

Australian Labor Party

(Western Australian Branch)

Constitution and Rules

(as amended, June 2008)

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1. GENERAL

1.1 Name

The name of the Party shall be the Australian Labor Party (Western Australian Branch).

1.2 Head Office

The Head Office of the Party shall be at a place determined by the State Executive.

1.3 Objectives

1.3.1 To strengthen and consolidate Labor organisation throughout the State of Western Australia.

1.3.2 To actively seek affiliation of industrial unions and individual members.

1.3.3 To promote, through parliamentary and other appropriate means, the objectives, aims and policies outlined in Federal and State Platforms of the Australian Labor Party.

1.4 Platform and Constitution

1.4.1 This Constitution and any Rules made under it bind all members of the Party.

1.4.2 All members must uphold the objects of the Party. Members must only use the Rules and procedures of the Party to change this Constitution, any of its Rules, its Platform, policies and decisions.

1.4.3 The Constitution, Rules and Platform of the Party and all State Conference decisions may only be altered, amended or repealed by State Conference itself.

1.4.4 Any interpretation of the Constitution, Rules, Platform, Pledge or policy decisions will be made by the State Executive. These decisions, subject only to appeal to State Conference, are binding on all members of the Party.

1.4.5 State Executive may interpret Conference policy decisions where the Platform is silent.

1.5 Media Comment

The State Secretary will be responsible for making all media statements in connection with Party business, including preselection. This responsibility may be delegated by the State Secretary but must not be assumed by any other Party Officers or members. Local & Direct branches, Electorate Councils and other Party units may make media statements or take action on matters of local significance with the prior approval of the State Secretary.

2. ORGANISATION OF THE PARTY

2.1 Composition of the Party

The Party comprises:

- Affiliated industrial unions
- Individual members

2.2 Structure of the Party

The Party organises and works to achieve its aims through:

- State Conference
- State Executive
- Administrative Committee
- Electorate Councils
- Local and Direct Branches
- Country Labor WA

- Labor Women's Organisation
- Australian Young Labor
- Other Affiliated Organisations

3. UNION AFFILIATION

3.1 How Unions Affiliate to the Party

- 3.1.1** A Union wishing to affiliate with the Party may be admitted to membership of the Party by a recommendation of the Administrative Committee to the State Executive.
- 3.1.2** When a union affiliates, its President and Secretary shall write to the State Secretary and submit an independent audit report as required in Rule 3.4.
- 3.1.3** When a union affiliates it shall pay affiliation fees as determined by Rule 3.4 and Rule 3.7, such fees to be paid pro-rata for the balance of the financial year.

3.2 Unions Altering Affiliation Numbers

- 3.2.1** A union which is currently affiliated to the Party, which seeks to increase or decrease the number of members upon which it is affiliated, may do so by complying with the provisions set out in Rules 3.1.1 and 3.4.
- 3.2.2** The application to alter a union's affiliation numbers must be considered by the Administrative Committee which will make a recommendation to the State Executive. The State Executive may accept or reject the recommendation.
- 3.2.3** Where State Executive approves an application to decrease affiliation numbers, the application will be processed immediately.

3.3 Appeal against a State Executive Decision

- 3.3.1** If the State Executive rejects a Union's application under Rules 3.1 or 3.2, then that Union may write to the State Secretary within twenty-one (21) days of the State Executive decision seeking the application's reconsideration by way of an appeal at the next State Conference.
- 3.3.2** The Union Secretary will be permitted to speak in favour of the application at State Conference when the matter is heard.

3.4 Maintaining Affiliation

- 3.4.1** Each affiliated union's affiliation shall be determined each year by an audit of the union's membership as at 30 June of the preceding year. This audit shall determine the union's maximum affiliation as:
- (a) The number of members eligible to vote in a ballot for an office in that union at 30 June as conducted by the appropriate Electoral Commission/s; and
 - (b) The number of members identified in (a) above for whom the union received an amount of dues in relation to the period between 1 April and 30 June inclusive for that year.
- 3.4.2** Before 4pm on the last Friday in November in each year, each union shall provide an independent audit report from the current year and advice on the number of members the union will affiliate on for the year commencing 1 January the following year.
- 3.4.3** The independent audit report and affiliation fee advice shall be provided to the State Secretary in a sealed envelope addressed "Confidential – Union Affiliation". These envelopes shall be secured in a ballot box and opened in the presence of scrutineers at an agreed time and place, following the date determined in 3.4.2. Each affiliated union is entitled to send a scrutineer.

- 3.4.4** The affiliation fee is calculated by multiplying the union capitation fee as determined in accordance with Rule 3.7 by the number of members advised by the union in accordance with Rule 3.4.1 and Rule 3.4.2.
- 3.4.5** A union's affiliation for the purpose of determining State Conference and State Executive delegates shall be based upon the three year rolling average of the union's affiliation for the current and two preceding years. Affiliation figures prior to 2003 shall not be used to determine a union's rolling average.
- 3.4.6** Each union shall comply with the following conditions in preparing the independent audit report:
- (a) Engage a registered company auditor; and
 - (b) Request that the work performed in the audit be in accordance with Australian Auditing Standard 802 "The Audit Report on Financial Information Other than a General Purpose Financial Report" and Auditing Guidance Standard 1044 "Audit Reports on Information Provided Other than a Financial Report."
- 3.4.7** The independent audit report shall include:
- (a) An audit certificate signed by the auditor which shall include advice as set out in Appendix 8;
 - (b) A statistical return which shall include a figure determined to be equal to or less than the union's maximum; and
 - (c) Affiliation as of 30 June of the year in question.
- 3.4.8** If a union fails to lodge an independent audit report by the date determined in 3.4.2, the State Executive shall use the union's previous year's affiliation reduced by 15 percent.

3.5 Unions in Arrears

Subject to Rule 3.6, any union more than six months in arrears will:

- 3.5.1** Be deemed unfinancial, and therefore have its entitlement to representation on State Executive and State Conference suspended;
- 3.5.2** Be advised in writing by the State Secretary that its entitlement has been suspended under Rule 3.5.1 and be invited to pay the outstanding affiliation fees;
- 3.5.3** Continue to accrue an affiliation debt during any period that it remains unfinancial;
- 3.5.4** Be required to pay the entire outstanding debt before its entitlement resumes; and
- 3.5.5** Be entitled to its representation on State Executive and State Conference once the outstanding fees are paid.

3.6 Unions Facing Financial Hardship

- 3.6.1** When an affiliated Union is unable to meet its financial obligations to the Party as in Rule 3.4.5, the Secretary of that Union may make written application to the State Secretary seeking special consideration by the Administrative Committee.
- 3.6.2** Upon receipt of such an application, the State Secretary, in consultation with the union Secretary, will establish a repayment schedule with which that union can comply.
- 3.6.3** The State Secretary must report the matter and proposed repayments schedule to the Administrative Committee which can amend, reject or endorse the proposal.

- 3.6.4** If the Administrative Committee endorses a repayment schedule which allows the union to pay less than the previously agreed affiliation fees, the Administrative Committee may also proportionally reduce the union's representation on State Executive and State Conference to reflect the actual amount being paid.
- 3.6.5** At any time, the affiliated union may notify the State Secretary in writing that it will resume payment of ordinary affiliation fees. The union will then, subject to Rule 3.5.4, resume its full representation on State Executive and State Conference. The State Secretary must report such matters to the Administrative Committee.

3.7 Level of Affiliation Fees

- 3.7.1** Annual affiliation fees will be established by a meeting of representatives of affiliated unions and the Administrative Committee.
- 3.7.2** The meeting will be convened by the State Secretary in October of each year.
- 3.7.3** The agreed fee will take effect from the following January 1 and will be applied on the basis of each union's affiliation numbers.

3.8 Transitional Provision

- 3.8.1** Consistent with decisions of the WA Administrative Committee and the National Executive, the State Secretary is directed to calculate new union entitlements within 30 days of the National Executive decision, ie by 2 May 2004. Unions are to provide their audited return by 4pm 30 April 2004. Final union entitlements are to be signed off by the National Executive Committee prior to 3 May 2004.

4. INDIVIDUAL MEMBERS

4.1 Joining the Party

- 4.1.1** Any person resident in the State of Western Australia over the age of sixteen years, who signs the "Application for Membership Form" at Appendix 6, may apply to join the Party in one of the following ways:
- 4.1.2 Local and Direct Branch: Local Application**
- 4.1.2.1** By filling out an application form and paying a membership fee to a Local or Direct Branch of the Party.
- 4.1.2.2** The Local or Direct Branch will consider the application at its next meeting. This consideration shall explicitly examine the application's compliance with these rules. The Local or Direct Branch may accept or reject the application, and notify the State Secretary within twenty one (21) days of the decision. Where the application is rejected, written reasons for the decision will also be provided to the State Secretary.
- 4.1.2.3** A Local or Direct Branch may not grant more than twelve new membership applications in any one calendar month. This includes applications made in accordance with Rule 4.1.2.1 and Rule 4.1.3.1. Where more than twelve prospective members apply to join a Local or Direct Branch in any one month, all applications are to be referred to the State Secretary with a written recommendation indicating the support or opposition to the granting of these applications, within twenty one (21) days of the date of the Local or Direct Branch meeting.
- 4.1.2.4** The State Secretary shall ensure that all the applications for memberships received from a Local or Direct Branch in accordance with Rule 4.1.2.3 are placed before the next occurring Administrative Committee meeting, together with the written recommendation from the Local or Direct Branch. The Administrative Committee may then

consider these applications in its own right and accept or reject each application.

- 4.1.2.5** Where the Administrative Committee accepts the membership, the date of effect of the membership shall be the date of the Local or Direct Branch meeting that considered the application.

4.1.3 Local or Direct Branch: Central Application

- 4.1.3.1** A person may apply for Local or Direct Branch membership direct to Party Office by:

- Filling out an application for membership and paying the membership fee to the State Secretary; or
- Making an application by phone, fax or email and paying the membership fee to the State Secretary, and signing an acknowledgment of membership form.

- 4.1.3.2** The State Secretary will notify the Local or Direct Branch of the application.

- 4.1.3.3** The Local or Direct Branch will consider the application at its next meeting. This consideration shall explicitly examine the application's compliance with these rules. The Local or Direct Branch may accept or reject the application, and notify the State Secretary within twenty one (21) days of the decision. Where the application is rejected, written reasons for the decision will also be provided to the State Secretary.

- 4.1.3.4** A Local or Direct Branch may not grant more than twelve new membership applications in any one calendar month. This includes applications made in accordance with Rule 4.1.2.1 and Rule 4.1.3.1. Where more than twelve prospective members apply to join a Local or Direct Branch in any one month, all applications are to be referred to the State Secretary with a written recommendation indicating the support or opposition to the granting of these applications, within twenty one (21) days of the date of the Local or Direct Branch meeting.

- 4.1.3.5** The State Secretary shall ensure that all the applications for memberships received from a Local or Direct Branch in accordance with Rule 4.1.3.4 are placed before the next occurring Administrative Committee meeting, together with the written recommendation from the Local or Direct Branch. The Administrative Committee may then consider these applications in its own right and accept or reject each application.

- 4.1.3.6** Where the Administrative Committee accepts the membership, the date of effect of the membership shall be the date of the Local or Direct Branch meeting that considered the application.

- 4.1.3.7** The Administrative Committee will have the power to accept or reject applications for membership received as part of an application to form a new Local or Direct Branch pursuant to Rule 11.2.1 and 11.3.2.

4.1.4 Direct Membership Application

- 4.1.4.1** A person may apply for Direct Membership to Party Office by:

- Filling out an application for membership and paying the membership fee to the State Secretary to become a Direct member; or
- Making an application by phone, fax or email and paying the membership fee to the State Secretary to become a Direct

member, and signing an acknowledgement of membership form.

4.1.4.2 A Direct member will not belong to a Local or Direct Branch of the party, but shall otherwise enjoy the rights of ordinary Party members.

4.1.4.3 The State Secretary shall place the application before the Administrative Committee which may accept or reject it.

4.1.5 Acceptance of Application

Once an application has been accepted under Rule 4.1, a new Party member may participate in the activities of the Party, as set out in these Rules.

4.1.6 Referral of Application

An application by any person who has been expelled from the Party, has been a non-ALP candidate for parliamentary office, has campaigned on behalf of a non-ALP candidate, has previously resigned from the party, or is or was a Member of any Parliament, or is serving a custodial sentence shall be referred to the Administrative Committee for its acceptance or rejection.

4.1.7 Rejection of Application

A membership application will be rejected if the applicant:

- Is a member of another political party or auxiliary;
- Is a member of a proscribed organisation;
- Is not a member of an Affiliated Union when eligible to be so;
- Has failed to pay the requisite membership fee; or
- Has previously had their application rejected by another Party unit.

4.1.8 Membership Improperly Granted

Any purported membership granted by a Local or Direct Branch in contravention of Rule 4.1.6 or 4.1.7 will be null and void.

4.1.9 Member's Address

Members must, at the time of joining or transferring to a Local or Direct Branch, either be correctly enrolled with the Australian Electoral Commission to vote in the federal election at their stated address or not be so entitled because they are under 18 years of age or not an Australian citizen.

4.1.10 Member's to Personally Sign Application

Under no circumstances will an application to join the Party be considered where the person applying to join has not personally signed the form and any relevant declaration.

4.2 Membership Recruitment

4.2.1 Individual party membership is an important part of the processes of the Party. Along with affiliated unions, individual Party members are the very foundation of the Party and all its activities. For this reason, the Party does not tolerate any improper conduct regarding Party memberships.

4.2.2 It is an abuse of the Party rules for an individual or groups(s) to fund Party memberships for other individuals or groups of individuals, except as specifically permitted by Rule 4.4.3.5

4.2.3 It is an abuse of the Party rules for an individual or groups(s) to encourage reduced-rate membership to people that are not eligible for that category of membership. Rule 4.4.6 specifies who may claim concessional membership.

4.2.4 It is an abuse of Party rules for an individual or group(s) to recruit members who do not live at the claimed addresses in an attempt to gain advantage in Party ballots.

4.2.5 Involvement in any abuses of these provisions will be considered as behavior likely to bring the Party into disrepute and will result in disciplinary action, which may include expulsion from the Party.

4.3 Appeal against Rejection of a Membership Application

A person whose application for membership has been refused may apply in writing to the State Secretary to have the decision reviewed. The State Secretary shall prepare a report on the matter and forward the request from the person, together with the report, to the Disputes Committee for consideration in accordance with Rule 9.3, within 21 days of receiving the request.

4.4 Financial Membership

4.4.1 A financial member is one who has been admitted to membership in accordance with the Rules, holds a current membership ticket or renews their membership pursuant to Rule 4.4.3.

4.4.2 All membership tickets shall expire as follows:

- All annual membership tickets issued prior to 30 September in any year shall expire on 31 December of that year. All annual membership tickets issued after 30 September in any year shall expire on 31 December of the following year.
- All two year membership tickets issued prior to 30 September in any year shall expire on 31 December of the following year. All two year membership tickets issued after 30 September in any year shall expire on 31 December two years after that year.
- All three year membership tickets issued prior to 30 September in any year shall expire on 31 December two years after that year. All three year membership tickets issued after 30 September in any year shall expire on 31 December three years after that year.

4.4.3 Subject to this Rule, a member will have continuity of financial membership if:

4.4.3.1 A signed and completed membership renewal application form (at Appendix 6), together with the prescribed fee paid personally by the member, is received by the State Secretary before June 30 in the next succeeding year; or

4.4.3.2 If the member had lodged a signed Direct Debit Authority for automatic payment of membership fees with the State Secretary.

To help alleviate financial stress the member may choose their Direct Debit to be paid in four equal instalments. This will occur on the first business day of each of the following months: September, October, November and December in any given year; or

4.4.3.3 If the State Secretary receives phone payment from the member using a credit card in the members own name prior to June 30 in the next succeeding year; or

4.4.3.4 Subject to technical considerations, if the State Secretary receives payment from the member using a credit card in the members own name via the internet prior to June 30 in the next succeeding year.

4.4.3.5 Notwithstanding the above, a Party member's membership may also be paid by an immediate family member.

- 4.4.4** An unfinancial member immediately forfeits all voting rights and rights of nomination and/or representation within the Party's forums and units, until such time as they have paid the current fee.
- 4.4.5** A member who fails to pay the prescribed membership fee within twelve months of losing continuity will be required to reapply for membership as per Rule 4.1.
- 4.4.6** Concessional membership shall be available to members earning less than the amount specified by State Executive each year and who sign an acknowledgment claiming concessional membership. In setting this amount, State Executive shall have regard to the adult minimum wage applying in Western Australia.
- 4.4.7** From 1 January 2008 no cash payments will be accepted for new or renewing membership fees unless:
- 4.4.7.1** The member has held continuous financial membership of the Party since 1 July 1997; or
- 4.4.7.2** The member personally attends Party Office and presents their own membership form, identification and payment.
- 4.4.8** Any person living outside the Perth Metropolitan area may seek exemption from Rule 4.4.7 by preceding their payment with a signed declaration explaining they have no access to any banking account or such facilities. This exemption must be approved by the Administrative Committee.
- 4.4.9** The State Secretary shall report to the December 2007 meeting of State Executive on progress to implement Rule 4.4.7.
- 4.4.10** State Executive shall have the power to delay implementation of Rule 4.4.7 if it determines adequate systems will not be ready in time.

