

Daylight Savings Party WA Constitution

1. Party aims and beliefs

The Daylight Savings Party WA believes in improving the lifestyle of residents and the productivity of businesses of Western Australia.

The Daylight Savings Party WA's goal is to implement daylight saving time (AWDT) or summer time in Western Australia, so that clocks are advanced the last Sunday in October months until the last Sunday in March by one hour so that evening daylight lasts longer.

The Daylight Savings Party WA aims to achieve this and other secondary goals by influencing the policies of the executive and legislative branches of government in Australia. This will include endorsing candidates for Senate and House of Representatives elections, who will where elected to office, work to further the ideas and values of the Daylight Savings Party WA.

2. Name

The Party shall be named "Daylight Savings Party WA". The Party will have the abbreviation of "DLSPWA". It shall also be known as "Daylight Savings Party" and "Western Australian Daylight Savings Party". In this Constitution, "the Party" will also refer to the "Daylight Savings Party WA".

3. Members

3.1. Membership definition and eligibility

The Party shall be a voluntary association of people, referred to throughout this Constitution as "members" or "Party members".

Any permanent resident or citizen of Australia who is not a current member of any other Australian political Party is eligible to become a member of the Party.

3.2. Membership requirements and procedures

Members will be required to have current financial status within the Party. Financial status shall be subject to payment of membership fees and shall last 12 months. The fees for membership shall be determined by the Treasurer, with changes subject to veto by the Executive, and shall be recorded in Schedule A, to be maintained by the Treasurer.

All memberships (past and future) shall be dated from the date of application for membership. The Secretary shall be responsible for maintaining all records and implementing all procedures pertaining to Party membership.

No further requirements beyond those detailed in this clause and the preceding one shall be put on membership. Currently financial members shall not be required to make further payments when membership rates change.

3.3. Rights of members

Members shall have the rights to:

- Receive Party announcements and other non-private internal communications; and,
- Have access to Party financial records, and other official documents, including this Constitution; and,
- Attend general meetings, either at the primary venue or, where deemed appropriate by the Executive, from secondary venues via technological means; and,
- Put forward motions at Party meetings, and proposals for Party ballots; and,
- Act as office bearers of the Party, where so appointed.

Members whose financial status lapses shall cease to be members until such time as they renew their financial status.

3.4. Probationary status

A member joining the Party shall at the time of their joining have probationary status. Such members shall be referred to as “probationary members” while members without such status shall be referred to as "full members".

A Party member shall cease to have probationary status:

- When they have been a Party member for eight weeks; or,
- Immediately after attending a general meeting of the Party; or,
- If the Executive grants them full membership.

Full members shall have the additional rights to:

- Vote at general meetings and in ballots; and,
- Nominate candidates for positions on the Party Executive ("Executive candidates") and the Party's electoral tickets ("electoral candidates"); and,
- Run as an Executive or electoral candidate.

3.5. Termination of membership

Members of the Party may voluntarily request at any time in writing that their membership be terminated by the Secretary. Membership shall also be terminated whenever a member ceases to be eligible according to the terms of clause 3.1. Paid members will not have their membership fee refunded in either of these circumstances.

The Executive may decide to expel, permanently or temporarily, any member of the Party, at its sole discretion. Paid members expelled in this fashion shall have their membership fee

refunded, calculated as the amount they paid prorated by the remaining period of paid membership, according to a formula described in Schedule A.

Party membership may not be terminated in any way other than those described in this clause.

3.6. Threshold groups

A “threshold group of members” or “threshold group”, as referred to elsewhere in this Constitution, shall be defined to be five (5) percent of Party members or 50 Party members, whichever is smaller, with a minimum of 5 people.

Except where otherwise specified, a threshold group must consist exclusively of full members.

3.7. Residence

Members may enjoy certain rights and privileges under this Constitution which depend upon their ordinary place of residence. This shall be taken by Party officers to be the members' addresses as recorded in the membership roll.

Party members shall make reasonable efforts to update the Secretary of any changes of their address. From time to time, or in the event of any dispute over a member's exercise of a right or privilege based on their residence, the Secretary shall verify that the provided address matches the details recorded on the Commonwealth Electoral Roll.

