the point of order must be raised at the time the alleged irregularity occurred.
- 32.2 A member may at the end of another member's speech make a point of clarification over factual inaccuracies made by the previous speaker.
- 32.3 A member claiming to have been misrepresented may, at any time while not interrupting another speaker, make a point of explanation; however, the point of explanation must be confined to the alleged misrepresentation and must not introduce argument or new matter.
- 32.4 A point of order, point of clarification, or point of explanation must be clearly and concisely stated within one (1) minute.
- 32.5 The Chair has the discretion to rule any of these points out of order.

**33. Dissent**

- 33.1 Where the Chair has made a ruling or interpretation, a motion may be moved that the Chair's ruling be dissented from; in such case:
- (a) The Chair must vacate the position of Chair and nominate a replacement, this nomination not being subject to dissent;
  - (b) The mover of the motion of dissent must speak to the motion;
  - (c) The Chair from whose ruling was dissented may reply;

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- (d) This procedural motion must be put without amendment, adjournment or further debate in the following form: "That the Chair's ruling be upheld".
- 33.2 This procedural motion requires a two-thirds (2/3) majority against in order to be defeated.
- 33.3 Where this procedural motion is carried, the original ruling stands.
- 33.4 Where this procedural motion is defeated, no ruling stands.
- 33.5 The original chair must be returned to the position of Chair immediately after the vote of dissent is declared, subject to a resolution of the meeting.

**34. Naming Procedure**

- 34.1 The Chair must be heard in silence and without interruption, and may name any person for unruly and disruptive behaviour.
- 34.2 Where any person is named on three (3) separate occasions during the same meeting, that person must not be further recognised by the Chair and must leave the meeting.
- 34.3 Provided that an explanation is given to the meeting, the Chair may have the discretion to have any person removed immediately from a meeting for outrageous conduct.

*Section 5 - Time Limits*

**35. Time**

- 35.1 The following time limits apply to all speakers, unless otherwise determined by the meeting:
- |   |             |
|---|-------------|
| (a) Speaker delivering a report/statement         | - 5 minutes |
| (b) Mover of a motion                             | - 3 minutes |
| (c) Right of reply, all other speakers            | - 2 minutes |
| (d) Mover's of, & speakers to, procedural motions | - 1 minute  |
- 35.2 A procedural motion to extend these times in respect of a particular speaker may be moved but must be put without amendment, adjournment or debate.

*Section 6 – Miscellaneous Procedure*

**36. Chair Wishing to Debate**

If the Chair wishes to take part in the debate on any question, the Chair must nominate a replacement for the duration of debate and any vote, this nomination not being subject to dissent.

**37. Discrimination**

- 37.1 During meetings governed by these rules it is the responsibility of the Chair to protect members from any type of discrimination including, but not limited to, those based on gender, ethnicity, or sexuality.
- 37.2 The Chair has the discretion to have a person immediately removed from a meeting for extreme types of discrimination including, but not limited to, those based on gender, ethnicity or sexuality.

**38. Meetings Held 'In Committee'**

- 38.1 A meeting may resolve itself into a "Committee of the whole" by leave or simple resolution.
- 38.2 If this procedural motion is carried, or leave granted:
- |  |
|--|
| (a) Members may speak more than once;                                      |
| (b) Substantive motions and amendments must not be put;                    |
| (c) Procedural motions and amendments require only a mover;                |
| (d) Time limits do not apply;  |
| (e) No minutes are kept;   |
| (g) The Chair may engage in debate;  |
| (h) Any member of the Party may speak, at the discretion of the chair, and |
| (i) All other standing orders still apply.                                 |
- 38.3 The Chair reserves the right to resume full standing orders at any time while in committee.
- 38.4 On coming out of 'committee' the Chair must report to executive any motions for adoption.
- 38.5 The meeting may consider any such motions in a report 'en bloc'.