4.5 Intrastate Transfers

A financial member may transfer from Local or Direct Branch to another, Direct to a Local or Direct Branch, or Local or Direct Branch to Direct, as follows:

- 4.5.1** The member will complete and sign a "Request for Transfer" form (Appendix 6) and present this to the President or Secretary of the Local or Direct Branch to which they are seeking to transfer. The President or Secretary must sign the form acknowledging that they have been made aware of the member's intention to transfer into the Local or Direct Branch and forward this to the State Secretary.
- 4.5.2** The State Secretary will process the request and notify the Local or Direct Branches affected by the transfer.
- 4.5.3** If the State Secretary receives 12 requests for intrastate transfer into any individual Local or Direct Branch during any calendar month, the State Secretary shall refer such requests to the Administrative Committee for approval. The date of effect of any such approval shall be the date the State Secretary received such request.
- 4.5.4** No intrastate transfers may be processed after June 15 and before September 30 each year.

4.6 Interstate Transfers

Subject to a member being resident in the State of Western Australia, a financial member of another State or Territory may transfer to the WA Branch, as follows:

- 4.6.1** The State Secretary must receive a written request, signed by the member, stating the State or Territory Branch and Local or Direct Branch to which they belong, together with the Local or Direct Branch to which they are seeking to transfer.

- 4.6.2** The State Secretary will obtain a written transfer clearance from the relevant State or Territory Branch.
- 4.6.3** The State Secretary will process the transfer and notify the Local or Direct Branch affected.
- 4.6.4** The State Secretary will provide the member with notice approving the transfer. The notice will be proof of membership of the new Local or Direct Branch.
- 4.6.5** Once approved, a transferring member will be a member of the WA Branch and will maintain continuous membership from the date they joined the Party in the relevant State or Territory.

4.7 Membership Obligations

- 4.7.1** A member who nominates for preselection for Parliament must support the candidate the Party selects as its candidate.
- 4.7.2** A member who nominates for Parliament against an endorsed ALP candidate automatically ceases to be a member of the Party unless prior approval for his/her nomination has been granted by the Administrative Committee.
- 4.7.3** A member who campaigns against an endorsed ALP candidate for Parliament automatically ceases to be a member of the Party unless prior approval for his/her nomination has been granted by the Administrative Committee.
- 4.7.4** A member resigning from the Party will give written notice to the State Secretary.
- 4.7.5** Any person who has ceased to be a member because of Rule 4.7.2 or Rule 4.7.3 must apply in writing to the State Secretary to rejoin the Party, pursuant to Rule 4.1.6.
- 4.7.6** Members shall notify the State Secretary of any change of residential and/or postal address, and the last notified address will be deemed to be the member's current address in accordance with Rule 14.8.2.

4.8 Life Membership

- 4.8.1** The Administrative Committee, a Local or Direct Branch or Affiliated Union may nominate members for life membership.
- 4.8.2** A nominee for life membership must:
- Have been an active member of the Party for a substantial period; and
 - Have given outstanding service to the Party.
- 4.8.3** The nominator will provide the background and history of the nominee and any other relevant information to the State Secretary by the date of the closure of State Conference Agenda items for the Conference to consider.
- 4.8.4** The President, State Secretary, Treasurer and Assistant State Secretary/s will consider nominations for life membership and refer them to the Administrative Committee.
- 4.8.5** The Administrative Committee will consider nominations referred to it and make recommendations to State Conference.
- 4.8.6** Life members will be presented with an official badge and certificate.

4.9 Outstanding Service Award

- 4.9.1** The Administrative Committee, a Local or Direct Branch or an Affiliated Union may nominate a member for an outstanding service award.
- 4.9.2** The State Secretary will call for nominations for this award in October each year.
- 4.9.3** State Executive will decide the criteria for the award upon the Administrative Committee's recommendation. Any member with twenty five (25) years

membership of the Party shall automatically be awarded an Outstanding Service Award.

4.9.4 State Executive must consider the recommendations of the Administrative Committee and awards must be presented at the State Executive Annual General Meeting in December.

4.10 General Administration

4.10.1 All records associated with the payment of membership fees, including any records held by a Local or Direct Branch, shall be available to any full-time officer of the State Branch on request.

4.10.2 The State Secretary shall, by no later than 31 July each year, forward to the National Secretary of the Australian Labor Party (National Secretariat) a complete list of all members of the Party, listing their family name, given names and mailing address.

4.11 Membership Sub-Committee

4.11.1 Functions of the Membership Sub-Committee

4.11.1.1 The Membership Sub-Committee is established to:

- Specifically examine adherence to Rule 4 (dealing with membership matters)
- Consider membership entitlements of Local or Direct Branches and Electorate Councils prior to the publication of such entitlements
- Investigate and recommend to the Administrative Committee action to resolve membership issues
- Provide feedback to the Administrative Committee about possible rule changes.

4.11.1.2 The Sub-Committee's four (4) members will be appointed at the Administrative Committee's first meeting each year.

4.11.1.3 Sub-Committee Members can appoint proxies to act in their absence as required.

4.11.1.4 The State Secretary must convene all meetings and keep appropriate records of proceedings, investigations and decisions.

4.11.1.5 The State Secretary should convene meetings of the Sub-Committee, and act as an ex-officio Chair of the Sub-Committee.

4.11.2 Action & Procedure

4.11.2.1 The Sub-Committee is established to consider any matter relating to the membership of the Party. Such matters can be referred to the Sub-Committee by Officers of the Party, individual party members or an affiliated union.

4.11.2.2 Items for consideration should be in writing and addressed to the Chair of the Sub-Committee. Such correspondence should provide any relevant particulars that would assist the Sub-Committee in its deliberations.

4.11.2.3 The Sub-Committee will meet when matters are referred to it for consideration. The Sub-Committee should meet as expeditiously as possible.

4.11.2.4 The Sub-Committee will meet as soon as practicable after 30 June each year to review membership entitlements ahead of publication and to examine any areas for potential investigation.

- 4.11.2.5** A quorum for the Sub-Committee shall be three (3) members.
- 4.11.2.6** The Sub-Committee may inform itself of any matter that it considers relevant to the issues referred to it in any way it sees appropriate, including the conduct of its own investigations, the seeking of advice and information from any source it believes relevant, and the taking of evidence from any person or member.
- 4.11.2.7** The Sub-Committee will recommend to the Administrative Committee a course of action that will assist with the resolution of any membership irregularities. The Sub-Committee will endeavour to reach a consensus on the matters before it.

5. STATE CONFERENCE

5.1 Role and Convening of Conference

- 5.1.1** State Conference is the supreme governing body of the WA Branch and its decisions bind all sections of the Party.
- 5.1.2** State Conference shall meet annually.
- 5.1.3** State Executive may, by motion of which one month's notice is given, call special meetings of State Conference, or cancel or postpone State Conference.
- 5.1.4** Where State Executive determines that it is necessary to cancel Conference in any year, State Executive shall conduct the elections that would have been conducted at the cancelled Conference.
- 5.1.5** State Executive shall decide on the time and place of Conference.
- 5.1.6** State Executive must approve the date for State Conference at its Annual General Meeting in December.

5.2 Basis of Representation

State Conference will include all members of the Administrative Committee, and also an equal number of political delegates and affiliated Union delegates.

5.2.1 Political Delegates

- 5.2.1.1** 150 political delegates made up of:
- One delegate from the FPLP (WA)
 - One delegate from the SPLP
 - The balance of political delegates from the Local or Direct Branches.
- 5.2.1.2** The number of delegates each Local or Direct Branch may send to State Conference will be based proportionally on the numbers of members in Local or Direct Branches at June 30 the year proceeding the State Conference, provided that all Local or Direct Branches with 30 or more members shall be entitled to at least one delegate.
- 5.2.1.3** Where individual Local Branches within a Non-Metropolitan Electorate Council area would not have a State Conference Delegate entitlement, the Administrative Committee may permit those Local Branches to combine for the purpose of gaining representation to State Conference.
- 5.2.1.4** In July each year the Administrative Committee will determine the number of delegates each Local or Direct Branches may send to State Conference in the following year.

- 5.2.1.5** Each non-union affiliated organisation will be entitled to one non-voting delegate to State Conference.
- 5.2.1.6** Delegates to State Conference must belong to the Party unit they represent, subject to Rule 5.3.5.
- 5.2.1.7** Non-Metropolitan Local Branches with no delegate entitlement to State Conference and which have not combined with other Local Branches as set out in Rule 5.2.1.3, will be entitled to one non-voting delegate to State Conference. This does not preclude non-voting delegates from exercising a proxy for another Party unit.

5.2.2 Union Delegates

- 5.2.2.1** 150 delegates from affiliated Unions
- 5.2.2.2** State Executive will decide the number of delegates each Union may send to Conference based proportionally on the membership returns the Union has supplied as at June 30 preceding Conference.
- 5.2.2.3** Unions not entitled to a delegate shall be able to combine for the purpose of gaining representation to State Conference, and the combined unions shall be treated as a single union in calculating delegate entitlement.
- 5.2.2.4** Unions entitled to more than one delegate to State Conference will credential a minimum of 40% women and 40% men. However, Unions with more than one delegate and fewer than 40% female or male members may send delegations that reflect at least the actual proportion of female and male members in that Union.

5.3 Credentials

- 5.3.1** Conference delegates or proxy delegates must be financial members of the ALP.
 - 5.3.1.2** Provided that delegates and proxy delegates representing affiliated Unions must also be members of that affiliated Union as well.
 - 5.3.1.3** Where the credential of any delegate or proxy delegate is challenged relating to their failure to comply with Rule 5.3.1.2, for the purpose of these Rules, written notice from the Secretary or President of the relevant affiliated Union stating that the delegate or proxy delegate is a member of the relevant union shall be proof of their Union membership.
- 5.3.2** Any Party unit or affiliated Union which sends delegates to Conference must supply to the State Secretary a credential for each delegate, signed by the President or Secretary of the Party unit or affiliated Union.
- 5.3.3** A person may be a delegate for only one Party unit or affiliated Union at Conference.
- 5.3.4** Political delegates may select their own proxies by providing a signed, written notification of their proxies to the State Secretary. Proxies for delegates from Metropolitan Local or Direct Branches must be members of the relevant Local or Direct Branches.
- 5.3.5** Delegates from Non-Metropolitan Local Branches may credential any financial Party member as their proxy, by providing signed written notification to the State Secretary. The Administrative Committee will determine Non-Metropolitan Local Branches.
- 5.3.6** Union delegates' proxies must be in writing, signed by the Union's President or Secretary.

5.3.7 Delegates elected under Affirmative Action must ensure their proxies meet the same Affirmative Action requirement.

5.4 Conference Agenda

5.4.1 The following organisations may send items for State Conference to consider:

- Affiliated Unions
- Political Local or Direct Branches
- SPLP
- FPLP (WA)
- Electorate Councils
- Australian Young Labor
- Labor Women's Organisation
- State Executive
- Administrative Committee
- State Executive Policy Committees
- Country Labor WA
- National Executive
- National Conference
- Other Affiliated Organisations

5.4.2 As soon as possible after the determination of the date of State Conference by the Annual General Meeting of State Executive the State Secretary shall notify all organisations listed at Rule 5.4.1 that items must be submitted to the State Secretary, for inclusion on the Conference Agenda, at least two (2) months before the opening of Conference.

5.4.3 At least six (6) weeks prior to the opening of State Conference, Policy Committees must submit their completed Reports to the State Secretary for inclusion on the classified Agenda.

5.4.4 At least four (4) weeks before the opening of Conference, the State Secretary must send a classified Conference Agenda to each organisation listed at Rule 5.4.1.

5.4.5 At least one week before the opening of Conference, all members of the SPLP who hold ministerial or shadow ministerial responsibilities for a policy section of the current Party Platform shall submit a written report to be tabled at Conference. This report shall contain the member's progress in implementing the Policy Platform.

5.4.6 For a Special State Conference, at least one (1) month's notice of Agenda items will be forwarded to each organisation listed at Rule 5.4.1.

5.5 Conference Resolutions

5.5.1 Conference may consider resolutions as well as items for inclusion in the Platform, providing the resolutions are submitted as part of the relevant Policy Committee Report by the due date.

5.5.2 If a delegate moves a resolution from the floor of Conference, the Chair may only accept it if it complies with urgent general business standing orders.

5.6 Conference Decisions

5.6.1 Decisions of State Conference, including Rules, Platforms and Resolutions, bind all members of the Party.

5.6.2 Resolutions of Conference relating to policy lapse unless the next Conference re-affirms them.

5.6.3 Resolutions of Conference relating to Party organisation, administration or Rules continue in force until another Conference determines otherwise.

- 5.6.4** The State Secretary will ensure that Conference Resolutions are published as part of the State Platform.

6. STATE EXECUTIVE

6.1 Role

- 6.1.1** The State Executive is the chief administrative authority of the Party and has the authority to interpret the Platform between State Conferences.
- 6.1.2** Decisions of State Executive may only be reviewed by State Conference.

6.2 Schedule of Meetings

- 6.2.1** Subject to Rule 6.2.3, State Executive shall meet seven times per year.
- 6.2.2** State Executive must approve a schedule of meetings for the succeeding year at its Annual General Meeting in December.
- 6.2.3** On motion, State Executive may call Special Meetings and defer or cancel its scheduled meetings.

6.3 Basis of Representation

6.3.1 Political Delegates

- 6.3.1.1** All members of the Administrative Committee.
- 6.3.1.2** 80 Political delegates to the State Executive, made up of:
- One delegate from the FPLP (WA)
 - One delegate from the SPLP
 - Up to six (6) delegates from the Direct Branches
 - The remaining delegates elected by Electorate Councils.

In addition to the 80 political delegates, AYL (WA) is entitled to two (2) ex-officio (non-voting) State Executive members to be elected at the AYL (WA) AGM.

- 6.3.1.3** State Executive will decide the number of delegates each Electorate Council may send to State Executive every August, based proportionally on the numbers of Local Branches members in each Electorate Council area at June 30 that year. Those numbers will apply from January 1 in the year following their election.
- 6.3.1.4** Delegates elected by Electorate Councils must be members (including ex-officio members) of a Local Branch within that Electorate Council.
- 6.3.1.5** Members of the SPLP and FPLP (WA) who are not delegates to State Executive may attend and speak, but not vote, at any State Executive meeting.

6.3.2 Union Delegates

- 6.3.2.1** 80 Union delegates from affiliated Unions provided that this number shall be 120 for the purposes of Legislative Assembly and House of Representatives preselections under rule 15.2.
- 6.3.2.2** In December each year, State Executive will decide the number of delegates each union may credential to State Executive for the following year, based proportionally on returns lodged with the State Secretary on the last Friday in November each year.
- 6.3.2.3** A Union with a minimum affiliation of 250 members may send at least one (1) delegate to State Executive.

- 6.3.2.4** Unions with less than 250 members may either combine to send a full delegate to State Executive, or send a non-voting delegate with speaking rights.
- 6.3.2.5** A Union may choose its own method of selecting its delegates or proxies to State Executive.
- 6.3.2.6** Unions entitled to more than one (1) delegate to State Executive must credential a minimum of 40% women and 40% men. However, Unions with more than one (1) delegate and fewer than 40% female or male members may send delegations that reflect at least the actual proportion of female and male members in that union.

6.4 Credentials

- 6.4.1** Affiliated Unions and Party units wishing to credential delegates to State Executive shall provide written advice signed by the President or Secretary of the affiliated Union or Party unit to the State Secretary.
 - 6.4.1.1** State Executive delegates or proxy delegates must be financial members of the ALP.
 - 6.4.1.2** Provided that delegates and proxy delegates representing affiliated Unions must also be members of that affiliated Union as well.
 - 6.4.1.3** Where the credential of any delegate or proxy delegate is challenged relating to their failure to comply with Rule 6.4.1.3, for the purpose of these Rules, written notice from the Secretary or President of the relevant affiliated Union stating that the delegate or proxy delegate is a member of the relevant union shall be proof of their Union membership.
- 6.4.2** All credentials must be received by the State Secretary before 5:00pm on the Friday prior to the State Executive meeting. When State Executive meets other than on a Monday, credentials must be received by a day and time determined by the State Secretary, but at least three (3) days before the State Executive meeting.
- 6.4.3** State Executive must accept the credential before the delegate can participate in the meeting.
- 6.4.4** A delegate who is absent from three (3) State Executive meetings without apology or without sending a proxy will be decredentialed.
- 6.4.5** If a delegate is decredentialed, the State Secretary will notify the delegate's affiliated Union or Party unit without undue delay.
- 6.4.6** Members of the SPLP and FPLP (WA) who are not delegates to State Executive may attend and speak, but may not vote at any State Executive meeting.
- 6.4.7** The Chair or the State Secretary may allow visitors to observe meetings of the State Executive.
- 6.4.8** A person can be a delegate for only one affiliated Union or Party unit at State Executive and has only one vote.
- 6.4.9** All delegates and proxy delegates must be financial members of the Party.

6.5 Proxy Delegates

- 6.5.1** Political delegates may choose their own proxy delegates by submitting a signed, written credential that complies with Rule 6.4.2. Proxy delegates from Metropolitan Electorate Councils and Local Branches must be members of the relevant Electorate Council or Local Branch.
- 6.5.2** Delegates from Non-Metropolitan Electorate Councils are permitted to credential any financial member as their proxy delegate. The Administrative Committee will determine Non-Metropolitan Electorate Councils.
- 6.5.3** Affiliated Union delegates' proxies must be in writing, signed by the affiliated Union's President or Secretary, and must comply with Rule 6.4.2.
- 6.5.4** Delegates elected under Affirmative Action will ensure their proxies meet the same Affirmative Action requirement.
- 6.5.5** A person exercising their position as a proxy delegate at any meeting of State Executive may only represent one delegate, and will be entitled to only one (1) vote on any issue or ballot.