A member with no fixed address may choose to nominate a single given address to be their ordinary place of residence for Party purposes, by informing the Secretary of such in writing. Such an address may be chosen arbitrarily by the member, provided only that it corresponds to an actual street address in Australia. Once chosen, the member may not subsequently change the nominated address; their membership record shall only be updated where they come to reside at a fixed address.

4. Voting

4.1. Purpose and function of votes

The Party shall strive to come to a broad consensus in matters of overarching governance, strategy and policy. Where consensus is not clear, key decisions shall be resolved by votes of the membership, or by certain subsets of the membership such as the Executive, as described throughout this Constitution.

Votes may be conducted at Party meetings, on any motion raised at the meeting. Votes at meetings shall be open and by acclamation, unless a member requests a secret ballot, in which case the chair of the meeting shall arrange one. People may vote "yes", "no", or "abstain" on any motion at a meeting. The mechanics of the elections of candidates to positions within the Party are further described in the sections of this Constitution that deal with those elections.

The Party may also conduct votes outside of a meeting, referred to in this Constitution as "ballots". Ballots of the entire membership will be organised by the Party Secretary. Ballots may be conducted by post, or electronically. Voting will not be compulsory. The Secretary shall act as the returning officer or appoint a member of the Party to do so.

Where this Constitution refers to "votes" it will be taken to mean both votes at meetings and ballots, unless otherwise specified. Proxy voting is not allowed for any type of vote.

4.2. Resolution of votes

Votes with binary outcomes will be decided by simple majority of votes cast. Votes with more than two outcomes (for instance, Executive elections that are contested by three or more tickets) shall be decided by a preferential mechanism, to be determined by the Party Executive, and recorded in Schedule C by the Director.

Changes to Schedule C must be published before taking effect. The published version of Schedule C in force at the time of the meeting (for a vote at a meeting) or the formal announcement of the ballot (for a vote by ballot) shall be the one applied for that vote.

4.3. General votes

Votes put to the entire voting membership of the Party are referred to as "general votes". General votes must give all members a reasonable chance to participate.

All general votes conducted by ballot must be formally announced by the Secretary, and a minimum of 7 days, or the minimum required under the law for the motion - whichever is longer - must pass between this announcement and the close of the ballot. Furthermore, prior to the Secretary's formal announcement of the ballot, the proposal must be published and members given a chance to discuss and suggest amendments, for a period no shorter than two days.

Only people who are members at the time the ballot or the General Meeting is formally announced by the Secretary may participate in the vote.

4.4. Motions

Rules governing various types of motion that may be put to a vote, such as amendments to the Constitution, are detailed throughout this Constitution. Other motions falling outside the types described by the Constitution may be put to a vote. However, such motions have no effect with regards to any matter explicitly governed by the Constitution. For instance, a motion may be passed by general vote to censure the Executive. However a motion cannot force a change to Party policy, due to section 8, nor can a motion force the removal or instalment of a Party office bearer, due to section 9.

Motions may have further conditions attached on their taking effect subsequent to passing a vote. For instance, a motion could include provisos that it may only take effect should a separate motion be passed, or after a certain date.

4.5. Vote outcomes

Where not otherwise specified, votes take effect according to this clause.

Votes passed at meetings take effect immediately.

Ballots take effect when the results are announced by the Secretary, which shall be done within one day after the close of voting for the ballot.

4.6. Conduct of elections

If the Secretary joins a ticket contesting an Executive or candidate election, a member of any other ticket may request that the Secretary recuse themselves from the conduct of the election. In this case the Secretary's role for the purposes of the election shall be performed by the next most senior available office bearer not contesting the election. If no such office bearer is available, the Executive shall appoint a full member of the Party who is not contesting the election to perform the role.

5. The Executive

5.1. Role of the Executive

The Executive of the Party, referred to as "the Executive", is the Party's supreme decision making body. The Executive has a wide range of powers, which are described throughout this Constitution.

5.2. Composition of the Executive

The Executive is to be comprised of:

- The Party Leader, referred to in this Constitution variously as the "Party Leader", or simply "Leader"; and,
- Six Regular Members of the Executive (abbreviated as "RME"); and,
- Party members who are members of the House of Representatives; and,
- Party members who are members of the Senate

RMEs are permitted to additionally hold office bearing positions, as listed in the Constitution, and to be Party candidates for parliamentary office. Where a Regular Member of the Executive is elected as a member of the House of Representatives or the Senate, their position as RME shall become vacant.