**39. Meetings held 'in camera'**

- 39.1 A meeting may resolve to move 'in camera' by leave or simple resolution.
- 39.2 The meeting must proceed 'in camera' when considering matter including:
- |   |
|---|
| (a) paid Party staffing positions,            |
| (b) disciplinary actions,                     |
| (c) sensitive legal issues, or                |
| (d) any other matter, the meeting determines. |
- 39.3 If the procedural motion is carried or leave granted:
- |   |
|---|
| (a) Only members of the Executive, including non-voting members, are to remain in the meeting, unless otherwise resolved, |
|---|

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- (b) All observers must be removed from the meeting,
  - (c) No minutes are kept,
  - (d) Members are bound to keep any discussion private and confidential
  - (e) All other standing orders still apply.
- 39.4 The Chair reserves the right to resume full standing orders at any time while 'in camera'.
- 39.5 On coming out of an 'in camera' the chair must report to executive any motions for adoption.
- 39.6 The meeting may consider any such motions in a report 'en bloc'.
- 40. Votes conducted by Email**
- 40.1 Where a formal meeting cannot be practicably arranged, a motion considered by email will be valid as if considered at a meeting.
- 40.2 Motions for consideration by email must have a mover and a seconder.
- 40.3 The process that must be followed is:
- (a) The full text of the proposed motion must be supplied to all Executive members.
  - (b) Discussion and debate must remain open for five (5) days, during which
    - (i) Amendments proposed may be incorporated by the movers, and
    - (ii) Other motions on the same issue or alternative proposals may be foreshadowed
  - (c) The question, incorporating any amendments, will then be put to the vote,
  - (d) Voting must remain open for five (5) days
  - (e) Where a substantive motion fails to achieve the required majority, but has been foreshadowed, members will then vote on the foreshadowed motion.
  - (f) Voting on a foreshadowed motion must remain open for a further 3 days.
- 40.4 Notwithstanding the previous clause, where a question receives the required number of votes for an absolute majority of votes exercisable, the question may be declared and enacted.
- 40.5 All majorities required by these rules must be considered absolute majorities in order for a question considered by email to be carried.
- 40.6 The process and votes must be recorded and sent to all executive members by the National Secretary.
- 40.7 The result of any vote conducted by email must be declared provisionally within 48 hours of the close of the poll.
- 40.8 The record must then be treated in the same fashion as, and form part of, the minutes of Executive.

<b>PART II – POLITICAL EXCHANGE PROGRAMME</b>
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**1. Call for Nominations**

- 1.1 The National Secretary must place a notice in the National Journal to advise members that nominations are open for selection for the political exchange program.
- 1.2 This notice must inform the membership of the following:
- (a) the general selection criteria that apply;
  - (b) the closing date for applications; and
  - (c) the person or persons who must receive the nominations.

**2. Closing Date**

- 2.1 The closing date for receiving nominations must be at 5pm on the last business day of July. No late nominations may be accepted.
- 2.2 The nominations must be received by the Secretary of the division in which the nominee is registered as a member.

**3. Selection by the Divisions**

The division executives must select no more than two people from among those who have nominated from their division. The division executives must use the criteria approved by the National executive in their selection.

**4. Forwarding Names to the National Secretary**

The names, along with supporting information, of the two people selected by each division must be in the hands of the National Secretary by 31 August.

**5. Circulating Names**

- 5.1 The National Secretary must circulate the names and supporting information of all applicants selected by the division executives to the members of the National Executive prior to the National Executive meeting at which the applications will be considered.
- 5.2 Other people who are entitled to take part in the selection process may request the National Secretary to forward this material to them if they intend to take part in the selection process.