6.6 Duties of State Executive

The State Executive must:

- 6.6.1** Give effect to the resolutions of State Conference and observe its decisions.
- 6.6.2** Consider items from:
- Affiliated Unions
 - Electorate Councils
 - State Conference
 - National Executive
 - FPLP (WA)
 - SPLP
 - Labor Women's Organisation
 - Australian Young Labor
 - Committees or bodies responsible to State Executive
 - Other Affiliated Organisations
 - Administrative Committee
 - Local and Direct Branches
 - Country Labor WA
- 6.6.3** State Executive will, by October 31 each year, determine the membership fees to take effect on the coming January 1. In so doing, State Executive will set a standard annual membership fee, a concessional annual membership fee which shall be at least half of the standard annual membership fee, and other fees as State Executive considers appropriate. Fees may also be set for periods of more than one year.
- 6.6.4** At the December Meeting of the State Executive the Administrative Committee shall present the Annual Report of the Australian Labor Party (Western Australian Branch).
- The Annual Report shall celebrate Labor's achievements; contain reports from party units and account for the finances and administration of the Party. Upon acceptance by the State Executive the Annual Report shall be made available to all members.
- 6.6.5** State Executive may accept as an affiliate any non-union organisation that supports the Platform and subscribes to the Rules of the ALP, on such terms and conditions as it thinks fit.

6.7 Appeals

- 6.7.1** Any member of the Party or any affiliated organisation may appeal to State Executive against any ruling or decision by any section of the Party if these Rules allow an appeal to State Executive, but the decision binds them until State Executive decides otherwise.
- 6.7.2** Any member of the Party, Affiliated Union, or Party unit may appeal against a decision of State Executive to State Conference, but the State Executive decision binds them until State Conference decides otherwise.

7. THE OFFICERS OF THE PARTY

The Officers of the WA Branch of the Party are listed in Rule 8.2.1, and their duties include the following:

7.1 State President

When available:

- 7.1.1** In all Party forums hold the rights of a member or delegate except that of voting;
- 7.1.2** Preside at all meetings of the State Conference, State Executive and Administrative Committee;
- 7.1.3** Manage the discussion of matters tabled for consideration;
- 7.1.4** Sign all papers requiring the President's signature;
- 7.1.5** Ex-officio be a member of all committees established by State Conference, State Executive or the Administrative Committee;
- 7.1.6** When necessary, enforce the Rules of the Party;
- 7.1.7** In cases of urgency, in conjunction with the State Secretary, appoint any necessary delegation and report on matters dealt with in this way to the next meeting of the State Executive; and
- 7.1.8** When necessary, in conjunction with the State Secretary, call Special Meetings of the State Executive or Administrative Committee.
- 7.1.9** The person elected as State President by the 2007 State Conference shall continue in office until the commencement of the 2008 State Conference, and shall enjoy all the rights granted to the State President by the Rules as they existed prior to the 2007 State Conference.

7.2 Election of State President

- 7.2.1** The State President shall be elected for a 2 year term and shall not be eligible for re-election.
- 7.2.2** Elections for the position shall be conducted by postal ballot from amongst all eligible Party Members as defined in rule 15.2.2
- 7.2.3** Nominations shall be on a form prescribed by the Administrative Committee, and shall include the names and signatures of 25 eligible electors as nominators.
- 7.2.4** Elections shall be held in the first half of any calendar year.
- 7.2.5** The elected candidate shall take office at the commencement of the next annual State Conference following the election.
- 7.2.6** If State Conference is cancelled in accordance with rule 5.1.3 the elected candidate shall take office at the commencement of the next occurring State Executive meeting.
- 7.2.7** Extraordinary vacancies, however occurring, shall be filled for the unexpired portion of the term by State Executive.

7.2.8 Election procedures

- 7.2.8.1** On receiving their ballot paper, voters will be sent a publication which contains (in an order determined by lot) statements of up to 500 words from each candidate. The statements will include a photo of the candidate (where submitted). These statements will also be available on the ALP (WA) website.
- 7.2.8.2** Candidates when nominating will agree not to expend resources on mailouts, paid advertising or telephone canvassing. Candidates will also be reminded that it is unlawful to use the resources of public office holders (notably MPs and Senators) for the purposes of campaigning for internal Party positions.
- 7.2.8.3** The following activities are prohibited:
- Mailouts of campaign material;
 - Paid advertisements placed in print, TV, radio, the internet;
 - Automated or call centre based telephone canvassing;
 - Campaigning in the media (including media interviews, articles, press conferences and statements, whether unsolicited or not); and
 - Party or union resources being used for campaigning.
- 7.2.8.4** Rule 7.2.8.3 applies to all Party members and affiliated unions from the close of nominations until the close of voting. It will be notified to all voters in the message from the Administrative Committee/SPLP Leader accompanying the candidates' statements.
- 7.2.8.5** Rule 7.2.8.3 does not prevent candidates from making media statements or answering media enquiries in relation to their parliamentary or other responsibilities, nor from speaking about issues other than the election at public or Party forums that may receive media coverage, provided candidates do not make any comment in relation to the election.
- 7.2.8.6** Rule 7.2.8.3 does not prohibit the use of emails for campaigning, provided Party, union or paid resources, or those of public office holders are not used. Resources include equipment, staff time and data.
- 7.2.8.7** Rule 7.2.8.3 does not prohibit Party, union or MP resources being used to email information about the election to voters, provided this cannot be seen as campaigning. The emailing of information about the election by constituent units, unions or MPs will not be viewed as campaigning if all candidates are treated equally and, in particular, are given the same, reasonable opportunity to submit any supporting material that is circulated.
- 7.2.8.8** Enforcement of Rule 7.2.8.3 shall be the responsibility of the State Returning Officer and penalties may include disqualification of a candidate.
- 7.2.8.9** The document containing the candidates' statements will be prefaced with a message from the Administrative Committee/SPLP Leader explaining the system and further discouraging campaigning.

7.3 State Treasurer

When available:

- 7.3.1** Attend all meetings of the State Conference, State Executive and Administrative Committee;

- 7.3.2 Carefully guard the funds of the Party; and
- 7.3.3 Be satisfied that the State Secretary banks all money received on behalf of the Party.

7.4 State Secretary

The State Secretary must:

- 7.4.1 Occupy the Head Office of the Party;
- 7.4.2 Attend to all matters directed to the State Secretary;
- 7.4.3 Attend, when available, all meetings of State Conference, State Executive and the Administrative Committee. Ensure the recording of these meetings and keep a members' attendance record;
- 7.4.4 Be responsible for placing before such meetings all relevant correspondence and other items of business;
- 7.4.5 Keep a detailed account of all funds received and, as soon as practicable, deposit such funds to the credit of the State Executive as directed by the Administrative Committee;
- 7.4.6 When requested, provide the Treasurer with receipts of all deposits made;
- 7.4.7 Keep all documents, property, etc. directed by the Administrative Committee;
- 7.4.8 Forward to all Local and Direct Branches at the required time all schedules, forms, etc. for nominations and elections, and report results of these elections and collect information required by the State Executive;
- 7.4.9 Be responsible for making all media statements in connection with the Party's business;
- 7.4.10 When directed, provide for necessary advertising on any matter;
- 7.4.11 Enter in a register the name of each organisation affiliated and the name and address of the secretary of each;
- 7.4.12 At the close of each year, prepare a statement of receipts and liabilities to which the Auditor's Report shall be attached. Upon completion of the statements, present them to the State Executive;
- 7.4.13 If directed by the State Executive, hand over to the Trustees or any other person appointed by the State Executive all funds, books, documents or other goods belonging to the State Executive;
- 7.4.14 Have custody of the Seal of the Party;
- 7.4.15 Be an ex-officio member of all committees established by the State Conference, State Executive or Administrative Committee;
- 7.4.16 Be responsible for the administration of the Party between meetings of State Executive and Administrative Committee;
- 7.4.17 Direct all campaigns for State and Federal seats in Western Australia;
- 7.4.18 Assist the Returning Officer in the discharge of his/her duties, except for those ballots in which the State Secretary is a candidate; and
- 7.4.19 Maintain adequate membership records indicating gender and assist the Status of Women Committee in compiling an annual report on participation of women in the Party for presentation to State Executive.

7.5 Election of State Secretary

- 7.5.1 The State Secretary shall be elected for a three year term. Elections for the position shall be held in conjunction with the Administrative Committee elections

at the State Conference immediately prior to the end of the Secretary's term of office.

7.5.2 The elected candidate shall take office in January of the year following the election.

7.5.3 Extraordinary vacancies, however occurring, shall be filled for the unexpired portion of the term by State Executive.

7.6 Assistant State Secretary/s

7.6.1 The Assistant State Secretary/s shall assist the State Secretary in the conduct of duties at the direction of the State Secretary.

7.6.2 In the absence of the State Secretary, the senior Assistant State Secretary shall assume the position of Acting State Secretary.

7.6.3 The Assistant State Secretary/s shall be elected for three years.

7.6.4 Notwithstanding the provisions of this Rule, the occupant of the position of Assistant State Secretary on 24 June 2006 shall have a term that expires on 31 December 2009.

7.6.5 Where more than one position is provided for, State Executive shall determine the establishment of the position.

7.6.6 The election for the position/s shall be held at three yearly intervals in conjunction with the Administrative Committee election at State Conference provided that the first term of a newly established position shall be set by the State Executive so as to ensure that the expiration of the term does not coincide with that of any other paid officer elected pursuant to Rules 7.5 and 7.6. Elections for the position/s shall be conducted as single vacancy ballots.

7.6.7 Extraordinary vacancies, however occurring, shall be filled for the unexpired portion of the term by State Executive.

7.7 Terms and Conditions of Employment

7.7.1 The terms and conditions of employment of the State Secretary and Assistant State Secretary/s shall be determined by the Administrative Committee but shall be reviewed not less than each two (2) years.

7.8 Officers of Other Party Units

7.8.1 The Officers of Party Units are:

- President
- Two Vice-Presidents
- Membership Officer
- Secretary
- Treasurer

7.8.2 Party units may combine the offices of Secretary and Treasurer into one position of Secretary/Treasurer, and may create any other positions they consider necessary.

7.8.3 An officer who is not an elected delegate to a Party unit has the rights of a delegate but may not vote.

7.8.4 No officer may resign their position without first tendering their resignation to a meeting of their Party unit.

7.9 Duties of Officers

7.9.1 The President must, when available:

- Preside at all meetings of the Party unit; and
- Enforce the Rules relevant to the Party unit.

7.9.2 The Secretary must, when available:

- Attend all meetings;
- Keep accurate minutes;
- Conduct correspondence;
- Keep a register of names and addresses of all members of the Party unit;
- Maintain a roll of all members at each meeting;
- Send out notice of meetings to all members of the Party unit;
- Within one (1) month of the meeting, send the State Secretary a copy of the minutes; and
- Notify the State Secretary immediately of any change to the names or addresses of office bearers or the time and place of meetings.

7.9.3 The Treasurer must:

- Keep a detailed and accurate record of the financial transactions of the Party unit;
- Submit an annual financial report to the Party unit;
- Complete the annual Disclosure Return form provided by the State Secretary and return it to the Party Office by July 31 each year;
- Ensure all cheques and withdrawal forms are signed and countersigned in accordance with the Rules;
- Receive and bank the Party unit's money;
- Maintain all the Party unit's accounts in the Party unit's name at a branch of the bank or financial institution approved by the Administrative Committee;
- Pay all accounts the Party unit approves for payment; and
- Hold no more than \$40 for incidental expenses.

7.10 Suspension of Full-Time Officers**7.10.1** The State Executive will have power to suspend or dismiss the State Secretary and/or an Assistant State Secretary for:

- Gross neglect of duty;
- Misappropriation of money; or
- Any other action detrimental to the labor movement.

7.10.2 The State Secretary and/or an Assistant State Secretary in defence will be heard at a special meeting of the State Executive called for that purpose.**7.10.2.1** Seven days notice of such a meeting must be given to all persons concerned.**7.10.2.2** The State Secretary and/or an Assistant State Secretary will have the right of appeal to State Conference.**8. THE ADMINISTRATIVE COMMITTEE****8.1 Role**

The Administrative Committee will be responsible for the administration of the Party between meetings of State Executive. It will meet at least once between State Executive meetings.

8.2 Composition

The Administrative Committee comprises:

8.2.1 The following Officers of the Party:

- The State President, who is directly elected by Party members in accordance with rule 7.2, with the full rights of a member except that of voting;

- The State Secretary;
- The Assistant State Secretary/s
- The Treasurer

8.2.2 Ten (10) committee members, who will be allocated to the following roles by the first meeting of the Administrative Committee after each State Conference:

- Senior Vice President
- Two (2) Junior Vice Presidents
- Three (3) trustees
- Four (4) General Committee members

8.2.3 The Leader of the SPLP or a proxy who is a member of the front bench; and

8.2.4 A representative of the FPLP (WA) or a proxy who is a member of the FPLP (WA).

8.3 Affirmative Action

8.3.1 At least 40% of the multiple vacancy positions on the Administrative Committee shall be reserved for women and at least 40% of these positions shall be reserved for men.

8.3.2 At least 40% of the following single vacancy positions – State Secretary, Assistant State Secretary, Treasurer, FPLP Representative - on the Administrative Committee shall be reserved for women.

8.4 Election and Term of Office

The Administrative Committee will be elected annually by the State Conference, with the exception of:

- The State President who will be elected bi-annually by Party members in accordance with Rule 7.2;
- The State Secretary and Assistant State Secretary/s who will be elected for three year terms.

The election of the Administrative Committee will be according to Rule 14.

Provided that where State Conference is cancelled in accordance with Rule 5.1.3 the elections are to be conducted by State Executive in accordance with Rule 5.1.4.

8.5 Assumption of Office

The Administrative Committee's term of office (excluding the State President, State Secretary and Assistant State Secretary/s) shall commence immediately following the conclusion of State Conference and expire at the conclusion of the next occurring State Conference.

Provided that where State Conference is cancelled in accordance with Rule 5.1.3 and the elections are conducted by State Executive in accordance with Rule 5.1.4, then the Administrative Committee's term of office (excluding the State President, State Secretary and the Assistant State Secretary/s) shall commence immediately following the conclusion of the State Executive meeting at which the elections were held and expire at the conclusion of the next occurring State Conference.

8.6 Eligible Nominations

No person will be eligible for nomination as a member of the Administrative Committee who has not been a financial member of the ALP for at least twelve (12) months immediately preceding the closing of nominations.

8.7 Quorum

The quorum at Administrative Committee meetings is five (5) voting members.

8.8 Duties and Responsibilities of Administrative Committee

8.8.1 The Administrative Committee must:

- Administer the Party and its property;
- Enter into contracts on behalf of the Party, provided that before entering into contracts for the disposal of real property State Executive endorsement is requested;
- Employ staff;
- Raise money and supervise spending to further the objectives of the Party;
- Consider items referred to it from Affiliates and Party units, and where appropriate, make recommendations on items for inclusion on the State Executive Agenda, return the item to the Party unit for clarification, or reject or defer the item;
- Make recommendations on all other items before State Executive;
- Call meetings of the SPLP or FPLP (WA) when necessary;
- Deal with matters referred by State Executive;
- Appoint sub-committees to help it; and
- Recommend preselection timetables to State Executive under Rule 15.4.

8.8.2 If the Administrative Committee considers a Party unit is not operating satisfactorily it may take action to ensure efficient Party and electoral administration in the Party unit's area and will report to State Executive.

8.8.3 If the Administrative Committee considers a Party unit's operations are in need of improvement, the Administrative Committee may take action to ensure the Party unit receives additional support or procedures to follow to bring its operations to the required standard. This may include the appointment of one or more members of the Administrative Committee to act in place of the Party unit's executive until such time as the Administrative Committee is satisfied that the Party unit's operations are satisfactory.

8.8.4 Extraordinary Suspension Power

8.8.4.1 This rule does not apply to any person to whom rule 7.10 applies.

8.8.4.2 Notwithstanding any other rule to the contrary the Administrative Committee, may, on its own motion ("Suspension Motion"), suspend the membership of any person who is a member of the party by a vote of the members of the Administrative Committee which considers the Suspension motion.

8.8.4.3 Notwithstanding any other rule to the contrary the Administrative Committee may, on its own motion ("Lifting of Suspension Motion"), lift a suspension made under rule 8.8.4.2 by a vote of the members of the Administrative Committee which considers the Lifting of Suspension Motion.

8.8.4.4 A Suspension Motion or Lifting of Suspension Motion must be passed by a majority of not less than 75% of the members of the Administrative Committee which considers the Suspension Motion or Lifting of Suspension Motion.

8.8.4.5 Any member who's membership has been suspended pursuant to rule 8.8.4.2 is:

8.8.4.5.1 Not entitled, from the time of passing of a Suspension Motion, to:

- (A)** Any of the rights or privileges afforded to a member under these rules including but not limited to, the right to attend, participate in, or vote at, party meetings, gatherings, functions,

committees, sub committees, caucus, or conferences in any capacity including as a delegate, visitor or observer.

- (B) Hold any office or position in the party and is deemed to have, from the time of passing of the Suspension Motion, resigned from any office or position held.
- (C) Preselection by the party for any parliamentary seat and in the event the suspended member has already been preselected for any parliamentary seat they are deemed to have withdrawn their nomination.

