Constitution of the Australian Mental Health Party

This constitution is proposed to replace the previous Constitution adopted on 18/10/2014, under Clause 6.7 of that Constitution, to become immediately effective, if passed by 80% of financial members at the AGM, on the 1st of May 2017.

1. Name

The name of the party is the Australian Mental Health Party, also known as the Mental Health Party, hereinafter referred to as the Party.

2. Objectives

2.1. The objectives of the Party are to lead Australian society towards:

   a. Optimal mental health and wellbeing;
   b. Meaningful participation and inclusion for all members of our society;
   c. Reaching the full potential and prosperity of people, in education, work, personal aspirations, creative expression, physical health, sport and recreation;
   d. Improving support, treatment, and care for those who live with mental health conditions or experience significant psychological distress; and
   e. All proposals consistent with improving the overall mental health of the nation.

2.2. To achieve our objectives the party will aim to:

   a. Seek the election or appointment of candidates to public office in Local Councils and State, Territory and Federal Parliaments, who are committed to the aims, objectives and policies of the Party.
   b. Maintain registration as a Federal political party, as defined in the Federal Electoral Act, offering candidates for election to the Senate and House of Representatives.
   c. Establish and maintain registration as a political party in each of the states and territories of Australia.
   d. Promote consensus with other political parties in cases where there are shared objectives. The Party may apply electoral strategies and direct voting preferences where the objectives of other political parties align with ours.
   e. Collaborate with associations, organisations, and people who are working towards the objectives of our Party.
3. Membership

3.1. All natural persons may apply to become members by completing an application form issued by the National Secretary, or their nominee. The application form may be amended from time to time at the discretion of the National Executive. At a minimum, the application form must include the Applicant’s full legal name and residential address as they appear on the electoral roll. Other contact details including postal address, telephone number, email address and social media profile names should also be included if applicable.

3.2. Applications for membership will normally be accepted, provided the Applicant:

a. Endorses and embodies the aims and objectives of the Party.
b. Agrees to abide by the Constitution, Business Rules, Standing Orders and Code of Conduct of the Party.
c. Is not a member of another political party active in Australia or any type of organisation opposed to the aims and objectives of the Party.
d. Has not previously been expelled or suspended from the Party.
e. Does not arouse the concern of the National Secretary that they may bring the Party into disrepute, as outlined below in Clause 3.8 below.

3.3. When an application is approved by the National Secretary, or their nominee, the Applicant becomes a Supporting Member or a Contributing Member.

3.4. A Supporting Member, in addition to satisfying the conditions in Clauses 3.1-3, above, consents to having their details recorded in the Party membership list as required from time to time by the Australian Electoral Commission. Supporting Members may not hold any position in the Party, at any level, or be a candidate for the Party in elections for public office. Supporting Members may attend meetings of a Branch, Advisory, State or Territory Council and the Annual Conference. They will be entitled to vote, speak on motions and propose motions and amendments at Branch or Advisory meetings, but will only have observer status at meetings of State/Territory Council and the Annual Conference.

3.5. A Contributing Member enjoys all the rights of Party membership as stated in Clause 3.7. In addition to satisfying the conditions in Clauses 3.1 to 3.3 above, consenting to their details being recorded in the Party membership list made available to the Australian Electoral Commission, a CM makes either a financial or other contribution to the Party. The National Executive will set the Contributing Member Financial Threshold. Contributing Members earning above the threshold will pay an annual membership fee. The National Executive will give due regard to data about
weekly average earnings issued by the Australian Bureau of Statistics when deliberating on the contributing member financial threshold and the annual membership fee. These will be set by the National Executive before the 1st of November each year, communicated to all Supporting and Contributing Members before the 1st of December each year, and will take effect from 1st January of the following year.

3.6. Contributing Members earning below the contributing member financial threshold may contribute their time, skills, energy or expertise in a variety of ways including attending 3 consecutive Branch or Advisory meetings, volunteering to assist in elections and other campaigns, popularising Party support or membership through networking or social media, or special projects identified by the National Executive as being valued contributions to the Party. Non-financial contributions to the Party will result in Contributing Membership status if agreed by simple majority of the Office Bearers of a Branch, Advisory, State/Territory Council or National Executive.

3.7. Contributing Members enjoy full rights of membership of the Party to:
   a. Attend, speak on any business, propose and oppose motions, propose and oppose amendments, vote for office bearers, nominate as an office bearer at a Branch or Advisory meeting.
   b. Attend as an observer, or, if elected, as a delegate to State/Territory Council or Annual Conference.
   c. Be eligible for election as an office bearer at all levels of the Party from Advisory to National Executive.
   d. Be eligible for pre-selection and endorsement as a candidate for public office.
   e. Be treated with courtesy and respect by all members of the Party, in accordance with our Constitution and Code of Conduct, and the principles of natural justice.