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- 5.3 Members of the National Executive who are entitled to be represented by proxy must arrange for the candidate material to be in the hands of their proxy if they are not going to attend the selection committee meeting.
- 6. Selection Committee Meeting**
- 6.1 The National Executive must have a selection committee meeting at the first National Executive meeting held after the end of the month of August.
- 6.2 The selection committee meeting must discuss in confidence all applications approved by the divisions. The committee may not discuss any other matter.
- 6.3 The people entitled to take part in the selection committee meeting are:
- (a) members of the National Executive (or their duly appointed proxy) who are entitled to vote; and
  - (b) members of the party who have taken part in the program at some time in the preceding financial years, who will be entitled to vote.
- 6.4 No candidate for selection to the program may take part in the selection committee meeting proceedings or vote on the selection of the candidates for the program. If a candidate does participate in the proceedings or votes on the selection of the candidates then that candidate is automatically disqualified from selection to participate in the program.
- 7. Ballot Paper**
- 7.1 People who are entitled to vote in the selection committee process and who actually took part in the selection committee meeting must take from the meeting a ballot paper on which they may indicate their ranking of the available candidates.
- 7.2 The ballot paper must be prepared prior to the meeting by the National Ballots Administrator from information supplied by the National Secretary.
- 7.3 The names on this ballot paper must be in an order determined by lot. The ballot paper must indicate the manner in which people may cast a valid vote and the address to which completed ballot papers must be sent. The ballot paper may contain no other material.
- 8. Counting the Ballot**
- 8.1 The ballot papers must be counted by the National Returning Officer or other person designated by the National Executive for that purpose.
- 8.2 The method of counting ballot papers must be that of exhaustive elimination so as to determine the order of preference of the candidates.
- 8.3 The initial count must be conducted so as to provide a list with at least that number of the most preferred candidates as there are expected positions on the program.
- 9. Offering Positions in the Program**
- 9.1 The list will provide a pool of names from which a suitable candidate may be chosen.
- 9.2 The selection of a suitable candidate will be made by a sub-committee comprising the Parliamentary Leader, the National President, the National Secretary, and the Party's nominee on the Australian Political Exchange Council.
- 9.3 The criteria for selection of a suitable candidate will include any requirement by the host country and/or Australian Political Exchange Council for a particular delegation, and will also take into account the ranking given by the National Executive ballot.
- 9.4 In the event that there is no suitable candidate available from within the pool, the sub-committee may look further within the Party to find a suitable candidate.
- 9.5 If a selection of a suitable candidate is made from outside the pool, the reason for this must be given to the National Executive at the next meeting.
- 9.6 No person may participate in the program more than once in any five year period.

<b>PART III – ANNUAL REPORT</b>
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**1. Content**

There shall be presented to the Annual Conference of the Australian Democrats an Annual Report. The Annual Report shall include, but not be limited to, reports from the following office bearers and bodies:

- a) National President
- b) National Secretary
- c) National Campaign Director
- d) National Membership Officer
- e) National Policy Coordinator
- f) Annual Financial Report
- g) Divisional Presidents or governing bodies
- h) YADs
- i) Other recognised groups

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**2. Authority**

The Annual Report shall be approved by the National Management Committee prior to publication and distribution.

**PART IV – ADDITIONS OR CHANGES TO REGULATIONS UNDER THE CONSTITUTION**

**1. Amending Regulations**

Proposals to change, delete, or add to Regulations of the Constitution can only be considered where at least thirty (30) days prior written notice has been given of the proposal.

**PART V – PARTY NATIONAL OFFICERS**

**1. National Office Bearers**

The National Officers Bearers, who are members of National Executive, of the Party are:

- (a) National President,
- (b) National Deputy Presidents,
- (c) National Executive Representatives from Divisions
- (d) National Secretary
- (c) National Treasurer,
- (d) National Campaign Director,
- (m) National Policy Coordinator, and
- (n) National Communications Officer

**2. Other National Officers**

The National Officers who are not members of National Executive are:

- (a) National Journal Editor
- (b) National Membership Officer
- (c) National Ballots Administrator
- (d) National Returning Officer
- (e) National IT Coordinator
- (f) National Fundraising Officer

**3. Responsibilities of all Officers**

3.1 All officers must carry out their responsibilities in cooperation with each other.

3.2 If there is a disagreement between officers as to the cooperative carrying out of their responsibilities:

- (a) in the case of national officers - the National President,
- (b) in the case of members of committees - the chair of that committee must decide how the disagreement is to be resolved (subject to resolution of the executive, or committee, as the case may be).

3.3 Officers must not improperly use their position:

- (a) to gain, directly or indirectly, an advantage for the officer or another person; or
- (b) so as to cause detriment to the Party or its members.

3.4 Officers must:

- (a) act honestly and in good faith, and
  - (b) exercise reasonable care and diligence;
- in their capacity as officers of the Party.

3.5 Officers must at all time act with propriety, recognising that poor behaviour reflects badly on the Party.

3.6 Each outgoing officer is responsible for inducting their successor within fourteen (14) days of the declaration of ballot or appointment of the new officer.

3.7 The Executive may confer added responsibilities and duties on any officer from time to time

**4. Obligations and Liability**

4.1 By nominating for election or by accepting appointment, officers agree to comply with the National Constitution and other rules of the Party.