8.8.4.5.2 Required to:

- (A) Continue to observe all rules that impose a duty upon a member, insofar as the duty is not in conflict with rule 8.8.4.5.1.
- (B) Provide such assistance to the party, its agents, servants or members as is required to allow the party, its agents, servants or members to comply with its rules or any statutory or other requirements.
- (C) Return to the party, its agents or servants as directed by the State Secretary any party assets, papers or materials in the possession, custody or power of the suspended member.
- (D) Sign any documents, issue any directions, give any permissions that are required to comply with this rule.
- (E) Maintain financial membership of the party in accord with rules to maintain membership and continuity of membership in the party.

8.8.4.5.3 Subject to Rule 9.3 in relation to a charge brought pursuant to rule 9.3.8 in relation to acts or omissions of the suspended member which occurred before or during the suspension of membership.

8.8.4.6 The Administrative Committee may review the suspension of membership of a member at such times as, in its absolute discretion, it considers appropriate, and at least once every 12 months.

8.8.4.7 In the event that a suspension of membership is lifted, the member is not thereby restored to any office, position or role that the member held immediately prior to the suspension of membership unless the Administrative Committee resolves otherwise.

8.8.4.8 Any member suspended under these rules may appeal their suspension to National Executive. Any appeal must be received within seven (7) days of the initial determination by the Administrative Committee and must set out grounds for the appeal. Such grounds may include, but are not limited to:

- Denial of natural justice;
- Abuse of process.

8.9 Duties and Responsibilities of the Trustees

8.9.1 The Party's property is vested in its Trustees.

8.9.2 The Trustees may only dispose of any property if:

- The Administrative Committee resolves to do so and has complied with Rule 8.8.1; or
- The State Conference or State Executive resolves to do so.

8.9.3 The Trustees must give to their successors or to whoever the Administrative Committee, State Conference or State Executive names in a resolution all the Party's money, property, books or documents.

8.10 Decisions of the Administrative Committee

Decisions of the Administrative Committee bind all members of the Party unless State Executive decides otherwise.

9. COMMITTEES OF THE STATE EXECUTIVE**9.1 Establishment of Committees**

The State Executive may establish committees to deal with any matters affecting the Party, and at all times they will be subject to its direction and supervision.

9.2 Policy Committees

9.2.1 The State Executive must establish Policy Committees to develop and review policy.

9.2.1.1 The State Executive shall determine the number and ambit of Policy Committees.

9.2.1.2 Policy Committees shall consist of:

- A Convenor elected by State Conference for a period of two years;
- A Secretary elected by and from the State Parliamentary Labor Party;
- Relevant Ministers or Shadow Ministers;
- All interested members who nominate to the Administrative Committee; and
- Other Party members who are co-opted by the committee, who will have speaking rights, but not voting rights.

9.2.2 Policy Committee Convenors

9.2.2.1 The convenor of a State Executive Policy Committee may present the committee's report to State Conference and move its recommendations without being a delegate to State Conference.

9.2.2.2 Convenors of State Executive Policy Committees who are not delegates to State Executive may attend and speak but not vote at State Executive on any matter which State Executive or the Administrative Committee has referred to it, or any matter which the Policy Committee has initiated, or on any policy matter within the responsibility of the Policy Committee.

9.2.3 Meetings of Committees

9.2.3.1 A committee:

- Must meet within six weeks of the conclusion of conference.
- Shall determine meeting dates, times and places for the next 12 months at that meeting.

- Shall immediately notify the State Secretary for publication on the ALP website.
- Shall subsequently meet at least once every month;
- Must send its minutes to the State Secretary for distribution to Committee members;
- Shall deal with State Conference items, and matters referred by State Executive, Local or Direct Branches or the Administrative Committee;
- May initiate discussion on any relevant policy matters;
- May invite any Party member to assist it;
- Must report annually to State Executive except when the Committee is required to report to State Conference in that year;
- Develop and review policy;
- Provide forums for dialogue and discussion for Party members on policy matters;
- Produce discussion papers;
- Manage on-line debates and forums for Party members; and
- With the approval of the State Secretary, and the involvement of the relevant Minister or Shadow Minister, conduct public hearings and other public consultations.

9.2.3.2 Any member of a Committee who fails to attend three (3) consecutive meetings without apology or prior leave of absence ceases to be a member of the Committee and will be replaced by State Executive.

9.2.3.3 The Administrative Committee shall allocate the appropriate State Ministers or Shadow Ministers to each Committee as ex-officio members. Only the Minister/Shadow Minister with responsibility for the item under consideration may vote on that item.”

9.2.4 Supervision of Committees

The State Secretary must supervise Committees’ activities and report to the last State Executive meeting in that year the number of times each Committee has met, and who attended.

9.2.4.1 If the State Secretary reports to the Administrative Committee that a Committee is not performing effectively or is failing to follow these Rules, the Administrative Committee may make recommendations to the State Executive for improving the Committee's performance and conduct.

9.2.5 Rights of Committees

Policy Committees have a right to expect:

9.2.5.1 Logistical, practical and secretarial support from the Secretary elected by and from the State Parliamentary Labor Party.

9.2.5.2 Consultation with Ministers or Shadow Ministers and their staff before decisions are made on:

- Principles underlying Parliamentary Bills;
- Major decisions likely to attract public or media attention;
- Implementation of major policy decisions;
- Proposals involving major restructuring of administrative functions;
- Setting of priorities;
- Appointments to statutory positions; and
- Areas of concern raised by a Committee;

- 9.2.5.3** Regular attendance by Ministers/Shadow Ministers at Committee meetings and reasonable access to them and their staff at other times;
- 9.2.5.4** Regular information on key areas of concern and specific information when sought, whether in writing or by access to public service experts or consultants; and
- 9.2.5.5** Full discussion with Ministers/Shadow Ministers on decisions which involve perceived departures from Party policy.

9.2.6 Responsibilities of Committees

- 9.2.6.1** Policy Committees must:
 - Keep all committee deliberations confidential;
 - Inform themselves fully on key policy questions and make judgments on a factual basis;
 - Enhance Party policy through extensive community consultation; and
 - Assist Ministers/Shadow Ministers to promote Party policy in the community.
- 9.2.6.2** Policy Committees must consult actively and regularly with the Party's five Organisations defined in rule 13. The Labor Women's Organisation, Australian Young Labor, Country Labor WA, Indigenous Labor Network and WALAC.
- 9.2.6.3** Policy committees must hold at least two policy seminars open to all members of the Party to inform members and to encourage debate and may, with the approval of the State Secretary, engage in public consultation. Party Office shall ensure that all members are informed of seminars and other open policy events.

9.3 Disputes Committee

9.3.1 Functions of the Disputes Committee

The Disputes Committee is established to:

- Consider charges brought to it in accordance with Rule 9.3.8;
- Deal with matters referred to it in accordance with Rule 4.3; and
- Deal with disputes concerning internal Party elections referred to it in accordance with Rule 14.9.

9.3.2 At all times, the Disputes Committee must have regard to due process.

9.3.3 The Disputes Committee shall comprise three members, who shall be elected by a 75% majority of the Administrative Committee, for a term of three years. Dispute Committee members shall be eligible for re-election.

9.3.4 Nominations for the Disputes Committee shall be called by the Administrative Committee, in accordance with Rule 14, save:

- Each member shall be elected in a single ballot, not with the use of proportional representation; and
- To be elected a person must receive a 75% majority in place of a simple majority; and
- At least one of the three members shall be a woman, and at least one of the three members shall be a man. To ensure this occurs, if this balloting process has led to two people of the same gender to be elected in the first two ballots, the Returning Officer shall only permit candidates of the required gender to participate in the third ballot.

- 9.3.5** The election of the Disputes Committee shall take place at the first meeting of the Administrative Committee in July 2006, and every three years after that.
- 9.3.6** Casual vacancies shall be filled by a ballot of the Administrative Committee. To be elected, a member must receive a 75% majority of the vote. Where the filling of a casual vacancy will affect the minimum gender balance required on the Disputes Committee, only people of the appropriate gender may be successfully elected.
- 9.3.5** A Party member cannot be a member of the Disputes Committee if they are a member of the Administrative Committee, or have been a member of the Party for less than one year.
- 9.3.6** The Committee shall be permitted to determine procedures to be used in its deliberation. These procedures shall include:
- The calling of meetings;
 - Quorums;
 - Meeting by telephone or in a manner other than in person;
 - Submitting of written reports of the meetings and decisions of the Disputes Committee to the Administrative Committee, including minority reports where relevant;
 - Keeping of proper records of charges, proceedings and decisions.
- 9.3.7** The State Secretary is to provide every assistance practical to the Disputes Committee as requested.
- 9.3.8 Bringing a Charge to the Committee**
- 9.3.8.1** Where a member alleges that another member is guilty of:
- A breach of the Rules;
 - Conduct which is prejudicial to the Party; and/or
 - Conduct unbecoming to a member of the Party
- The charge shall be referred to the Disputes Committee, if it satisfies the requirements of Rule 9.3.8.3.
- 9.3.8.2** Only one (1) member may bring any charge, but the charge may be brought on behalf of other members or affiliated organisations.
- 9.3.8.3** The charge must:
- Be in writing addressed to the State Secretary;
 - Specify the name and address of the member laying the charge and the member being charged; and
 - Specify the nature of the charge, the date of the alleged offence and all of the relevant particulars and details that support the charge.
- 9.3.8.4** The State Secretary must send a copy of any charge received to each member of the Disputes Committee and to the member charged within seven (7) days of receiving the charge.
- 9.3.8.5** Where a charge concerns or is against the State Secretary, the procedures outlined within Rule 9.3.8.1 will be the responsibility of the most senior officer not concerned in the charge.
- 9.3.9 Matters Relating to Rule 4**
- 9.3.9.1** The Disputes Committee may also consider matters referred to it in accordance with Rule 4.
- 9.3.9.2** Subject to due process, the Disputes Committee may inform itself of any matter that it considers relevant to issues referred to it in any way

it sees appropriate, including the conduct of its own investigations, the seeking of advice and information from any source it believes relevant, and the taking of evidence from any person or member.

9.3.9.3 Where a matter is referred to the Disputes Committee in accordance with Rule 4.3, the Disputes Committee shall report to the State Executive in accordance with Rule 9.3.11.2

9.3.10 Procedure of the Disputes Committee

9.3.10.1 The Disputes Committee must:

- Hear the matter referred to it as expeditiously and informally as possible while ensuring procedural fairness;
- Give the member(s) involved written details of the matter;
- Give the member(s) involved one (1) week's notice of any meeting of the Committee hearing the matter, or any lesser period of notice which is adequate in the circumstances;
- Give the member(s) involved the real opportunity to answer the matter; and
- Report to the Administrative Committee within one (1) month of the receipt of any matter.

9.3.10.2 Where a matter concerns a charge under Rule 9.3.7, the burden of proving any charge lies with the members bringing the charge.

9.3.10.3 Where the matter concerns an issue raised under Rule 4.1.6 and 4.1.7, the Disputes Committee is obliged to ensure that Party memberships are only granted appropriately, and that members who have been involved in behaviour likely to bring the Party into disrepute are disciplined appropriately.

9.3.10.4 Where a matter is raised under Rule 4.3, the person who brings the application must demonstrate why the decision to reject the application for membership was not validly made.

9.3.10.5 Where a member of the Disputes Committee has charged another member in accordance with Rule 9.3.7 or has assisted or been involved in the bringing of a charge, they must not participate in the decision of the Committee and may only take part in the hearing to the extent necessary to bring the charge.

9.3.10.6 Where a member of the Disputes Committee has been absent throughout the entire hearing of the matter, they must not participate in the decision of the Committee.

9.3.10.7 Where the Disputes Committee is divided on the question of whether a charge is proved it will reach a decision by vote.

9.3.10.8 Where the Disputes Committee is divided on the determination of any matter referred to it in accordance with Rule 9.3.8 it will reach a decision by vote.

9.3.10.9 If there is no majority decision of the Disputes Committee, the matter is deemed to be not proved.

9.3.11 Determination of Penalty

9.3.11.1 If the Administrative Committee receives a report from the Disputes Committee that:

- A charge under Rule 9.3.8.1 has been proved; or
- A member has been shown to have been involved in behaviour likely to bring the Party into disrepute by abuses of any clause of Rule 4.2,

The Administrative Committee must recommend to the State Executive one (1) of the following:

- Imposition of no penalty;
- Reprimand;
- Suspension from some or all of rights of membership for not more than four (4) years; or
- Expulsion from the Party.

9.3.11.2 The Administrative Committee shall place a report from the Disputes Committee regarding a matter referred to it in accordance with Rule 4.3 to the State Executive. The person making the appeal may speak at the State Executive meeting at which the report of the Disputes Committee is considered.

9.3.11.3 The State Secretary must notify the Disputes Committee, the member(s) or affiliated organisation involved in the matter, or the person involved in an application in Rule 4.3 of the decision of State Executive.

9.3.12 Appeals against Decision and/or Penalty

9.3.12.1 The member charged or the member bringing the charge may appeal to State Conference in accordance with this Rule by giving written notice of appeal to the State Secretary within twenty-one (21) days of receiving notification of the State Executive decision.

9.3.12.2 The notice of appeal shall identify briefly but specifically:

- The decision or parts of the decision being appealed; and
- The grounds of appeal.

9.3.12.3 At least seven (7) days before the date fixed for the meeting of State Conference the State Secretary must send all delegates to State Conference a copy of:

- The notice of appeal received by the State Secretary, and
- A written report of the decision appealed against.

9.3.12.4 The State Conference must:

- Allow the member or the nominee of the member appealing to speak for five (5) minutes; and then
- Allow a nominee of the Disputes Committee which made the decision, and/or a nominee of State Executive which determined the penalty to speak for five (5) minutes.
- Conference may allow the time for each speaker to be extended to ten (10) minutes.

9.3.12.5 At the end of the speeches the Chair must put a resolution, on which there must be no further debate, that the decision/penalty or the parts of the decision/penalty appealed against should stand.

10. ELECTORATE COUNCILS

10.1 Areas of Responsibility

10.1.1 State Executive will allocate geographical areas of responsibility to Electorate Councils based on Federal Electorates which may change from time to time.

10.1.2 In deciding an Electorate Council area of responsibility, State Executive will consider:

- The electoral interest of the Party; and

- The need for effective decision making and organisation within the Party.

10.2 Meetings

- 10.2.1** An Electorate Council must meet at least once every three (3) months.
- 10.2.2** All members of an Electorate Council, including ex-officio members, and the State Secretary, shall receive written notice of the date, time and place of the meeting of the Electorate Council prior to the day of the meeting. Notification in writing includes notification by e-mail.
- 10.2.3** With the approval of the State Secretary, non-metropolitan Electorate Councils may conduct meetings by teleconference, videoconference, on-line or any other appropriate manner.
- 10.2.4** Electorate Councils shall hold their Annual General Meetings in each November or at another time the State Secretary may approve.
- 10.2.5** Electorate Council Office Bearers and delegates to State Executive take office from December 1 in the year of their election. Electorate Council elections will be conducted according to Rule 14.

10.3 Composition

- 10.3.1** Electorate Councils comprise:
- Delegates from Local Branches within the Electorate Council's area or their proxies; and
 - Non-voting members, who may include:
 - Two (2) delegates from each Affiliated Union;
 - Members of Parliament and endorsed ALP candidates for the area;
 - Officers of the Electorate Council; and
 - Co-opted Local Branch members.
- 10.3.2** A Local Branches may send to its Electorate Council one (1) delegate for every ten (10) members or part of that number, provided that no Local Branch will have more than twenty (20) delegates on any Electorate Council.
- 10.3.3** The State Secretary will determine and publish the minimum number of delegates a Local Branch may send to its Electorate Council by July 21 each year. This will be based upon the number of financial members in each Local Branch as at June 30 that year.
- 10.3.4** A Local Branch cannot increase its delegation to its Electorate Council Annual General Meeting beyond the level determined in Rule 10.3.4.
- 10.3.5** Following the Electorate Council's Annual General Meeting, a Local Branch may only increase its delegation to its Electorate Council above the minimum number if it shows the State Secretary it has increased its financial membership.

10.4 Delegates to Electorate Councils

- 10.4.1** All delegates to Electorate Councils must be financial members of the Party.
- 10.4.2** Local Branch delegates to Electorate Councils must have a credential signed by the President or Secretary of the Local Branch and accepted by the Electorate Council before they assume their positions.
- 10.4.3** A delegate may nominate one or more financial members of the same Local Branch as their proxy. Nominations must be in writing and signed by the delegate.
- 10.4.4** In Non-Metropolitan Electorate Councils, a delegate may credential any financial member of any Local Branch within the area of the Electorate Council as their proxy.

- 10.4.5** If a delegate is absent from three (3) consecutive Electorate Council meetings without apology or without sending a proxy, the delegate's position becomes vacant.
- 10.4.6** If a delegate's position becomes vacant, the Electorate Council Secretary must notify the Secretary of that delegate's Local Branch without delay.
- 10.4.7** Delegates elected under Affirmative Action must ensure their proxies meet the same Affirmative Action requirement.

10.5 Duties and Responsibilities of Electorate Councils

10.5.1 Electorate Councils shall:

- Consider applications to start new Local Branches under Rule 11.2.1.1;
- Consider Local Branch items sent to the Electorate Council;
- Fundraise for candidates in their area;
- Assist in election campaigns;
- Organise and supervise Local Branches in conjunction with State Executive;
- After June 30, send an audited statement of receipts, expenditure and balance sheet for the Electorate Council accounts to the State Secretary;
- Strengthen and help Affiliated Organisations;
- Elect delegates as required under these Rules;
- Send items to State Executive;
- Send items to National Platform Committees for inclusion on the National Conference Agenda;
- Conduct a general meeting once per year which will include all members of the Council defined under Rule 10.3.1, and members of all Local Branches in the Council.