3.8. Any Supporting Member or Contributing Member suspected by the National Secretary of bringing the Party into disrepute may be suspended for a finite period or permanently expelled from membership of the Party. Behaviours falling into this category include campaigning for a candidate for public office in opposition to a Party candidate; publicly opposing or working against the aims and objectives of the Party; or any other verbal or written statement, action or behaviour which, in the opinion of the National Secretary, brings the Party into disrepute. The Member will be immediately informed in writing of the reasons for their suspension or expulsion outlining how they can appeal against the National Secretary’s decision, however, the suspension or expulsion shall remain in place during the Appeals Process. The first meeting of the National Executive following a suspension or expulsion will review the National Secretary’s decision. The National Executive will either affirm or overturn the decision of the National Secretary by simple majority of those present.
Within 28 days of that meeting of the National Executive, an Appeals Committee will be established and will meet to hear the member’s appeal. The Appeals Committee will have a further 28 days to prepare a report to the National Executive with their recommendations. The National Executive will then decide the outcome by simple majority. The Appeals Committee, consisting of three members, will be convened by the Party’s Registered Officer and will include one nominee appointed by the Leader and one nominee selected by the National Executive from senior ranking office bearers in the Appellant’s home state or territory. The decision of the National Executive will be final and the suspension or expulsion will commence immediately. If the period of suspension expires within the duration of their current membership, the Member may continue to enjoy all rights afforded to their current category of membership. In the case of expulsion, after a period of two years the Appellant may request to be readmitted to the Party. Appeals may be ratified by a simple majority decision of the National Executive and Annual Conference, with membership rights restored with immediate effect. If unsuccessful the Appellant is deemed banned sine die from Party Membership.

4. Party Structure

4.1. The basic organisational unit of the Party will be a Branch.

4.2. A Branch is a grouping of at least fifty (50) members, which must include at least ten (10) Contributing Members, in a State or Territory.

4.3. It is conceived that as the party grows there may be scope for more than one Branch per state. On application to the National Executive, a State or Territory Branch may split into two or more Branches consisting of at least fifty (50) members, for more effective organisation. The National Executive may elect to approve or decline an application by simple majority, with all such decisions being final.

4.4. When a State or Territory has three or more Branches recognised by the National Executive, it may form a State or Territory Council. The Council will coordinate the efforts of Branches within the State/Territory to further the efficient pursuit of the Party’s aims and objectives. The Council will be subject to the authority of the National Executive and Annual Conference in all Party matters.

4.5. A Branch or Council will, as a minimum, have the following Office Bearers: Chair, Secretary and Treasurer. The Branch may decide to have more Office Bearers as it sees fit to meet local circumstances. All Office Bearers will be elected at the Branch
Annual General Meeting and casual vacancies shall be filled as determined by the Branch meeting following the vacancy arising.

4.6. The function of a Branch or Council is to coordinate local members in promoting the aims and objectives of the Party in the Federal Electorate(s) it covers.

4.7. A Branch or Council should meet a minimum of six (6) times per year with minutes being emailed to the National Secretary. All Supporting and Contributing Members are entitled to attend Branch meetings and speak on Party business. Only Contributing Members may vote in elections for Branch Office Bearers, stand as Office Bearers and become Branch Representatives at Council or Annual Conference.

4.8. An Advisory may be formed in States or Territories that do not yet have fifty (50) Party members. Advisories based on geographical areas will be ‘shadow’ Branches until they reach the required number of members. Advisories will nominate a Chair and Secretary, but have none of the representative rights that Branches enjoy. They may send delegates to the Council or the Annual Conference as observers.

5. National Executive

5.1. The National Executive is the governing body of the Party between Annual Conferences.

5.2. Positions on the National Executive will be selected every two (2) years at the Annual Conference. All Office Bearers and General Members will be elected by the optional preferential system of voting by delegates at the Annual Conference on years ending with an odd number. Nominations for Office Bearers and General Members must be received prior to the Annual Conference consistent with a timetable set by the Standing Orders Advisory Group. Elections will only be necessary at the Annual Conference if nominations for a position exceed the number of vacancies.

5.3. The National Executive will meet a minimum of ten (10) times per year.

5.4. If any Office Bearer or General Member of the National Executive misses three (3) consecutive meetings (regardless of apologies), resignation is presumed and the position will be deemed vacant without prejudice.