4.2 Officers have no liability to contribute towards the payment of:

- (a) the debts and liabilities of the Party,
- (b) the costs, charges and expenses of winding up the Party.

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**5. Indemnity**

The Party indemnifies its officers against any liability incurred by them in their capacity as officers, unless the liability arises out of conduct involving a material breach of the duties to the Party:

- (a) under the National Constitution or other rules of the Party, or
- (b) under any statute or at common law.

**6. Disclosure of Interest**

6.1 Members of the Executive who have any direct or indirect financial interest in a contract or proposed contract with the Party must:

- (a) disclose the nature and extent of the interest to the Executive as soon as the interest becomes apparent to the member
- (c) not take part in any decision of Executive with respect to that contract, but may take part in any deliberations of Division Executive with respect to that contract.

6.2 The previous clause does not apply to interests in a contract or proposed contract that arise only because the member is an employee of the Party.

6.3 A non-pecuniary conflict of interest is where an Executive member's employers, employee, friend, partners or relative:

- a) is being considered for a position on National Executive.
- b) is being considered for an employed decision.
- c) owns, manages or controls a company and the Executive is considering engaging that company.
- d) stands to benefit financially or politically from the issue being considered.

6.4 A pecuniary conflict of interest is where an Executive member stands to benefit financial from one of the matters listed in the previous clause.

6.5 The Executive as a whole will determine whether it is appropriate for the person to remain present for a particular discussion after they have declared a conflict of interest.

6.6 Executive members should withdraw from the meeting in matters where the person has a direct or indirect financial interest unless the Executive specifically determines otherwise.

6.7 Generally, where an Executive member has a conflict of interest, or declares a conflict of interest, then that member should not vote on the matter.

6.8 The minutes will record:

- a) The declaration of a conflict of interest by any member
- b) Whether the Executive permits the member to remain during the discussion
- c) Whether the member remain during discussion
- d) Whether the Member voted or not
- e) The total number of Executive members considering the issue
- f) In the case of a declaration of pecuniary interest, the details of that pecuniary interest are also recorded.

6.8 Any member of National Executive may ask that the Chair or the meeting to seek clarification about a member's potential or actual conflict of interest, or any perception of a conflict of interest. Seeking such clarification does not imply any intentional non-disclosure by the member.

6.9 If a conflict of interest (particularly a pecuniary interest) is not declared and is then challenged by a member of the Executive, the Executive must consider whether there was a conflict of interest and whether further action is necessary. Censure or dissent motions, rescission motions or motions of no confidence may be appropriate.

**7. Eligibility**

7.1 Subject to the National Constitution and Regulations, only enrolled members, as at the close of nominations, of the Party may nominate for a position of officer.

7.2 In addition to the previous clause, only persons whose membership has been financial for a continuous period of at least twelve (12) months prior to the close of nominations may nominate for any voting member position of the Executive,

7.3 Subject to the regulations, a member may not hold more than three (3) officer positions at the same time.

7.4 Nominees for the position of National President must be approved by a Candidate Assessment Committee, as determined by the National Ballots Administrator, prior to their nomination being accepted

7.5 The National Ballots Administrator's ad hoc CAC will assess nominees for the role of President in regard to:

- a) Knowledge of the Australian Democrats and its constitution.

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- b) Excellent understanding of the Australian political environment and the role of the Australian Democrats.
- c) Communication and Negotiation skills
- d) Strong interpersonal skills and the ability to lead and be part of a team
- e) Knowledge of Party policy
- f) Public Speaking and Media skills
- g) Personal Commitment
- h) Party Involvement
- i) Community Involvement
- j) Availability and Time Commitments.

## **8. Method of Election and Appointment**

- 8.1 All officers required to be elected must be elected by secret ballot using optional preferential proportional representation, as prescribed by the National Constitution and Regulations.
- 8.2 Non-voting members of the Executive must be elected by the voting members, following at least twenty-one (21) days notice to all Party members.
- 8.3 The position of YADs National President must be elected in accordance with, and enjoys tenure at the pleasure of, the rules governing YADs, as they are officially lodged with the National Secretary.