10.6 Appeals

Appeals against decisions or rulings of Electorate Councils may be made to the Administrative Committee under Rule 8.10.

11. LOCAL AND DIRECT BRANCHES

11.1 Role and Composition

11.1.1 The Party's primary unit of membership participation will be the Local or Direct Branch which will be open to all financial members, provided that, subject to Rule 11.1.2, a person may be a member of only one (1) Local or Direct Branch. The structure will consist of the following:

- Local Branches
They will be geographically designated and be allocated to and represented on an Electorate Council.
- Direct Branches
They will be designated Direct to the State Executive and will not have any representation on Electorate Councils.

11.1.2 Ex-Officio Membership

In addition to membership of their Parliamentary Branch, ALP Parliamentarians, together with endorsed ALP Parliamentary candidates, will be permitted ex-officio, non-voting membership in any Local Branch/s established in the electorate for which they are endorsed. They may also nominate for election as a delegate under Rules 5.2.1.2 and 6.3.1.2 and enjoy full delegate's rights if elected.

11.2 Local Branches

11.2.1 Establishing a Local Branch

11.2.1.1 Any one wishing to establish a Local Branch shall:

- Apply to the Electorate Council in writing, and
- Provide the names and addresses of at least twenty (20) people who are eligible and willing to join the new Local Branch; and
- In the case of new members, provide a completed and signed "Application for Membership" form and the prescribed fee for each applicant; or
- In the case of existing members, provide written "Request for Transfer" letters signed by the members.
- In the case of anyone wishing to establish a Local Branch in the non-metropolitan area, the provisions of this Rule will apply, but the minimum membership shall be ten (10).

11.2.1.2 After considering the application the Electorate Council shall recommend acceptance or rejection to the Administrative Committee.

11.2.1.3 The Administrative Committee will consider the application together with the Electorate Council's recommendation. The Administrative Committee will also consider each of the individual "Applications for Membership" pursuant to Rule 4.1.3.7.

11.2.1.4 If the Administrative Committee and the Electorate Council disagree, the Administrative Committee shall refer the application to State Executive which will decide to approve or reject the application.

11.2.1.5 If the application is approved, the State Secretary shall:

- Advise all members, including ex-officio members, of the new Local Branch of the date, time and place of the inaugural meeting;
- Advise all members of the new Local Branch, including ex-officio members, of the details for the election of office bearers and delegates; and
- Appoint a representative of the Administrative Committee who shall attend the inaugural meeting of the Local Branch, and act as Returning Officer for the Local Branch in the election of interim office bearers and delegates until the Annual General Meeting.

11.2.1.6 The State Executive may disband a Local Branch if it considers the Local Branch is acting against the interests of the Party.

11.2.1.7 The State Secretary shall notify the Administrative Committee, at the first meeting of the Administrative Committee after 21 July in each year, of the details of:

- Any metropolitan Local Branch that has, on 1 July in that year, less than 20 financial members; and
- Any non-metropolitan Local Branch that has, on 1 July in that year, less than 10 financial members.

11.2.1.8 A metropolitan Local Branch with less than 20 financial members on 1 July in any year shall be disbanded and its members transferred to Direct Membership.

11.2.1.9 A non-metropolitan Local Branch with less than 10 financial members on 1 July of any year shall have its rights suspended. The State Secretary shall act ex-officio as the Local Branch Executive until the

Local Branch attains not less than 10 financial members and conducts its Annual General Meeting or Special General Meeting. The State Secretary shall, in conjunction with the Local Branch members and all ALP Parliamentarians who represent the area covered by the Local Branch, develop a program to revitalize the Local Branch.

The State Secretary will report to the Administrative Committee regularly on the progress of the affairs of any Local Branch suspended in accordance with this rule.

11.2.2 Duties of Local Branches

11.2.2.1 Local Branches must:

- Promote the objects and Platform of the Australian Labor Party;
- Enrol and organise members;
- Organise for parliamentary elections;
- Elect delegates to Electorate Council and State Conference;
- Fundraise
- Maintain a Local Branch meeting attendance register as approved by the State Secretary, which shall be available at every Local Branch meeting, and which those members present must sign.

11.2.2.2 Local Branches may send items/motions to either the Electorate Council, the relevant State Policy Committee or the State Executive.

11.2.3 Local Branch Meetings

11.2.3.1 Local Branches must meet at least once every three (3) months and, if possible, once every month.

11.2.3.2 All members of a Local Branch, including ex-officio members, shall receive written notice of the date, time and place of a meeting prior to the day of the meeting. Notification in writing includes notification by e-mail.

11.2.3.3 Every twelve (12) months, the Local Branch must provide to the State Secretary details of:

- Their activities;
- Meeting times and venues; and
- Any other information the State Secretary requests.

11.2.4 Finance

11.2.4.1 Officers of the Local Branch must provide the State Secretary and the Electorate Council with all records required under Rule 7.9.3.

11.2.5 Annual General Meetings

11.2.5.1 The Local Branch shall hold its Annual General Meeting in August or September of each year or at another time approved by the State Secretary. The Local Branch secretary shall provide a list of all Local Branch members eligible to vote at the Annual General Meeting in accordance with Rule 11.2.5.5 to the State Secretary before the close of nominations for Local Branch positions.

11.2.5.2 Local Branch officers will hold office from the conclusion of the Annual General Meeting in the year elected until the next Annual General Meeting. Local Branch elections will be conducted according to Rule 14.

- 11.2.5.3** Local Branches delegates to Electorate Councils will hold office for one year from November 1 immediately following the Local Branch Annual General Meeting.
- 11.2.5.4** Once the Local Branch has called nominations for election of officers, the next meeting shall be the Annual General Meeting.
- 11.2.5.5** To vote at a Local Branch Annual General Meeting, a member must have attended at least one meeting of that Local Branch since August 1 of the previous year.

11.3 Direct Branches

11.3.1 The State Executive may constitute up to six (6) Direct Branches.

11.3.2 Establishing a Direct Branch

Direct Branches will be established on the following basis:

- 11.3.2.1** Application to form a Direct Branch shall be made in writing to the Administrative Committee.
- 11.3.2.2** The application must indicate how the interest of the Party is advanced by the formation of the Direct Branch.
- 11.3.2.3** The minimum membership shall be forty (40). Direct Branches will not be entitled to elect delegates to State Executive and State Conference unless their membership is seventy (70) or more.
- 11.3.2.4** The State Executive, if satisfied Rule 11.3.2.2 is fulfilled, must approve the formation of a Direct Branch.
- 11.3.2.5** Any person who is eligible to be a Party member is also eligible to be a member of any Direct Branch.
- 11.3.2.6** If the application is approved, the State Secretary shall notify the people who applied to establish the Direct Branch.
- 11.3.2.7** A representative of the Administrative Committee will attend the first meeting of the Direct Branch.
- 11.3.2.8** State Executive may disband a Direct Branch if it considers the Direct Branch is acting against the interests of the Party.

11.3.3 Duties of Direct Branches

11.3.3.1 Direct Branches must:

- Promote the objects and Platform of the Australian Labor Party;
- Enrol and organise members;
- Organise for parliamentary elections;
- Provided Direct Branch has seventy (70) members or more, elect one (1) delegate to State Executive and delegates to State Conference in accordance with the Direct Branch quota allocation. Any representation available to Direct Branches and not exercised will be allocated to other political Party units; and
- Fundraise.

11.3.4 Direct Branch Meetings

- 11.3.4.1** Direct Branches shall meet at least once every three (3) months and, if possible, once every month.
- 11.3.4.2** All members of a Direct Branch shall receive written notice of the date, time and place of a meeting prior to the day of the meeting. Notification in writing includes notification by e-mail.

11.3.4.3 Every twelve (12) months, the Direct Branch must provide to the State Secretary details of:

- Their activities;
- Meeting times and venues; and
- Any other information the State Secretary requests.

11.3.5 Finance

11.3.5.1 Officers of the Direct Branch must provide the State Secretary and the Electorate Council with all records required under Rule 7.9.3.

11.3.6 Annual General Meetings

11.3.6.1 The Direct Branch shall hold its Annual General Meeting in August or September of each year or at another time approved by the State Secretary.

11.3.6.2 Direct Branch Officers will hold office from the conclusion of the Annual General Meeting in the year elected until the following Annual General Meeting. Direct Branch elections will be conducted according to Rule 14.

12. PARLIAMENTARY BRANCHES

12.1 State Parliamentary Labor Party [SPLP]

12.1.1 The SPLP comprises all ALP members of the Legislative Assembly and the Legislative Council and is a Branch of the Party.

12.1.2 The SPLP may make rules to govern the business of Caucus but those rules shall not conflict with any other Rule of the Party. The Caucus must submit its rules and any amendments to State Executive for consideration.

12.1.3 If the Party becomes the government, the SPLP will choose the ministry and the Leader of the Party will allocate portfolios to ministers.

12.1.4 The secretary of Caucus must, at the close of each Parliamentary session, send the State Executive a record of the attendance at Caucus meetings.

12.1.5 The ALP will not enter a coalition with another Party to govern unless the State Executive approves.

12.1.6 All parliamentary members will vote on any question before Parliament as decided by a majority of the SPLP in a properly constituted meeting.

12.2 Federal Parliamentary Labor Party WA [FPLP (WA)]

12.2.1 The FPLP (WA) comprises all Western Australian ALP members of the House of Representatives and Senate, and is a Branch of the Party.

12.2.2 The FPLP (WA) may make rules to govern the functioning of the Branch but those rules shall not conflict with any other Rule of the Party. The FPLP (WA) will submit its rules and amendments to State Executive for consideration.

12.2.3 The Secretary of the FPLP (WA) must, at the close of each Parliamentary session, send the State Executive a record of the attendance at Caucus meetings.

12.3 Financial Responsibility

12.3.1 Campaign Contributions

12.3.1.1 Members of the Legislative Assembly and House of Representatives if unopposed at an election shall donate to the Party's election fund:

- \$5,000 if that member has served three (3) years or more in Parliament; or
- A lesser sum, decided by State Executive, if that member has served less than three (3) years in Parliament.

12.3.2 Salary Levy

- 12.3.2.1** All Lower House Members of Parliament must pay a levy of 4%, and Upper House members a levy of 7%, of their base Parliamentary salary and salary of office to the Party. This levy shall be the prescribed annual membership fee under Rule 4.
- 12.3.2.2** All Parliamentary members shall also pay any other levies determined by State Executive.
- 12.3.2.3** Any Parliamentary member who is in arrears in payment of a levy under Rules 12.3.1.1, 12.3.2.1 and 12.3.2.2 will not be endorsed as a candidate and may be sued for recovery of any arrears.
- 12.3.2.4** All Parliamentary members must pay their ALP salary levy either by automatic salary deduction per pay period or by providing bank details to party office and authorising the direct payment of the levy on a nominated date each month.
- 12.3.2.5** Rule 12.3.2.4 shall be effective as at 1 July 2007. All Parliamentary members with outstanding party levies shall repay their debt to the party by 1 September 2007, or rule 12.3.2.3 shall be immediately invoked.

12.4 Organising Work

- 12.4.1** All Members of Parliament other than Ministers will assist the Administrative Committee with organising activities.
- 12.4.2** The Administrative Committee will allocate those members areas in which they shall perform organising work for the Party including the formation of Local Branches.
- 12.4.3** If asked by the State Secretary, each Parliamentary member shall provide a written report of the organising work he/she has performed.
- 12.4.4** Subject to the approval of the State Secretary, all Members of the Legislative Assembly and Members of the House of Representatives are to establish forums to provide dialogue with local union activists, including frequent meetings with those union activists who work in their area.

Where practicable, Members of the House or Representatives should combine their forums with those Members of the Legislative Assembly with overlapping districts.

Senators and relevant Members of the Legislative Council must be invited to attend such meetings. Where no timely invitation is extended to Senators or relevant Members of the Legislative Council then the forum shall not be sanctioned by the Party.

13. PARTY ORGANISATIONS

13.1 Labor Women's Organisation

- 13.1.1** The name of the organisation is Labor Women's Organisation (WA).
- 13.1.2** The organisation is subject to the control and supervision of State Executive.

- 13.1.3** All members of Labor Women's Organisation shall receive written notice of the date, time and place of any general meeting prior to the day of the meeting.
- 13.1.4** Women who are members of the Party should register their interest with the Secretary of Labor Women's Organisation to receive correspondence.
- 13.1.5** Women who do not wish to be members of Labor Women's Organisation will receive an automatic exemption on request.
- 13.1.6** The role of Labor Women's Organisation is to encourage women's involvement in the ALP and it may appoint sub-committees or do whatever else is necessary to achieve this aim.
- 13.1.7** Labor Women's Organisation may forward motions to State Executive and State Conference.
- 13.1.8** Labor Women's Organisation will convene general meetings of the organisation at least once every three (3) months.
- 13.1.9** Labor Women's Organisation will be responsible for convening meetings of women members in the metropolitan area and in country centres.
- 13.1.10** Labor Women's Organisation Executive will be comprised of:
- President
 - Two (2) Vice-Presidents
 - Secretary
 - Treasurer
 - At least four (4) Committee members
- 13.1.11** Elections of office bearers will be conducted under Rule 14 at the Annual General Meeting, which will be held between October 1 and December 31 each year, with those elected taking up office from the following January 1. Provided that to nominate or vote in an election at an Annual General Meeting a person must have been a financial member of the Party prior to the calling of nominations.

13.2 Australian Young Labor

The name of the youth organisation of the ALP (WA Branch) is Australian Young Labor (WA Branch) [AYL, WA].

13.2.1 The aims of AYL (WA) are to:

- Interest young people in political and social action and in the need for democratic socialism;
- Actively support the aims and platform of the ALP;
- Promote the election of Labor governments;
- Publish material to promote AYL and its objects including the establishment and maintenance of its own website. The content of the website must meet the approval of the State Secretary before publication;
- Participate fully in the ALP and AYL's decision making processes;
- Promote and adopt mechanisms which encourage the participation of women and young people and the wider party;
- Advise the Party on matters of youth policy;
- Arrange social functions which actively engage young people in the political process; and
- Actively encourage Party membership among young people.

13.2.2 Membership

- 13.2.2.1** All ALP members aged 26 or less on January 1 of the year in question are automatically members of AYL.

- 13.2.2.2** The AYL Secretary shall keep a list of AYL members based on the Party's membership records.

13.2.3 AYL General Meetings

- 13.2.3.1** AYL General Meetings will take place at least bi-monthly and are open to all members of AYL.
- 13.2.3.2** A quorum at all AYL General Meetings will be fifteen (15) members.
- 13.2.3.3** All members of AYL must receive written notice of the date, time and place of any General Meeting prior to the day of the meeting. Notification in writing includes notification by e-mail.

13.2.4 Annual General Meeting (Youth Conference)

- 13.2.4.1** The State Youth Conference of AYL (WA Branch) shall be held annually between October 1 and December 31 and will be open to all financial members of AYL.
- 13.2.4.2** The Youth Conference must elect delegates from AYL (WA Branch) to the AYL National Conference in accordance with these Rules and the AYL National Rules.
- 13.2.4.3** The Youth Conference will elect the AYL Executive.
- 13.2.4.4** The outgoing AYL Executive must provide a report to Youth Conference.
- 13.2.4.5** The AYL Executive may convene a special Youth Conference at any time to consider only those items circulated on the notice convening the Conference.
- 13.2.4.6** Youth Conference will observe the same Standing Orders as do Electorate Councils. (See Appendix One: Standing Orders)

13.2.5 AYL Executive

- 13.2.5.1** The AYL Executive:
- Conducts the business of AYL between general meetings; and
 - Convenes bimonthly meetings of AYL.
- 13.2.5.2** The AYL Executive will consist of:
- One (1) President;
 - Three (3) Vice-Presidents;
 - One (1) Secretary;
 - One (1) Treasurer
 - One (1) Women's Co-ordinator;
 - One (1) Regional Co-ordinator; and
 - Six (6) Committee Members.
- 13.2.5.3** The Treasurer's position will be filled by the Vice-President elected first, or be delegated by that person to another Vice-President.
- 13.2.5.4** The Women's Co-Ordinator position must be filled by a woman.
- 13.2.5.5** The AYL Executive will take office from January 1 in the year following their election.

13.2.6 AYL Elections

- 13.2.6.1** All AYL elections will be conducted under the system of proportional representation (See Appendix 2). At least 50% of multiple positions will be filled by women if sufficient women nominate.

13.2.6.2 To nominate or vote in an election at an Annual General Meeting a person must have been a financial member of the AYL prior to the calling of nominations, and remain financial until after the election.

13.2.6.3 If an Executive position becomes vacant, a general meeting of AYL shall fill the vacancy.

13.2.7 Media

With the prior approval of the State Secretary, AYL may make statements to the media about decisions or actions it has taken on youth matters only.

13.3 Annual Reports

All Party Organisations shall submit an annual report to State Conference.

13.4 Country Labor WA

13.4.1 The name of the organization shall be Country Labor WA.

13.4.2 The organization is subject to the control and supervision of State Executive.

13.4.3 Country Labor has the following objectives:

- (a) To support objectives of the Party;
- (b) To highlight to the community the policies of the Party most relevant to electors in the non-metropolitan part of the State;
- (c) To assist in the Party's policy development processes to ensure policies take account of the concerns of Labor's country constituency; and
- (d) To publish material of any kind, whether written, audio or visual, that may assist in achieving the above objectives.

13.4.4 The membership of Country Labor WA shall be:

- (a) All individual members of the Party who live in country Western Australia (as defined by the MPRA boundary);
- (b) All State and Federal Members of Parliament who represent country Western Australia, as defined.