The Leader and RMEs continue to hold their position on the Executive until their resignation or removal pursuant to a new Executive election.

5.3. Decisions of the Executive

Decisions of the Executive will be determined by a vote. Votes will require a simple majority to pass, except for matters where this Constitution specifically provides otherwise. Where decisions in the Executive result in a tie for the vote, the Leader, or a member of the Executive they nominate, will decide whether the vote passes or not.

A person who is elected as both Party Leader and as a member of parliament only holds a single vote in the Executive.

The Secretary is responsible for maintaining minutes of meetings and decisions of the Executive.

5.4. Overturning and appealing decisions of the Executive

Any decisions of the Executive may be overturned by a subsequent decision of the Executive.

The Executive may elect to hear any appeal of any Party member against any previous decision. The decisions of the Executive that conform to this Constitution and the laws governing this Constitution may not be overruled or appealed by any means other than those specified in this clause.

5.5. Election of Party Leader and Regular Members of the Executive

The Leader and RMEs of the Party are elected by a general vote, referred to as an "Executive election." Members vote for their chosen ticket. A ticket is comprised of 7 people standing for the Executive, one of whom is the proposed Leader, and the other six of whom are proposed RMEs.

5.6. Casual vacancies in the Executive

If at any time there are one or more RME positions vacant, these positions shall be filled with members chosen by the Executive. However, a new Executive election must be held if:

- the Leader or any two RMEs are expelled from the party under clause 3.5, or;
- more than three RMEs resign in any 12 month period, or;
- the Leader resigns.

Current and former members of the Executive are allowed to run in these elections, providing they are still members of the party.

5.7. Changing the Party leadership

Besides elections triggered under clause 5.6., there are two further ways by which a new Executive election may occur:

- If a current member of the Executive endorses a ticket to stand as Executive candidate/s. This ticket may or may not include the endorsing Executive member; or,
- If a threshold group of members endorses a ticket to stand as Executive candidates.

In either case, the members endorsing the ticket must inform the Secretary, who must then organise a new Executive election. The election must be formally announced by the Secretary within one day of being informed by the endorsing members.

5.8. Process of Executive elections conducted by ballot

After the formal announcement of the election, nominations shall be open to additional tickets for one week. Once nominations have closed, the list of tickets shall be published by the Secretary and voting shall commence. Voting shall end one week after the close of

nominations. No new elections can be triggered under section 5.7 between the formal announcement of the vote and six weeks after voting closes.

None of the provisions of this clause shall apply to an Executive election conducted at a General Meeting.

5.9. Caretaker period

At the time the Secretary is informed:

- By a member of the Executive or the Party Leader of their resignation that leads to an election clause 5.6.; or,
- Of the endorsement of a ticket that leads to an election under clause 5.7,

the Executive shall enter caretaker mode.

While the Executive is in caretaker mode:

- No changes may be made to any Schedules of the constitution, except by the Director to update Schedule B to reflect voluntary resignations of serving officers; and,
- The Executive may not expel any Party members; and,
- All applications to create, merge or split any branches of the Party shall be suspended; and,
- The Executive may not change the Party's official policy platform.

The caretaker period ends upon the announcement by the Secretary of the new Executive as determined by the results of the election.

6. Endorsement of Federal parliamentary candidates

6.1. Endorsement of candidates for the House of Representatives

The Party shall endorse a candidate in every seat where the sitting member of the House of Representatives is a member of the Party. In all other seats, the Executive shall determine whether or not to field a candidate.

The candidate for a seat shall then be preselected by a ballot of all Party members ordinarily resident in that electorate.

6.2. Endorsement of Senate candidates

The Executive is to decide the number of candidates to be endorsed to run on the Party's ticket for any Senate election, for each given state and territory.

The Party's ticket in a state or territory shall then be preselected by a ballot of all Party members ordinarily resident in that state or territory.

6.3. Exceptions to endorsement processes

The Leader of the Party shall in an election either be lead candidate for their state's Senate ticket, or their local area's candidate for the House of Representatives – whichever they decide to be most appropriate.