## **9. Term of Office**

- 9.1 The national office bearers and other national officers hold office for, as close to as practicable, two (2) years following the close of the first face-to-face Executive meeting following an annual executive election.
- 9.2 The President and Deputy Presidents hold office for a period of one (1) year as defined by the National Constitution and Regulations.
- 9.3 All officers cease to hold office if they:
  - (a) resign,
  - (b) vacate their office,
  - (c) are removed from office,
  - (d) die, or
  - (e) cease to be a member of the Party.

## **10. Resignation**

- 10.1 Officers may resign by writing to:
  - (a) in the case elected and appointed officers - the National Secretary,
  - (b) in the case of the secretary - the President, and
  - (c) in the case of members of committees - the convenor of that committee.
- 10.2 The resignation of any officer takes effect:
  - (a) twenty-four (24) hours after it is received by the person specified in the previous clause, or
  - (b) at a time specified in the resignation provided that there is at least twenty-four (24) hours notice,
 but may, until then, be withdrawn in writing.

## **11. Vacation of Office**

Officers cease to hold office if they cease to be eligible to be elected or appointed.

## **12. Removal**

Officers may be removed by the Executive by a resolution passed by an absolute majority, provided that at least fourteen (14) days notice of the intention to remove has been given to all members of the executive and the officer in question.

## **13. Filling of Vacancies**

- 13.1 If a vacancy occurs in a position of:
  - (a) President, or
  - (b) Deputy President, or
  - (c) Executive Representative from a Division,
 the vacancy must be filled by a new ballot.
- 13.2 Notwithstanding the previous clause, where a vacancy occurs in a representative from a Division, the Division may appoint a proxy to act in the position until the vacancy is filled.
- 13.3 If a vacancy occurs in a non-voting member of the Executive, or other national officer, the executive must determine the most appropriate method of filling the vacancy.
- 13.4 The Executive may fill vacancies on an acting or interim basis while the process to fill the position substantively occurs.
- 13.5 Where the National returning Officer and National Ballots administrator both submit to the executive



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that a new ballot is unworkable or impractical, the executive may, by absolute resolution, waive the requirement for a new ballot.

- 13.6 All Other vacancies may be filled by the body that elected or appointed the officer whose office has become vacant.
- 13.7 Officers filling vacancies hold office for the remainder of the original term.

**PART VI – NATIONAL OFFICERS’ DUTY STATEMENTS**

**1. National President**

- 1.1 The National President, as a representative of all Party members, is:
- (a) the official spokesperson on all matters relating to the:
    - (i) membership,
    - (ii) organisation, and
    - (iii) administration
 of the Party; and
  - (b) responsible for the overall supervision of the activities of the Party organisation.
- 1.2 The President has the following specific responsibilities:
- (a) to make representations on behalf of the Party to other organisations and bodies,
  - (b) to chair appropriate meetings or nominate a chair,
  - (c) to cooperatively set agenda and general direction of the Party with other officers, and
  - (d) to present a report to the membership of the Party at least once every three (3) months.
- 1.3 The President may, in consultation with the executive, delegate responsibilities to other officers.

**2. Deputy National Presidents**

Deputy Presidents may, in consultation with the executive, delegate responsibilities to other officers.  
[to be inserted]

**3. National Executive Representatives from Divisions**

The responsibilities of the National Executive Representatives from Divisions include (but are not limited to):

- (a) representing the division at meetings of the national executive,
- (b) reporting the activities and decisions of national executive to the division, and
- (c) promoting effective communication between division and national bodies of the Party.

**4. National Secretary**

4.1 The National Secretary is responsible for the overall administration of the Party.

4.2 The Secretary has the following specific responsibilities:

- (a) To receive and answer correspondence (subject to the president),
- (b) general record keeping,
- (c) To prepare and circulate agenda papers,
- (d) To take and maintain minutes,
- (e) To keep official attendance lists,
- (f) To establish and maintain a calendar of executive events, and
- (g) To maintain up to date official documents of the Party, including (but not limited to):
  - (i) copies of the national constitution and regulations,
  - (ii) copies of Standing Orders and
  - (iii) a complete list of any standing resolutions;
- (h) To provide a copy of official documents to any member if they so request.
  - (i) To conduct email ballots of NE members.
  - (j) To communicate decisions and proceedings of National Executive to members via the National Journal and via the web site.
  - (k) To communicate actions required/decisions made by National Executive to Party Office Bearers.
  - (l) To Liaise with the Party’s legal advisers, when required.
  - (m) Co-ordinating corporate fundraising conducted at Divisional and National level.
  - (n) Convenor of National Conferences.
  - (o) Organising orientation programme for new members of National Executive.
  - (p) In conjunction with the National President, organise the Annual Report to members, to be presented at each National Conference.
  - (q) To liaise with and reports to National Executive about ad hoc committees set up/ initiatives of National Executive.
  - (r) Archiving of Party documents, and