13.4.5 The State Secretary shall maintain a list of all members of Country Labor WA and shall make it freely available to all members of the Country Labor Executive.

13.4.6 Powers of Country Labor WA

Country Labor WA may do any of the following:

- Advocate policies within the Party that are of concern to Labor's County constituency, including by informing Party members, Local Branches and other Party units of the views of Country Labor WA;
- Convene sub-committees, fora and special groups;
- Forward motions to the State Executive, State Conference and policy committees;
- With the approval of the State Secretary, publish information to the public to highlight the views of Country Labor WA and the interests of people living in country Western Australia; and
- With the approval of the State Secretary, and the involvement of the relevant Minister or Shadow Minister, conduct public hearings and other public consultations; and
- With prior approval of the State Secretary, Country Labor WA Secretary/President may make statements to the media about decisions or actions Country Labor WA has taken on Country Labor WA matters of concern to Labor's country constituency.

13.4.7 General Meetings

- Country Labor WA will convene general meetings of the organization at least once every three months to be held in country areas.
- With the approval of the State Secretary, Country Labor WA may conduct meetings by teleconference, videoconference, on-line or any other appropriate manner.
- All members of Country Labor WA shall receive written notice of the date, time and place of any general meeting prior to the day of the meeting.

13.4.8 Country Labor WA Executive

The Country Labor Executive shall comprise:

- President
- Two (2) Vice Presidents
- Secretary
- Treasurer
- Six (6) committee members
- All State and Federal Members of Parliament who represent country Western Australia, as defined.

The State President, State Secretary and Assistant State Secretary(s) shall be ex-officio non-voting members of the Country Labor WA Executive.

13.4.9 Elections for office bearers will be conducted in accordance with Rule 14 at the Annual General Meeting, which shall be held between 1 October and 31 December each year, with those elected taking office from the following 1 January. All multiple vacancies shall be conducted in accordance with the system of proportional representation and affirmative action for women. To be eligible to nominate or vote in a Country Labor WA election, a member must be a financial member of the Party prior to the close of nominations.

13.4.10 The Country Labor WA Executive conducts the business of Country Labor WA between general meetings and convenes general meetings of Country Labor WA.

The Country Labor WA Executive may meet in person, or by teleconference, videoconference or on-line. In addition, questions before Country Labor WA Executive may be determined by fax ballot.

13.5 Indigenous Labor Network

13.5.1 Indigenous Labor Network WA shall be made up of:

- All Indigenous members of the Party as members, and
- Other members of the Party who may nominate to be Associate Members.

13.5.2 The Indigenous Labor Network shall work in conjunction with the State Secretary to prepare interim rules to be approved by the State Executive. This shall include the right to create a pro-tem officers.

13.5.3 The name of the organisation shall be Indigenous Labor Network WA.

13.6 WALAC

13.6.1 Where there is agreement between the Party and Unions (WA), the Party shall convene the West Australian Labour Advisory Council (WALAC).

13.6.2 WALAC shall consist of:

- (i) The Leader of the State Parliamentary Labor Party;
- (ii) The State President or their nominee;
- (iii) The State Secretary or their nominee;

- (iv) Other relevant Party members, to a number agreed with Unions WA, as selected by the State Secretary; and
- (v) The number of delegates representing Unions WA as agreed with the Party.
Provided that the delegates and the process to select them shall be a matter entirely for Unions WA.

13.6.3 The role and function of WALAC shall be to provide a formal consultative mechanism between the Party and the broader union movement, including non-affiliated unions.

14. INTERNAL PARTY ELECTIONS

14.1 General Principles

- 14.1.1** A Returning Officer shall be appointed for every internal Party election.
- 14.1.2** All ballots for Officers and Delegates to Party units (except casual vacancies) must be conducted at an Annual General Meeting of the Party unit.
- 14.1.3** All ballots for single vacancy positions shall be conducted using the optional preferential system of voting. (Appendix 3)
- 14.1.4** All ballots for multiple vacancy positions shall be conducted using the proportional representation system of voting. (Appendix 2)
- 14.1.5** In all multiple position ballots within the Party, other than for preselections for multi-member electorates, a minimum of 40% of successful candidates shall be women and a minimum of 40% of successful candidates shall be men (the basic entitlement). If the calculation to determine the basic entitlement results in a fraction of one half or more then the basic entitlement shall be the next higher whole number, and where it results in a fraction of less than one half it shall be the next lower number.
- 14.1.6** Candidates may appoint scrutineers at all stages in the conduct of an election.
- 14.1.7** Only financial members of the ALP can participate in the conduct of an election.
- 14.1.8** No member can vote in a ballot at a meeting at which their membership of the Party is accepted.
- 14.1.9** Every member eligible to vote is entitled to vote in secret.
- 14.1.10** The Returning Officer for any ballot shall declare an area that ensures every person voting is able to do so in secret.
- 14.1.11** Only people eligible to vote may enter the declared area.
- 14.1.12** Ballot papers may not be removed from a polling place except by the Returning Officer in order to conduct the count.
- 14.1.13** All candidates for internal Party elections shall be invited, as a matter of course, to address the meeting at which the ballot takes place or at an agreed pre-ballot meeting.
- 14.1.14** Any variation to the procedures set out below must first gain the approval of the State Secretary who will report to the Administrative Committee.

14.2 Annual General Meetings

- 14.2.1** The Annual General Meeting of Local and Direct Branches shall be held in August or September of each year, at a time and place determined by the Local or Direct Branches.

The State Secretary shall call nominations for all offices and delegate positions in each Local or Direct Branches each year with effect from 28 July by notice in the

State Secretary's Newsletter. Each Local or Direct Branches, subject to the provisions of Rule 14.4, shall determine the date, time and place of closing of nominations.

14.2.2 The Annual General Meeting of Electorate Councils will be held in November of each year.

14.2.3 In special circumstances, the State Secretary may give permission for an Annual General Meeting to be held at a time other than that set out in Rules 14.2.1 and 14.2.2. If permission is granted to hold the Annual General Meeting after December 31, current officers and delegates will hold office until the conclusion of the Annual General Meeting.

14.2.4 The Annual General Meeting of State Executive will be held in December, unless otherwise determined by the State Executive.

14.3 Returning Officers

14.3.1 State Returning Officer

14.3.1.1 State Executive shall call nominations for a State Party Returning Officer and two (2) Assistant State Returning Officers, and a ballot will be conducted at State Conference each year.

- The two Assistant State Returning Officers shall be elected in accordance with the provisions of Appendix Two of these rules.
- The State Returning Officer and Assistant State Returning Officers shall hold office from the close of each Conference until the close of the next State Conference. A State Returning Officer and Assistant State Returning Officer are eligible for re-election.

14.3.1.2 The State Secretary will be the Returning Officer for the election of the State Returning Officer and the Assistant State Returning Officers.

14.3.1.3 The State Returning Officer will be responsible for conducting all ballots of State Conference, State Executive and the combined State Executive/Local Electors ballot for preselections.

14.3.1.4 The two Assistant State Returning Officers shall assist the State Returning Officer as appropriate, and may act as the Returning Officer's proxy when delegated to do so in writing.

14.3.1.5 The State Returning Officer may give assistance to Party members on the conduct of ballots within the Party, and shall assist the State Secretary in training Returning Officers for other party units.

14.3.1.6 No person may be appointed a Returning Officer unless he or she has undergone training in accordance with Rule 14.3.1.4 or the State Secretary otherwise agrees to the appointment.

14.3.2 Local or Direct Branches and Electorate Council Returning Officers

14.3.2.1 A Returning Officer will be appointed annually by the State Secretary for each Local or Direct Branches and Electorate Council on the recommendation of those Party units, provided that the Returning Officer is not themselves a candidate.

14.3.2.2 These Returning Officers will be responsible for conducting all elections of the Local or Direct Branches or Electorate Council.

14.3.2.3 Returning Officers will present a written report of the ballot at the Party unit's next meeting.

14.3.3 Returning Officers: General Principles

- 14.3.3.1** The Returning Officer shall identify and announce to the relevant Party unit the polling place for each ballot.
- 14.3.3.2** A Returning Officer may make a ruling that is not inconsistent with the Rules of the Party for the good conduct of an election.
- 14.3.3.3** Unless it is not possible to do so, such rulings should be discussed with the State Secretary.

14.4 Nominations

- 14.4.1** Nominations shall be called for all officer and delegate positions no later than the meeting before the Annual General Meeting.
- 14.4.2** Nominations shall be open for at least three (3) weeks.
- 14.4.3** Nominations shall close no later than one (1) week prior to the AGM unless, in special circumstances, approval has been given by the State Secretary.
- 14.4.4** A timetable for all internal Party elections shall be provided to the State Secretary.
- 14.4.5** All nominations shall be in writing and signed by the candidate.
- 14.4.6** Only financial members of the Party may nominate.
- 14.4.7** All candidates must meet any eligibility requirements of the position for which they nominate.
- 14.4.8 Nominations for Local or Direct Branches and Electorate Councils**
 - 14.4.8.1** At least two (2) weeks before the close of nominations, the Returning Officer shall ensure that all members eligible to vote receive a written timetable for the opening and closing of nominations, the time and place of the draw for positions, and the time and place of the election.
 - 14.4.8.2** Local or Direct Branches shall receive the timetable for Electorate Council elections.
- 14.4.9 Nominations for State Executive**
 - 14.4.9.1** Notice of the opening and closing dates of nominations, the time and place of the draw for positions, and the time and place of the ballot shall be sent to all Affiliated Unions, Electorate Councils and Local or Direct Branches at least two (2) weeks before the closing date of nominations.

14.5 Draw for Position on the Ballot Paper

- 14.5.1** The Returning Officer will conduct a draw for positions of candidates on the ballot paper.
- 14.5.2** Ballot papers shall be prepared following the draw.
- 14.5.3** Given names will be included on ballot papers for all internal Party elections.

14.6 Ballots

- 14.6.1** If no nominations or insufficient nominations are received for a vacancy/s, a Party unit may fill the vacancy/s by resolution or ballot at an Annual General Meeting.
- 14.6.2** Ballot papers must be signed by the Returning Officer, or an appointed assistant, prior to their distribution.
- 14.6.3** Only members, delegates or proxy delegates who attend the meeting may vote, subject to Rule 14.6.5.

14.6.4 The Returning Officer shall ensure that all properly credentialled delegates present and wishing to vote obtain the ballot paper(s) to which they are entitled.

14.6.5 All members of the Administrative Committee, except the Leader of the SPLP and the FPLP (WA) representative, may vote in State Executive ballots between the close of nominations and the beginning of the State Executive meeting at which the ballot is held by arrangement with the State Returning Officer.

14.6.6 Withdrawal of Nominations

14.6.6.1 Other than by resolution of State Executive, nominations for State Executive elections may only be withdrawn up to ninety-six (96) hours after the close of nominations.

14.6.6.2 Other than by resolution of other Party units, nominations for Party unit elections may be withdrawn up until the publicised time for the commencement of the meeting at which the ballot is held.

14.6.6.3 Withdrawal of nominations must be in writing and signed by the withdrawing candidate.

14.7 Count

14.7.1 The count will be conducted as described in Appendix 2, 3 or 4, as soon as practicable after the close of the ballot.

14.7.2 If the name of a candidate who has withdrawn appears on the ballot paper it will be ignored and the vote will go to the candidate with the next lowest number on the ballot paper.

14.7.3 At the conclusion of the count, the Returning Officer will declare the successful candidates elected.

14.7.4 Count other than at Close of Ballot

14.7.4.1 If the count is to be conducted at a different time or place to where the ballot is held, the Returning Officer will:

- Seal the ballot box(es) in front of witnesses.
- Advise all candidates of the time and place of the count.
- Open the sealed ballot box(es) at the time of the count, witnessed by the candidates or their appointed scrutineers, and proceed pursuant to Rules 14.7.1, 14.7.2, and 14.7.3.

14.7.5 It is the responsibility of the Returning Officer to keep custody of all ballot papers at all times, except when papers are being held by an elector. The papers are to be kept for the term of the office being filled.

14.8 General

14.8.1 The State Secretary shall maintain a roll for State Executive and assist the Returning Officers in the preparation of rolls for other internal Party elections.

14.8.2 The address recorded with the State Secretary will be deemed to be a member's current address.

14.9 Disputes

Any disputes over the procedures or other matter related to an election shall be referred to the State Secretary, who will attempt to conciliate the issues concerned between affected members. If no agreement is reached within 21 days, the State Secretary is to refer the matter to the Disputes Committee for resolution. Disputes must be referred to the State Secretary within seven days of the count of the ballot papers by the Returning Officer, or within seven days from when the issues in dispute became known.

14.10 Casual Vacancy/s

- 14.10.1** If a casual vacancy occurs in an office bearer position, or on the Administrative Committee, the vacancy will be filled by the election process used at the Annual General Meeting.
- 14.10.2** If a casual vacancy occurs in a delegate position, the vacancy shall be filled using the procedures listed in Appendix 2.
- 14.10.3** Any member elected to a casual vacancy holds office for the unexpired portion of the term.
- 14.10.4** All officers will be eligible for re-election.

15. SELECTION OF PARLIAMENTARY CANDIDATES**15.1 Affirmative Action in Preselections**

The equal representation of men and women in Parliament is an ALP objective. The appropriate method to achieve this objective is a change in the preselection rules rather than relying on gradual social change.

Accordingly, the following requirements are inserted within the ALP Rules as a step towards achieving this objective:

15.1.1 State and Federal Preselections**15.1.1.1** In each of:

- (a)** State or Federal Parliamentary seats held by the ALP or which would be notionally held by the ALP following a redistribution for the Western Australian Parliament or of the Western Australian seats in the Federal Parliament; and
- (b)** State or Federal Parliamentary seats which would be held by the ALP with a 5% increase in the ALP two party preferred vote,

A minimum target of 35% of candidates shall be women and 35% of candidates shall be men.

15.1.1.2 If the minimum target is not achieved in either group (a) or group (b) in 15.1.1.1 above, the round of preselections in that group for which the minimum target has not been achieved ("the deficient group") shall immediately be declared void and nominations for all seats within the group shall be reopened. This process shall be repeated until the minimum targets are met.

15.1.1.3 State Executive shall appoint a committee to enquire into the amendments required to up-date these Rules to make them consistent with the National Rule 10(c). The Committee shall report to the 2004 State Conference.

15.2 Legislative Assembly and House of Representatives.

15.2.1 The preselection of Legislative Assembly and House of Representatives Parliamentary candidates shall (where practicable) be determined by a ballot of all members of the State Executive and Local Electors, where there are at least 40 qualified Local Electors. Where there are not 40 qualified Local Electors, the preselection shall be determined by a ballot of all members of the State Executive alone.

15.2.2 The Local Electors shall be members of the Party who at the close of nominations are certified by the State Secretary to be financial members of the Branch at the date of the opening of nominations and have been continuous financial members for at least twelve months and are registered to vote within the

meaning of the state and federal electoral laws in the electorate for which the Parliamentary Candidate is being preselected.

Provided that all Party members who have an entitlement to participate in a preselection on 24 June 2006 shall remain entitled to participate in a preselection while they remain a financial member of the Party.

15.2.3 One week prior to voting by Local Electors, the State Secretary shall post to each Local Elector a statement of not more than two A4 pages provided by each candidate at or prior to nomination.

15.2.4 Local electors shall cast their vote by secret ballot at a place and at times nominated by State Executive, in the electorate for which the Parliamentary Candidate is being preselected.

State Executive may also provide an opportunity for local electors to cast their ballot either at:

- Party Office, or
- The venue for the State Executive which shall deal with the relevant preselection,

At a time prior to the commencement of the relevant State Executive meeting.

15.2.5 In preselections for remote electorates, the Administrative Committee may arrange for Local Electors to vote by post, in lieu of a polling place.

15.2.6 State Executive members shall cast their vote by secret ballot at the next meeting of the State Executive following voting by the Local Electors.

15.2.7 In counting a preselection ballot in which the votes of Local Electors are included, the Returning Officer shall first count the votes of the Local Electors and shall allocate a value to each valid vote. Where there are less than forty votes cast by Local Electors, each vote shall have a value of a whole vote. Where there are more than forty valid votes cast by Local Electors, each vote shall have a value determined by dividing forty by the number of valid votes. The Returning Officer shall then count the whole of the ballot, with each vote cast by the members of State Executive being worth a whole vote.

15.3 Legislative Council and Senate

Legislative Council and Senate preselections shall be conducted by the State Executive.

15.4 Timetable for Nominations

15.4.1 The State Executive shall call nominations for all parliamentary seats including those with sitting ALP members. On the close of nominations, State Executive may:

- Decide that the Party will not contest a seat;
- Declare any person seeking preselection to be unsuitable;
- Reopen nominations;
- Declare a person elected unopposed where the person is the only eligible nominee.

15.4.2 The timetable for nominations must comply with the provisions of Rule 14 (Internal Party Elections).

15.5 Eligible Nominations

15.5.1 A member who nominates for a seat must:

- Complete and sign a prescribed nomination form provided by the State Secretary;
- Be a financial member of the ALP for at least twelve (12) months before the nomination;

- Be eligible under law to nominate as a candidate for the seat, and
- Sign the parliamentary candidate's pledge. (See Appendix 7)

15.5.2 The State Executive may waive the twelve month eligibility criteria set out in 15.5.1, where it is deemed to be in the Party's interests.

15.6 Preselection Procedures

15.6.1 The name of the nominee or nominees shall be reported to the State Executive and the relevant Local Electors as soon as possible after the closing of nominations.