Hence, if the Leader decides to run in the House of Representatives election, there will not be a ballot to elect that seat's candidate. If the Leader decides to run in the Senate election, the number of positions on the ticket to be decided by a vote will be reduced by one position.

7. Affiliates of the Party

7.1. Affiliated groups

The Executive may decide to allow other groups to affiliate with the party, such as clubs, societies, and so on, referred to hereafter as affiliates. Affiliates shall not be considered party branches.

Affiliates' name, date of affiliation, and relevant contact information where applicable, shall be recorded in Schedule E.

At the time of affiliation, the Executive and affiliate shall agree to:

- The terms under which an affiliate may use the Party materials liable to establish the appearance of a connection between the organisations, such as the Party name or logo; and
- The privileges, if any, that shall be enjoyed by Party members within the affiliate, and affiliate members within the Party.

and this agreement shall be published by the Director.

Where applicable, copies of the minutes of all meetings of the affiliate, and of its governing body (such as a board, committee, etc), shall be forwarded to the Secretary.

The Executive may decide to end an affiliation agreement at any time.

8. Policy

The policy of the Party is to be determined by the Executive of the Party. The Executive may at its discretion decide to hold membership ballots and general membership meetings to inform policy decisions, and otherwise engage the Party membership in the process of determining Party policy; the outcomes of any such processes are non-binding.

9. Office bearers

9.1. Role of office bearers

The “main office holders” shall be the Party Leader, as described in section 5, and the Secretary, Treasurer and Director, who shall be appointed by the Executive.

9.2. Secretary

The Secretary is responsible for the overall administration of the Party. This includes, but is not limited to:

- The Party's correspondence, including all official correspondence with the AEC, except where otherwise noted.
- Organisation of Party ballots and meetings, as described throughout this constitution.
- Party membership, including maintenance of the membership roll as well as other duties as described throughout this Constitution.
- Management of all matters not assigned to any other officer.

9.3. Treasurer

The Treasurer is responsible for all financial administration within the Party, including but not limited to:

- Maintenance of the financial accounts of the Party.
- Ensuring that the Party has sufficient funds to pay all outstanding debts and has sufficient funds to continue its operation.
- Notifying the Leader and Executive if the Party has insufficient funds to continue.
- Maintenance of all tax records, and all correspondence with the Australian Taxation Office (ATO), including submission of tax returns.
- Creating both recurrent operational budgets and budgets for election campaigns.
- Lodging annual financial disclosure returns.
- It is noted that the property and income of the Party must be solely applied towards promoting the purpose of the Party and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in promoting those objects or purposes.

9.4. Director

The Director shall assist the Secretary with the overall administration of the Party, as agreed between the Secretary and Director.

The Director shall be the Party's Registered Officer. As such they shall:

- Be the main contact with the Australian Electoral Commission (AEC) for the details recorded on the Register of Parties.
- Officially nominate candidates for the Party with the AEC.

- Correspond with the AEC regarding the Party's official name and abbreviation as it appears on ballot papers and other official materials.
- Where appropriate, appoint the Party's Deputy Registered Officers.

9.5. Other office bearers

The main office bearers, with the consent of the Executive, may delegate some of their duties to other office bearers, referred to also as “secondary office bearers”, or “auxiliary office bearers”. The Executive may also appoint secondary officers, reporting directly to the Executive, to administer other areas as they see fit. All such appointments must be consistent with the *Electoral Act 1918* (Commonwealth). The titles, duties and seniority of these offices, and the names of the current holders of all offices, shall be recorded in Schedule B, to be maintained by the Director.

10. Party meetings

10.1. General Meeting

A “General Meeting” means either an Annual General Meeting or Special General Meeting.

10.2. Annual General Meeting

An Annual General Meeting (AGM) must be held every year in the month of November.

10.3. Special General Meeting

A Special General Meeting (SGM) may be called at any time by the Executive or a threshold group of Members.

10.4. Quorum

An Annual General Meeting (AGM) or Special General Meeting (SGM) must be formally announced to all members at least 21 days in advance by the Secretary.

All members who confirm their attendance at least one week in advance must be allowed to attend. A quorum is 4 members.