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- (s) Other duties as directed by National Executive
- 4.3 The Secretary may appoint assistants to perform any of the specific duties listed in the previous clause

**5. National Treasurer**

- 5.1 The Treasurer is responsible for the supervision of the finances of the Party.
- 5.2 The Treasurer must provide a report to the executive on the finances of the Party at least once every three (3) months.
- 5.3 The Treasurer must provide a report that includes an income statement and balance sheet to the Finance and Administration Committee every calendar month.
- 5.4 Where no other member is holding the office of Party Agent, the Treasurer must act as Party Agent for the purposes of financial reporting for Federal elections.
- 5.5 The Treasurer has the following specific responsibilities:
- (a) to prepare the Party budget and financial planning,
  - (b) to provide advice on financial strategy
  - (b) to keep financial records and statements of accounts,
  - (c) on behalf of the executive:
    - (i) to receive monies, and
    - (ii) banking;
  - (d) to provide the Auditor (or any other person authorised by the executive) with:
    - (i) all bank records,
    - (ii) accounts, and
    - (iii) statements relating to Party funds.
  - (e) resolving matters referred by other officers, and
  - (f) Other duties referred by NE from time to time.

**6. National Campaign Director,**

- The National Campaign Director has the following specific duties:
- 6.1 The National Campaign Director is authorised to run the National Campaign and make all decisions (in consultation with the National Campaign Committee) regarding the campaign, whilst reporting back to NE.
- 6.2 The National Campaign Director (or delegate) is nominated as the authoriser of all campaign material at a National Level, including Media Releases.
- 6.3 The National Campaign Director is given the access to upload Media Releases and any other material required to the National Website.
- 6.4 All campaign related activities as specified in the National Constitution and Regulations (subject to consultation and reporting requirements of 6.1)
- 6.5 Other campaigning matters as determined by National Executive.

**7. National Policy Coordinator**

- 7.1 The National Policy Coordinator is responsible to the National Executive to ensure that every member has the opportunity to participate in every aspect of the policy process. This also includes all parliamentarians as members and as our elected representatives in parliaments.
- 7.2 The National Policy Coordinator has the following specific duties:
- (a) encourage membership participation through all possible official avenues e.g. National Journal, National Executive (reps), Divisional Policy Committees, Branches, Members etc.
  - (b) Allocate policies to divisional committees for drafting/redrafting. Ensure that the divisional committees have copies of the previously balloted policy and any other relevant information.
  - (c) Monitor the progress of policy drafting to ensure that the policy formulation process is being followed.
  - (d) Arrange for the publication of draft policies in the National Journal at the appropriate stage.
  - (e) Ensure that member feedback on draft policies is passed to the relevant divisional committees for consideration and possible inclusion in the draft. Ensure that, where a member's comments have not been included, an explanation is provided to the member.
  - (f) Ensure that draft policy is consistent with the Party's Objectives.
  - (g) Arrange Policy Ballots for draft policies as appropriate.
  - (h) Ensure that the party's official website contains all balloted policies and that any policy under review is identified as such.
  - (i) Ensure that all divisions of the party and all parliamentary representatives are provided with copies of all balloted policies and that they are advised when a policy is under review.
  - (j) Liaise with divisional policy coordinators and divisional committees to prioritize the review of policies in consultation with parliamentarians and portfolio holders.
  - (k) Report to the National Executive at NE meetings and at others times when asked.

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- (l) Ensure that any Emergency Policy determined by the National Executive under section 9.3 of the constitution is put to the membership for ratification within the time required.
- (m) Monitor membership participation in Policy ballots.
- (n) Monitor the Policy Forum on the party's official website
- (o) Perform other duties as directed by the National Executive.