15.6.2 Where only one nomination is received for any seat, State Executive and the relevant Local Electors may require the nominee to appear before the State Executive.

15.6.2.1 A nominee required to appear in accordance with Rule 15.6.2 shall be subject to the procedures specified for seats for which more than one (1) nomination has been received.

15.6.2.2 Where no request for the candidate to appear is received, State Executive and the relevant Local Electors may, by resolution:

- Endorse the candidate; or
- Defer a decision on the endorsement for not more than fourteen (14) days; or
- Re-open nominations; or
- Determine that, in the best interests of the ALP, the seat shall not be contested.

15.6.3 Where more than one nomination is received for any seat:

15.6.3.1 State Executive may decide, by majority decision, the procedure for dealing with the nominations received for any seat.

15.6.3.2 Material relevant to the seat to be contested, such as demographic material, may be made available to State Executive and the relevant Local Electors by the State Secretary if the Administrative Committee deems it desirable.

15.6.3.3 In the absence of any decision to the contrary by State Executive, the procedure for dealing with candidates shall be as follows:

- An address of not more than ten (10) minutes duration by each candidate to State Executive and a written version to be provided to the State Secretary for distribution to the relevant Local Electors. Any candidate unable to attend State Executive may submit a written address which shall be read by the State Secretary for not more than ten (10) minutes. This address shall also be distributed to the relevant Local Electors by the State Secretary.
- Questioning of each candidate by State Executive and the relevant Local Electors. Questions from the relevant Local Electors shall be submitted to and asked by the State Secretary.

15.6.3.4 At any stage prior to the conduct of the ballot, any member of the State Executive may move:

- That nominations be re-opened; or
- That the seat shall not be contested; or
- That a decision on the endorsement be deferred.

15.6.3.5 At the conclusion of the procedures outlined in Rule 15.6.3.3, and unless any of the resolutions outlined in Rule 15.6.3.4 has been

adopted, State Executive shall then vote to choose the candidate for endorsement. Ballot papers shall not be issued to State Executive members until the completion of addresses and questions.

15.6.3.6 The successful candidate shall be automatically endorsed.

15.6.4 Conduct of Preselections

15.6.4.1 Relevant Local Electors shall not be prevented from voting in any ballot for which they are candidates. However, relevant Local Electors who are candidates shall not be entitled to be present during the address of other candidates, to question other candidates, or to participate in the discussion of State Executive and the relevant Local Electors.

15.6.4.2 The State Secretary and Returning Officer shall establish a voters roll for each contested preselection. Any objections regarding the roll shall be determined by the State Executive and relevant Local Electors immediately before the commencement of voting.

15.6.4.3 Preselections shall be dealt with immediately following the formal opening of State Executive and before the conclusion of any State Executive business required to be conducted on that evening.

15.6.4.4 Where a preselection is called at a time when the State Executive is not scheduled to meet, the time of the preselection shall be determined by a prior meeting of the State Executive.

16. SELECTION OF NATIONAL CONFERENCE DELEGATES

- 16.1** When National Executive announces its intention to hold a National Conference, the State Executive must:
- Notify all Affiliated Unions and Party units that a National Conference will be held; and
 - Inform Electorate Councils, Labor Women's Organisation, Australian Young Labor, and Affiliated Unions that they may send items directly to National Policy Committees.
- 16.2** On motion, State Conference, State Executive and State Executive Policy Committees may send items to National Policy Committees.
- 16.3** In compliance with National Rules, the WA State delegation to National Conference will comprise the following:
- The Leader of the SPLP (or a nominee eligible under National Rules); and
 - Remaining delegates as elected by State Executive (see Rule 14 and Appendix 2: Proportional Representation Ballots) at least 40 percent of whom shall be women and at least 40 per cent of whom shall be men.
- 16.4** Only members with twelve (12) months continuous membership of the WA Branch are eligible to nominate for election as National Conference delegates or proxy delegates.
- 16.5** If a Special National Conference is convened after a WA delegation has been elected for a National Conference, State Executive may choose either to credential the delegates already elected or to elect another delegation to attend the Special Conference.
- 16.6** Each delegate may nominate one proxy only.
- 16.7** To qualify as a proxy National Conference delegate, a member must be nominated by at least two delegates.

17. PARTY FINANCES**17.1 Bank Accounts**

17.1.1 The Administrative Committee shall determine all banking arrangements for the Branch and all units.

17.1.2 All Party units, including campaign committees, shall have Party accounts named in the following way:

Australian Labor Party.....Account
(Local or Direct Branch/Electorate Council/Committee)

17.1.3 A non-metropolitan Party unit may make alternative banking arrangements with the agreement of the State Secretary.

17.2 Assets

17.2.1 Properties and other assets held by a Party unit must be held in the name of the State Executive, or in a manner approved by the State Executive.

17.2.2 If a Party unit ceases to exist, the management of all its properties and assets are automatically assumed by the State Executive.

17.2.3 The Administrative committee may make such arrangements as it sees necessary on behalf of the Branch to create and benefit from trusts, create and own and dispose of companies and to dispose of any property other than real property in any manner.

17.3 Audits

17.3.1 State Executive shall appoint a qualified accountant as auditor.

17.3.2 Each year, the auditor will examine the Party's financial records and provide a written report to State Executive certifying the correctness or otherwise of those records.

17.3.3 The State Executive may order an audit of its accounts, or the accounts of any other Party unit, at any time.

17.3.4 Each Party unit must appoint an auditor who is a member of the ALP to audit its books each year.

17.3.5 The State Secretary will ensure that annual financial documentation from all Party units is properly collated and collectively audited in order to comply with the provisions of all relevant Disclosure legislation.

17.4 Campaign Finances

17.4.1 All endorsed ALP candidates and members of Parliament shall maintain a campaign account.

17.4.2 All ALP campaign accounts shall be held with a bank or financial institution approved by the Administrative Committee and named in the following way:

ALP.....Campaign Account
(Name of Electorate)

17.4.3 The signature of the Campaign Manager or the Campaign Treasurer and at least one (1) other person, subject to Rule 17.4.5, will operate the bank account, providing that all signatories are financial members of the Party.

17.4.4 All funds deposited in the campaign account will be receipted and a financial record of all transactions will be maintained.

- 17.4.5** No member of Parliament or ALP candidate will be a signatory to a campaign account or will receipt donations.
- 17.4.6** Anonymous donations will not be accepted.
- 17.4.7** All expenditure from the campaign account will be used for campaigning purposes and will be authorised by the campaign committee.
- 17.4.8** The State Secretary will ensure that all campaign account financial documentation is properly collated and collectively audited in order to comply with the provisions of any relevant Disclosure legislation.
- 17.4.9** All candidates and members are also bound by any fundraising code of conduct adopted by State Executive.
- 17.4.10** All donations for campaign purposes and fundraising receipts received by members of the Branch shall be the property of the Branch and shall be banked or otherwise be disbursed as directed by the State Secretary and shall be payable to the State Secretary on demand. All use of such funds shall be immediately and fully accounted to the State Secretary.
- 17.5 Disclosure Requirements**
- 17.5.1** All ALP candidates and members of Parliament shall comply with any relevant Disclosure legislation.
- 17.5.2** All ALP Parliamentarians, candidates, Party units and campaign committees shall immediately provide the State Secretary with all necessary information relating to disclosure whenever requested.
- 17.6 Receipting Arrangements**
- 17.6.1** All receipts issued by the Party are to be in the form of Appendix 9.
- 18. MISCELLANEOUS**
- 18.1 Emergency Powers**
- 18.1.1** Notwithstanding anything contained in these Rules the State Executive shall have power to act on behalf of the Party in any emergency.
- 18.1.2** Any such emergency will be dealt with by the State Executive in special meeting, and where necessary and practicable seven (7) days notice will be given to all members of the State Executive.
- 18.1.3** If the emergency is such that State Executive cannot be summoned in accordance with these Rules, the Administrative Committee will have the power to act, but must report such action to the next meeting of the State Executive.
- 19. CONFERENCE RESOLUTIONS**
- 19.1 Direct Involvement of Party Members**
- 19.1.1** This Conference affirms its commitment to the involvement of all members of the State Branch in the pre-selection of local Lower House candidates.
- 19.1.2** This Conference is of the opinion that the most appropriate and democratic method of membership involvement is by a direct vote of all local Party members, along with the involvement of the whole of the Branch through the State Executive.
- 19.2 Review of the WA Branch Rules – Affirmative Action**
- That the State Secretary conduct a review of the WA Branch Rules, with respect to the implementation of affirmative action principles as they relate to State and

Federal preselection, prescribed by rule 10(c) of the National Rules. The State Secretary shall report to the 2009 State Conference on the outcome of this review.

APPENDIX 1

20. STANDING ORDERS

20.1 Meeting Times

20.1.1 State Conference

State Conference opening time and duration will be set by State Executive.

20.1.2 State Executive, Electorate Councils and Local or Direct Branches

20.1.2.1 State Executive meetings will commence at 7:30pm. Each Electorate Council and Local or Direct Branches will decide the opening time of its meeting.

20.1.2.2 The duration of meetings will be two (2) hours. An extension of time may be granted by way of motion, providing the motion is presented before the meeting would otherwise conclude.

20.2 Chair

20.2.1 The President, where possible, will chair all meetings.

20.2.2 In the absence of the President, the most senior officer present will take the Chair. If no officers are present, the meeting shall elect one (1) of its members to take the Chair. The Chair retains any pre-existing voting rights.

20.3 Quorum

20.3.1 At State Conference, quorum will be sixty-five (65) credentialled delegates.

20.3.2 At State Executive, quorum will be forty five (45) credentialled delegates.

20.3.3 At Electorate Council, a quorum will be at least 20% of credentialled delegates. At least two (2) Local Branches must be represented.

20.3.4 Unless otherwise specified in these Rules, at all other Party meetings a quorum will be at least 10% of the financial membership of the meeting or six (6) members, whichever is the greater.

20.4 Order of Business

The order of business at Party meetings, unless otherwise determined, is set out below:

20.4.1 State Conference

From the agenda before it, State Conference will decide, on motion or amendment, the order of business.

20.4.2 State Executive

- Acceptance of credentials
- Confirmation of minutes
- Consideration of the agenda, based on the Administrative Committee's recommendations
- Urgent General Business which shall be heard at 9pm or at the completion of the agenda, whichever is earlier.
- Questions which shall be directed to the President or State Secretary for a period of no more than ten (10) minutes.

20.4.3 Electorate Council

- Confirmation of minutes
- Business arising from the minutes of the previous meeting.

- Correspondence
- Reports
- Discussion of items submitted
- General Business

20.4.4 Electorate council general meetings (as prescribed by Rule 10.5.1)

- Confirmation of minutes
- Business arising from the minutes of the previous meeting
- Reports from Members of Parliament
- Report from the State Secretary (in person, by proxy or in writing)
- Reports from Affiliated Unions
- Reports from Party Organisations
- Report from Policy Committees
- Reports from delegates of the Electorate Council
- Reports from Local Branches
- General Business

20.4.5 Local or Direct Branch

- Confirmation of minutes
- Business arising from the minutes of the previous meeting
- New members' applications
- Correspondence
- Reports
- Discussion of business of which notice has been given
- General Business
- Reception of motions on notice

20.4.6 Special Meetings

Special meetings of State Executive, Electorate Councils and Local or Direct Branches shall consider only those matter(s) listed on the notice of meeting.

20.5 Debate

No discussion will be allowed except on a motion or amendment that is moved and seconded.

20.5.1 State Executive

Recommendations by the Administrative Committee presented on the agenda of State Executive will be accepted as a motion and will be adopted if there is no opposition. The State Secretary or nominated member of the Administrative Committee will be deemed the mover of the recommendation.

20.5.2 Electorate Councils

Items received by Electorate Councils or Local or Direct Branches are deemed to be moved and seconded. However, if any member wishes to move or second the motion they will be entitled to speak in support of it.

20.5.3 General

- 20.5.3.1** The Chair may permit questions if they seek clarification which will assist the debate.
- 20.5.3.2** Reports providing information for the meeting are not required to conform to the time limits provided for moving motions and amendments. The Chair may allow questions on these reports.
- 20.5.3.3** Non-voting delegates may speak, move and second motions and amendments.

- 20.5.3.4** Members wanting to propose a motion or amendment or to discuss a matter under consideration must rise and address their remarks to the Chair. No member will address the meeting unless called by the Chair.

20.5.4 Order of Speakers and Speaker's Time Limits

- 20.5.4.1** The mover of the motion will have seven (7) minutes to move and argue in support of the motion. The mover will also have five (5) minutes to reply.
- 20.5.4.2** The seconder of the motion and all other speakers will be limited to five (5) minutes. The seconder can only speak in support at the time the motion is seconded.
- 20.5.4.3** The meeting on motion, without debate, may extend the time of any speaker.
- 20.5.4.4** The extension of time must not exceed five (5) minutes.
- 20.5.4.5** In the same way the meeting may agree to further extensions.
- 20.5.4.6** The Chair will indicate one (1) minute before each speaker's time expires. Motions for extensions may be made at that time but no later.
- 20.5.4.7** If, after a motion has been moved and seconded, no-one rises to oppose or to move an amendment, the Chair will put the motion to a vote of the meeting.
- 20.5.4.8** No member may speak more than once on any question before the Chair, except to give personal explanation or with the consent of a majority of members present at the meeting.
- 20.5.4.9** Not more than two delegates in succession may speak for or against any question. (The mover and seconder of any amendment will be deemed to be neither for nor against the motion to which the amendment relates for the purpose of applying this Rule.)

20.5.5 Determination of Questions

- 20.5.5.1** All votes will be taken in the following way:
The Chair will call on those who support the questions to say "aye" and those opposed to say "no." The Chair will then declare the question carried or lost.
- 20.5.5.2** Any member not satisfied with the Chair's decision may, by standing in their place, call for a show of hands. If supported by at least three (3) other members standing in their places, the Chair must call on those in support of the motion to raise their right hands and then call on those opposed to do the same. The Chair must appoint two (2) tellers to take the count and they will be representatives of the opposing views. When the tellers are agreed on their count, the Chair will declare the result by giving the figures for and against.
- 20.5.5.3** When any question voted on by the meeting results in equal numbers for and against, the Chair must declare the question "lost".

20.6 Question be “Put/Adjourned”

- 20.6.1** If at least two (2) speakers have spoken for and two (2) against the original motion during debate on any question, a member can move “that the question be now put” or “that the question be adjourned.” Members who have spoken on the original debate cannot move such a motion. Only time may be amended on an adjournment motion.
- 20.6.2** If the meeting agrees that “the question be now put” the mover of the original motion must be given the right of reply.
- 20.6.3** These motions will be put without debate except where the motion would also defer or refer the motion to another body. In that case the mover of the adjournment motion, the mover of any amendments and the mover of the substantive motion will have the right to speak. If the mover of the substantive motion exercises this right, the right of reply will be said to have been exercised.
- 20.6.4** Agreement from the meeting “that the question be now put” means not only the question in the motion, but that in any amendment.

20.7 Amendments

- 20.7.1** A member may move an amendment at any time during the debate. All amendments must be seconded.
- 20.7.2** Motions may be amended by adding or deleting words, or by deleting words and inserting others as long as the effect of the proposed amendment does not establish a direct negative of the question in the motion.
- 20.7.3** Any number of amendments may be proposed and discussed simultaneously with the original motion.
- 20.7.4** At the close of debate amendments must be put in the order they have been moved.
- 20.7.5** Where an amendment is carried and alters the substantive motion so that a later amendment then becomes a direct negative of the amended motion, the later amendment must lapse.

20.8 Disagreement with Rulings

- 20.8.1** A ruling from the Presiding Officer may be challenged by motion calling on the meeting to disagree with it. If the motion is seconded the Chair will be vacated and filled according to Standing Order 20.2.
- 20.8.2** The procedure to determine the motion must be:
- The mover and seconder of the motion will each be given five (5) minutes to support the motion.
 - Only one (1) other speaker will be permitted to oppose the motion with a time limit of five (5) minutes.
 - The Presiding Officer who gave the disputed ruling will be given five (5) minutes to defend it.
 - The Acting Chair will then put the question and when it has been decided, the Presiding Officer will resume the Chair.
- 20.8.3** The ruling of a Chair is final unless immediately challenged under Standing Order 20.8.

20.9 Reconsideration

- 20.9.1** Motions calling for reconsideration of a previous decision of the Party unit must be carried by a three-fourths majority of members present.

20.9.2 If the reconsideration motion is received at a later meeting all members and organisations entitled to representation at the meeting must be given notice before the motion is processed. (This Standing Order 20.9.2 does not apply to State Conference).

20.10 Motions of Censure

A motion which seeks to censure a member of the Party must not be considered until that member has been given advance knowledge of the proposed motion.

20.11 New and Urgent Business

20.11.1 State Conference

20.11.1.1 State Conference, on motion, must agree that any question not on the agenda is urgent before it is discussed.

20.11.1.2 Questions presented as urgent must relate to matters which were not known prior to the closing date for agenda items.

20.11.2 State Executive and Electorate Councils

20.11.2.1 Items intended to be raised as matters of Urgent General Business must be submitted to the Chair in writing before the meeting commences.

20.11.2.2 The Chair will consider urgent, only those items which could not have been included on the agenda in the normal way or which relate to issues requiring immediate consideration.

20.11.2.3 At an Electorate Council a member may introduce a motion providing reasonable notice is given and it only relates to the operation of the Electorate Council.

20.11.2.4 It is the responsibility of the Chair to rule if the motions will be accepted. The Chair's ruling may be challenged under Standing Order 20.8.