10.5 Meeting venues

General Meetings shall take place at venues to be organised by the Secretary. The venues must have sufficient capacity to host all members who wish to attend. Meetings of branches within the Party shall be organised by those groups. A meeting shall be allowed to take place at more than one venue using appropriate technology as determined by the Executive, provided that all attending members have a reasonable chance to participate in the meeting.

10.6. Presiding member

The Secretary is to preside as chairperson, or appoint another officer to do so, at each General Meeting. If the Secretary or appointed officer are unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

10.7. Minutes of meetings

The Secretary is responsible for maintaining minutes of all Party meetings.

11. Incorporation

11.1. Incorporated Association

The Party shall be an Incorporated Association, under the terms of the *Associations Incorporation Act 2015*, referred to throughout this section as “The Act”.

The party’s financial year shall commence on 1 July.

11.3. Not-for-profit

The Party shall be a not-for-profit organisation.

11.4. Model Constitution

On any matters not dealt with explicitly by this Constitution, the provisions of the Model Constitution, as defined by The Act, shall be applied.

11.5. Clarification of roles under The Act

The Executive shall record and maintain in Schedule D the roles of the Party’s officers, rules, mechanisms, and so forth, with respect to The Act. At a minimum, Schedule D shall define the Party’s Public Officer and Authorised Signatories for the purposes of The Act.

11.6. Clarification of votes and voting procedures under The Act

The Party shall not use Resolutions or the associated voting mechanisms as specified under The Act to determine Party matters, except to the extent The Act explicitly requires it - for instance, the use of a Special Resolution to modify this Constitution.

Special resolutions may be used to pass the application to the Director-General for registration of a change to the Party’s name, objects or Constitution. Special resolutions may be passed at a General Meeting or by ballot. Notice required for a special resolution is determined by The Act.

In all cases the methods for conducting votes in the Party, including special resolutions, shall be governed by section 4 of this Constitution and the associated schedules, to the greatest extent that is compatible with The Act.

11.7. Dispute resolution

It is expressly intended that all disputes within the Party, or between one member and another that relate to the Party will be resolved in accordance with the Constitution and not through legal proceedings.

The Executive shall have absolute discretion to resolve disputes. In the case of a dispute between the Executive, the Leader shall have absolute discretion to resolve the dispute.

12. Dissolution

The Party may be dissolved at an SGM by resolution where more than two-thirds of members elect to dissolve, and not less than half of current RME participate in that resolution. Members will be given at least one months advance notice of this proposal to disband.

Dissolution is effective within 30 days of the date of the SGM to approve the dissolution, or whatever date the resolution may specify.

If, after the election to dissolve, all liabilities and debts have been satisfied, and remaining costs and fees with regards to the dissolution have been accounted for, there remains property belonging to the Party, that remainder shall be distributed to any organisation with similar goals and principles as set out in this constitution, or at the discretion of the Leader.

13. The Constitution

13.1. Changing this Constitution

Changes to this Constitution can be made by passing a special resolution in accordance with the *Associations Incorporation Act 2015*.

The motion proposed must have a binary outcome - that is, members must vote either for or against the proposed amendments. The full text of the new Constitution, or else a full description of the change to the text, or both, shall be published alongside the motion.

Changes to the Constitution can be proposed for vote by any full member to the Secretary. If the proposed changes are not endorsed by the Executive, the member must seek and attain the endorsement of a threshold group of members. If they seek to have the vote take place at a General Meeting, they must attain endorsement at least 21 days prior to the meeting.

Whenever a new Constitution is registered with the Director-General, an official version of the updated text shall be published by the Party, with copies to be given to the relevant authorities.

13.2. Schedules to this Constitution

This Constitution is supplemented by a number of auxiliary documents, referred to as Schedules. They are to be published alongside the Constitution. Schedules may be changed according to the rules of this Constitution that describe them. Such changes are not considered changes to the Constitution itself and clause 13.1 does not apply to them.

The current Schedules are:

- Schedule A - Membership Fees
- Schedule B - Office bearers
- Schedule C - Preferential voting
- Schedule D - Clarification of roles under the *Associations Incorporation Act 2015*

- Schedule E - Listing of affiliates