**8. National Communications Officer**

- 8.1 The National Communications Officer has the following responsibilities:
- (a) Convene the Communications Committee and the Communications Team
  - (b) oversight of all Party Communications
- 8.2 The National Communications Officer has the following specific duties:
- (a) Attendance and involvement with the National Executive as a Non-voting member.
  - (b) Conduct ongoing evaluations of communications efforts.
  - (c) Provide advice to National Executive about cost effective strategies to improve communications.
  - (d) Ensure that all party publications are clear, professional, consistent, well designed and appropriately 'branded', including public documents, campaign material, the national journal and websites.
  - (e) Help facilitate the organisation of forums, meetings and debates for members and the public.
  - (f) Work with the Parliamentary Team on internal and external communications projects
  - (g) Other duties as directed by the Executive.

**9. National Journal Editor**

- 9.1 The National Journal Editor has the following responsibilities:
- (a) Produce the Party's National Journal.
  - (b) Together with the National Policy Coordinator and National Ballots Administrator, publish all national ballots, within the guidelines of the National Constitution.
- 9.2 The National Journal Editor has the following specific duties
- (a) Collect reports from various office bearers, committees, parliamentarians and members for publication in the Journal.
  - (b) Collect appropriate articles and photographs and other related items for publication.
  - (c) Receive letters from members and ensure their publication in an impartial manner.
  - (d) Exercise editorial discretion with respect to the content of the National Journal, with the right to seek guidance from the National Journal Editorial Committee, as required, particularly ensuring material published is not defamatory, or otherwise unlawful.
  - (e) Oversee the collation, layout and design of the National Journal
  - (f) Ensure the timely production and distribution of the National Journal.
  - (g) Liaise with the Policy Coordinator and Ballots Administrator to ensure national ballots are published and conducted in a timely and accurate manner.

**10. National Membership Officer**

[to be inserted]

**11. National Ballots Administrator**

[to be inserted]

The responsibilities of the Ballots Administrator include (but are not limited to):

- (a) overseeing the conduct of any Party ballot,
- (b) preparing ballots as required by the constitution and regulations and/or as required by the Party,
- (c) ensuring compliance of any ballot with the national constitution and regulations and any other rules, and

in accordance with the national constitution and regulations.

The Ballots Administrator may appoint deputies to assist in any aspect of the conduct of Party ballots.

**12. National Returning Officer**

[to be inserted]

The responsibilities of the Returning Officer include (but are not limited to):

- (a) overseeing the count of any Party ballot,
- (c) ensuring compliance of any count with the national constitution and regulations and any other rules,
- (d) determining and declaring the results of any Party ballot, and
- (e) making a report of ballot results to the appropriate Party bodies,

in accordance with the national constitution and regulations.

The returning officer may appoint deputies to assist in any aspect of division ballots.

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The returning officer (and any deputies) must not hold any other Party officer positions.

**13. National IT Coordinator**

[to be inserted]

**14. National Fundraising Officer**

Provides strategic advice related to the corporate fundraising program and member donor programs – eg DDS  
Bank proceeds of corporate functions & cheques received from Major Donors  
Forward deposit lists with contact details to Bookkeeper  
Issue thank you letters accompanied by formal receipts provided by bookkeeper  
[remainder to be inserted]

<b>PART VII – MISCELLANEOUS</b>
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**1. Interpretation**

In these standing orders, unless some other meaning is clearly intended:

- (a) the definitions of the National Constitution and Regulations are to be applied;
- (b) "the Act" means the Associations and Incorporations Act 1991 of the ACT;
- (c) "Chair" means the National President of the Australian Democrats, a Deputy National President, or nominated member of President or National Executive.
- (d) "National Constitution and Regulations" means the constitution and rules of the national organisation of the Australian Democrats;
- (e) "National Executive" means the national executive of the Party;
- (f) "notice" means mail to current last notified address for that purpose and may include email.
- (g) "officer" means a person holding an office created by the Party, and includes members of the Executive and other committees created by the Party, but not members of staff;
- (h) "the Party" means the national organisation of the Australian Democrats;
- (i) "rules" means the national constitution and regulations, and all other rules declared by the regulations or decisions of National Executive to be rules of the Party
- (j) "written ballot" includes a ballot conducted by electronic means;