20.12 Vital Items – Affiliates

20.12.1 At State Executive, items which vitally affect an Affiliated Organisation may only be discussed providing prior notice is given to the Organisation.

APPENDIX 2

21. PROCEDURES FOR COUNTING PROPORTIONAL REPRESENTATION BALLOTS

21.1 Ballot papers

The ballot paper should state the number to be elected and an instruction about how to vote. For example: (n = number to be elected)

Number the boxes in the order of your choice from 1 onwards for at least "n" candidates and continue numbering as many of the remaining candidates as you wish.

To be formal, a ballot paper must:

- 1. Be marked with the numeral 1 for one candidate and no more than one candidate, and*
- 2. Have at least "n" candidates marked, each with a numeral.*

21.2 Principles

- People are elected in proportion to the number of votes they and/or their group receive.
- Affirmative action in favour of women candidates may require the alteration of some procedures.

- It is a preferential voting system. Once elected or excluded by the count, a candidate cannot receive any more votes from a subsequently distributed parcel of votes and instead the order of preferences is followed to allocate the votes to the next continuing candidate. On the completion of the allocation of each parcel of votes, the progress total is checked to see if any candidate has been elected until all vacancies are filled.

21.3 Steps of the Count

See also Principles, Affirmative Action, Exhausted Votes, Deciding Ties and Exact Quotas. These Rules are written with the use of a standard tally sheet in mind.

Step 1 Sort the ballot papers according to the first preference, record the number for each candidate and set aside all informal votes. It is essential that only valid votes are in the count.

Step 2 Total up all the valid first preference votes, each of which is attributed a value of 1000 points by the formulae in step 3.

Step 3 Calculate the quota to the next highest whole number from:

$$\text{Quota} = \frac{\text{Total of valid first preference votes} \times 1000}{\text{Number of candidates to be elected} + 1}$$

Step 4 Record as elected, in order from the highest to the lowest vote, all candidates who receive a quota or more. A candidate with zero remains in the count at this stage.

Step 5 Beginning with the elected candidate who received the highest vote in the first count, transfer the votes received by that candidate to continuing candidates according to the preferences shown. Multiply the votes transferred by their transfer value and record this extra value for each candidate to whom votes were transferred. Add this extra value and record the new progress totals on the tally sheet leaving only a quota as the fixed progress total of the elected candidate.

To calculate the transfer value for each parcel of votes transferred:

$$\text{Transfer value} = \frac{\text{Total value of all the candidate's votes minus the quota}}{\text{Number of ballot papers to be transferred}}$$

Or more simply:

$$\text{Transfer value} = \frac{\text{Surplus}}{\text{Transferable votes}}$$

Remainders

If there is a fractional remainder after calculating the transfer value for each parcel of votes, the numerator of the fraction must be recorded as a remainder to maintain the correct overall value at each step on the tally sheet.

Record as elected any other candidate who receives a quota or more.

At each step of the count the overall value remains constant. Find and correct any errors. Each parcel of votes received by a candidate is kept separately bundled and in sequence.

Step 6 Repeat the procedure in step 5 in descending order from highest to lowest vote for all candidates elected in the first count. Record as elected any other candidate who receives a quota or more after each transfer.

Step 7 After all the votes of the candidates elected in the first count have been transferred, then transfer the votes of the subsequently elected candidates in the same order that these candidates were elected regardless of the size of their surplus.

Note:

When a candidate is elected later than in the first count, only the last received parcel of votes which created their surplus carries the transfer value and is transferred. Otherwise the procedure is the same as steps 5 & 6.

Step 8 When there is no further candidate with a surplus, exclude all candidates with zero and then exclude the candidate with the lowest progress total. All of the excluded candidate's votes are then distributed according to their preferences and without alteration of their values. These votes are distributed one parcel at a time and in the same order in which they were received by the excluded candidate.

Step 9 After each parcel of votes is distributed, record as elected any further candidate who reaches a quota or more and then continue distributing the excluded candidate's votes.

Step 10 At the completion of each exclusion, transfer any new surplus using the procedure in step 7 before making the next exclusion.

Step 11 Continue to exclude the candidate with the next lowest progress total, repeating steps 8,9,& 10 until all vacancies are filled.

Step 12 If there are only 2 candidates remaining and one vacancy to fill, the candidate is elected who has the highest progress total even though the value may be below the quota. Where the number of candidates remaining is equal to the number of unfilled vacancies, all those remaining candidates are elected even though their progress totals may be below the quota.

21.4 Affirmative action

21.4.1 Women and men must be given the opportunity of being elected in their own right before Affirmative Action applies.

21.4.2 If ever the next step in the count would result in the election of more men or women than is allowed under the Affirmative Action requirement for the election, steps 4 and 12 must be altered in the following three ways to elect the required number of women and men:

- (A) Reintroduce to the count, with zero votes, all previously excluded female or male candidates (as the case requires);
- (B) Exclude all remaining male or female candidates (as the case requires) including the man or woman who would have been next elected without the Affirmative Action requirement.
- (C) The value of any ballot paper distributed from a male or female candidate under Affirmative Action alteration (b) will be distributed to the remaining female or male candidate with the highest preference on that ballot paper.

21.5 Exhausted Votes

21.5.1 When a vote cannot be transferred because it does not show a preference for any candidate left in the count, it is recorded as exhausted.

21.5.2 When transferring the votes of an elected candidate the transfer value is calculated and applied only to the votes that are transferable and exhausted votes are usually recorded at zero value.

21.5.3 When distributing the votes of an excluded candidate an exhausted vote is recorded separately along with its unaltered value.

21.5.4 Votes cannot increase in value. If a transfer value is calculated which attributes to a vote a higher value than when it was received by a candidate, the calculation is ignored and the votes are transferred without alteration of the value at which they were received. In this rare case the exhausted votes carry any missing value.

21.6 Deciding equalities

21.6.1 If two (2) or more candidates have an equal progress total and one (1) must be selected for transfer or exclusion, select the one (1) by looking back through the count to the latest stage where they were not equal. If the equality has always existed, select by chance the one to transfer or exclude.

21.7 Exact Quota

21.7.1 If any candidate is elected with an exact quota and no surplus this candidate's papers are set aside since they will not be required again in this count.

21.8 Ballot Papers Kept to Fill a Vacancy by Recount

21.8.1 Candidates who unsuccessfully contested the original election and who remain eligible may nominate to fill a vacancy.

21.8.2 The original count including all candidates is repeated up to the stage where the vacating member was elected to isolate and calculate the total value of all the ballot papers received by that person at that stage. Ballot papers received by a vacating member include first votes and/or votes received from transfers and exclusions. If the vacating member was originally elected under step 12, the last exclusion is performed according to steps 8 and 9 until the parcel of votes that would have enabled the vacating member to equal or exceed the quota is distributed even though this was not necessary in the original count.

21.8.3 Ballot papers received by the vacating member are then transferred one parcel at a time, in the same order in which they were received and without alteration of their value to the candidates who have nominated for the recount.

21.8.4 A preference on a ballot paper marked for the vacating member, an elected member or a person who did not nominate for the recount is to be ignored and the sequence of preferences followed to transfer the vote to the next continuing candidate.

21.8.5 The candidate is elected who receives more than half of the value of the votes. If no candidate is elected at first, repeat step 8 until a result is achieved.

21.9 Computer assistance

21.9.1 Where a computer is used to count a ballot under these Procedures, the system shall be approved by the Administrative Committee.

APPENDIX 3

22. PROCEDURES FOR COUNTING BALLOTS UNDER THE OPTIONAL PREFERENTIAL SYSTEM

Where only one vacancy is to be filled:

22.1 Check that all ballot papers are formal. To cast a formal vote in such a ballot the voter need only indicate a first preference. This may be done by inserting a numeral 1, an X or other indication of intent in the appropriate square.

22.2 Check first preference votes. The formal votes should be allocated between candidates in accordance with the first preference of the voter.

22.3 If one of the candidates has more than half the total number of formal votes (i.e. an absolute majority), then that candidate should be declared elected.

- 22.4** If none of the candidates has an absolute majority then the candidate with the lowest number of primary votes is eliminated and the preferences of those voters who cast primary votes for that candidate are distributed amongst the remaining candidates.
- 22.5** Where a voter who cast a primary vote for the eliminated candidate has not cast a preference for any of the remaining candidates then that vote is EXHAUSTED and the number of formal votes is reduced by one (or in a preselection ballot by the value of the vote if that vote is less than 1).
- 22.6** If none of the remaining candidates has an absolute majority of the formal votes remaining in the ballot, the candidate with the lowest number of votes after the distribution of the preferences of those voters whose primary or preferential vote has been recorded for that candidate should be distributed amongst the remaining candidates.
- 22.7** The process as outlined in 21.6 should be repeated until one candidate gains an absolute majority.

APPENDIX 4

23. PROCEDURES FOR FILLING EXTRAORDINARY VACANCIES

- 23.1** Within one (1) month of an extraordinary vacancy or vacancies occurring, the relevant Returning Officer shall call for nominations from among any unsuccessful candidates in the last election for the position in which the extraordinary vacancy or vacancies occurred.
- 23.2** If the number of nominations received through 23.1 of these procedures exceeds the number of extraordinary vacancies to be filled, the relevant Returning Officer shall, as soon as practicable, conduct a recount of the ballot for the last election for the position in which the extraordinary vacancy or vacancies occurred. This recount shall fill the extraordinary vacancy or vacancies.
- 23.3** If the number of nominations received through 23.1 of these procedures is less than the number of extraordinary vacancies to be filled, then any such nominees shall each fill a vacancy and as soon as practicable, the relevant Returning Officer shall call for fresh nominations and conduct a ballot to fill the remaining vacancy or vacancies.
- 23.4** If no ballot was conducted for the last election for the position in which the extraordinary vacancy or vacancies occurred, the relevant Returning Officer shall call for fresh nominations and conduct a ballot to fill the vacancy or vacancies.
- 23.5** For the purpose of these Procedures the relevant Returning Officer shall be the Returning Officer who is designated by the Rules as responsible for the election for the position in which the extraordinary vacancy or vacancies occurred.
- 23.6** For the purpose of these Procedures the same method of counting a ballot shall be used for counting a ballot to fill an extraordinary vacancy as is designated by the Rules to be used in a ballot for the election for the position in which the extraordinary vacancy or vacancies occurred.

APPENDIX 5

24. POSTAL VOTING PROCEDURES - RULE 15

Only where the Administrative Committee has approved a postal vote for Electorate Council representatives pursuant to Rule 15.2.5, the following will apply.

- 24.1** As soon as is practicable after the close of nominations the Returning Officer must:
- 24.1.1** Prepare a declaration form including the relevant election date and close of voting date;

- 24.1.2** Post to each eligible member the declaration form and initialled ballot paper or ballot papers if more than one election is being held;
- 24.1.3** Provide clear instructions to members about how to vote, when postal ballots must be returned, the time and place the votes will be counted; and
- 24.1.4** Provide an addressed, reply paid envelope to each member for the return of voting papers.
- 24.2** Where a member satisfies the Returning Officer that the postal voting papers have not been delivered or have been lost or destroyed, the Returning Officer will issue another set to the member and mark the roll to record this action.
- 24.3** On receiving postal voting papers a member will:
- 24.3.1** Mark the ballot paper;
- 24.3.2** Seal the ballot paper in the ballot paper envelope;
- 24.3.3** Fill in the declaration form and sign it; and
- 24.3.4** Post or deliver the addressed and replied paid envelope to arrive before the closing time set for the return of postal voting papers.
- 24.4** On receiving a declaration and ballot paper envelope from a member the Returning Officer must record the date and time on the roll.
- 24.4.1** A postal vote will not be accepted unless the declaration form shows the date, signature and address of the member.
- 24.5** Postal votes received after the closing time will not be accepted.
- 24.6** After forming the opinion that a vote will be accepted the Returning Officer must:
- 24.6.1** Rule off the member's name on the roll;
- 24.6.2** At the commencement of the count, the Returning Officer will open the ballot paper envelopes, separate the declaration from the ballot paper envelope; and
- 24.6.3** Proceed to count the ballot.

APPENDIX 6

25. MEMBERSHIP FORMS

25.1 New membership and renewal of membership form

The Application for Membership form must include at least the following information:

- Full name of the applicant;
 - Current residential address of the applicant (Post Office boxes are not acceptable);
 - A statement "I make application to become a member of the Australian Labor Party (WA Branch) and I declare that I am not a member of any other political party, and that I will abide by the Rules of the Party";
 - The signature of the applicant;
 - Provision for date of birth (for AYL purposes - if under 26 years);
 - Employment status (for concessional fee purposes); and
 - Gender indication (for LWO purposes).
- For a concessional membership fee, a declaration that the person earns less than \$350.00 per week.

25.2 Request for Transfer Form

A Request for Transfer Form must include at least the following information:

- Full name of the member seeking to transfer;
- The member's current residential address;

- The member's current Local or Direct Branch;
- The Local or Direct Branch to which the member seeks to transfer;
- A statement "As President/Secretary of the Local/Direct Branch to which the member named seeks to transfer, I acknowledge that I have been made aware of their intention to transfer" together with the signature of the President or Secretary of the Local/Direct Branch to which the member seeks to transfer;
- The signature of the member seeking to transfer; and
- The date that the member signed the form.

APPENDIX 7

26. PARLIAMENTARY CANDIDATE'S PLEDGE

I, the undersigned being a candidate seeking endorsement to represent the Australian Labor Party agree to the following:

- 26.1** If I am not endorsed, I will not in any way oppose the candidate selected by the Party, except as provided for in Rules 4.7.2 and 4.7.3.
- 26.2** That if selected I will:
- 26.2.1** Not withdraw from the election contest without the prior approval of State Executive;
- 26.2.2** Be bound by the National and State Objectives, Platforms and Rules of the Australian Labor Party, and by any decisions of National Conference, State Conference, State Executive and the Administrative Committee;
- 26.2.3** Obey the directions of the State Secretary and the Campaign Director in campaigning for the office that I have been preselected to; and
- 26.2.4** Only receive and spend money for campaigning purposes according to the Rules of the Party and the requirements of law.
- 26.3** If elected to Parliamentary office I will, in addition to the above:
- 26.3.1** Remain a financial member of the Australian Labor Party;
- 26.3.2** On all occasions do my utmost to uphold the Party's Objects and Platforms;
- 26.3.3** Attend all Caucus meetings and other Parliamentary Party meetings;
- 26.3.4** On all questions before the Parliament vote as a majority of the Parliamentary Labor Party may decide at a properly constituted Caucus meeting;
- 26.3.5** Unless required by law to resign, only resign from the office to which I have been elected with the consent of the State Executive or Administrative Committee; and
- 26.3.6** Only incur expenditure on the Party's behalf if the Administrative Committee authorises that expenditure.
- 26.4** While my first responsibility is to the electorate, I will carry out all organising, campaigning and other duties the Administrative Committee assigns to me. I will act as the State Secretary and the Campaign Director direct me in carrying out my duties.
- 26.5** I will represent the Party, involve myself in the Party's affairs and pursue and act in its interests at all times.
- 26.6** I will not involve myself in the internal affairs of any Union affiliated to the Party if I am not a financial member of that Union.
- 26.7** I understand and accept that if I act in a manner contrary to this Pledge I will be personally liable for a proportion of the costs incurred by the Party at the General Election in which I was last elected.

26.7.1 I accept that the Administrative Committee will decide the amount which I will be liable to pay to the Party in respect of this undertaking.

Signature _____

(Name of Candidate) _____ (Date)

Signature of State Secretary _____ (Date)

On behalf of the Australian Labor Party

APPENDIX 8

27. UNION AUDIT CERTIFICATE

27.1 AUDIT CERTIFICATE

27.1.1 To the Union

27.1.2 Scope

27.1.3 We have audited the attached statistical return of the union membership numbers of (insert union name) as at (XX month year).

27.1.4 The President and Secretary of (insert union name) are responsible for the statistical return.

27.1.5 We have conducted an independent audit of the statistical return in order to express an opinion on it to the (insert union name) for the purposes of the Australian Labor Party’s reporting requirements for the Union’s annual affiliation to the Party.

27.1.6 The statistical return has been prepared pursuant to the Rules established by the Australian Labor Party for the purpose of determining that the Union’s proposed affiliation to the Party is less than or equal to its full audited membership ascertained under this audit.

27.1.7 We disclaim any assumption of responsibility for any reliance on this statistical return or the statement by the President and Secretary of (insert union name) to which it relates, to any party other than (insert union name) and the Australian Labor Party or for any purpose other than that for which it was prepared.

27.1.8 Our audit has been conducted in accordance with Australian Auditing Standards.

27.1.9 Our procedures included in examination, on a test basis, of evidence supporting the information included in the statistical return.

27.1.10 These procedures have been undertaken to form an opinion whether, in all material respects, the statistical return is presented accurately in accordance with the Rules of the Australian Labor Party.

27.1.11 Audit Opinion

27.1.12 In our opinion, the statistical return presents accurately the union membership numbers as required by the Australian Labor Party in accordance with the Rules of the Australian Labor Party as at

27.1.13 (XX month year).

Date: Firm:

Address: Partner:

APPENDIX 9**28. RECEIPTS**

28.1 In accordance with Rule 17.6, all receipts issued by the Party must include at least the following information:

28.1.1 A receipt number;

28.1.2 The date of receipt;

28.1.3 The full name of the person or organisation for whom money was received, and their address for amounts of \$100.00 or more;

28.1.4 The sum of money received;

28.1.5 The words "Australian Labor Party WA Branch";

28.1.6 The name of the Party Unit; and

28.1.7 The signature of the person providing the receipt.