5.5. For casual vacancies arising outside of the Annual Conference, the National Executive may appoint a Contributing Member to fill the position by a majority
decision. Nominations to fill a casual vacancy must be supported by at least ten (10) contributing members; or one (1) branch member; or two (2) current National Executive members.

5.6. Business rules will be agreed to at the first meeting of the National Executive following an Annual Conference. Roles and functions on the National Executive will be delegated based on reliability, capability, accountability, communication, and responsiveness of those appointed. All positions on the National Executive are bound to the Business Rules and a casual vacancy may follow if a majority decision is reached by the National Executive that a breach has occurred.

5.7. The National Executive cannot create policy in isolation, as this is decided at the Annual Conference. However, the National Executive will be empowered to articulate the Party’s position on topical issues that arise between Annual Conferences, provided that the National Executive takes account of any related policies which were passed at the Annual Conference.

5.8. Office bearers on the National Executive will be as follows:

a. **Leader**: the main public representative of the Party responsible for articulating the Party’s policies to the media; may appoint Spokespeople to particular portfolios; will normally chair National Executive meetings and the Annual Conference or nominates a proxy; takes the leading role in developing political strategy, campaigning and Party organisation; shall endeavour to make the National Executive and Annual Conference arrive at decisions in an efficient and inclusive manner; lead role in negotiating with other Parties and organisations on policy and preference negotiations. The Leader will have the power to appoint or suspend a Spokesperson with immediate effect, subject to ratification by simple majority at the next National Executive meeting. A two thirds (2/3) majority of National Executive members may replace or reinstate a Spokesperson appointed by the Leader.

b. **Deputy Leader**: deputised in the absence of the Leader for all responsibilities of the Leader; normally the first proxy to chair National Executive meetings or the Annual Conference; takes a leading Party-wide role in policy development, commissions experts and enthusiasts within the Party membership to draft policy, oversees a *Policy Advisory Group*, takes a strategic view of prioritising respective policies to be developed within particular time-scales, e.g. prior to elections; automatically assumes Leadership if a casual vacancy occurs in that role; with the Leader, jointly selects General Members to develop policy. The Deputy Leader may appoint Conveners to a specific Policy Advisory Group,
subject to the same provisions and limitations applying to the Leader outlined in clause 5.8.a.

c. **National Secretary**: responsible for Party correspondence; communication with membership about campaigns, elections, and giving notice of Annual Conferences and other meetings, casual vacancies on National Executive, and other matters pursuant to this constitution. Responsible for maintaining a *Membership Register* for inspection by the AEC at any time. Some of these duties may be delegated to a *Membership Secretary* chosen from National Executive general members.

d. **National Treasurer**: Carries out the functions of Party Agent unless delegated to another General Member; maintains finances and accounts of the Party; makes statutory submissions to the AEC; records all donations, membership receipts and fund-raising of the Party. The National Treasurer is required to give a report on party finances at National Executive meetings and the Annual Conference.

e. **Registered Officer**: Appointed by the Leader from the General Members of the National Executive. In addition to obligations outlines in the Electoral Act, the Registered Officer will be the primary assistant to the Leader in carrying out political strategy.

f. Up to seven (7) General Members of the National Executive will be elected without portfolio. However, General Members on the National Executive will be expected to take up specific duties to carry out core functions. Appointment of roles will take into consideration the skills, aptitudes, and capacities of those successfully elected. Specific roles may include Membership Secretary, Policy Coordinator, Branch/State Liaison, Campaigns Organiser, Fundraising, other roles as determined by National Executive.

5.9. The National Executive will aim to reflect the diversity of Party membership by including Office Bearers and General Members who have lived experience of a mental health condition, mental health professionals, relatives and carers, CALD and ATSI communities, fair and balanced representation of gender and sexual orientation, and all other aspects of diversity consistent with our Party needs.

5.10. The Leader will have both a deliberative and casting vote in the event of a tie at National Executive meetings and the Annual Conference.
6. **Annual Conference**

6.1. The Annual Conference is the supreme governing body of the Party where the views of the membership delegates are paramount.

6.2. The Annual Conference will be organised by the *Standing Orders Advisory Group*, who are responsible for compiling and reviewing the standing orders which govern the conduct of debate and the manner of dealing with Party business at meetings of the Branch, Advisory, State Council, and the Annual Conference. The Standing Orders Advisory Group will also be responsible for organising the agenda and elections at the Annual Conference.

6.3. Branches shall have one (1) representative at the Annual Conference for every fifty (50) members or part thereof. States or Territories with no recognised Branch, but with a functioning Advisory, may at the discretion of the National Executive, be permitted up to two (2) delegates at the Annual Conference. Delegates will be expected to represent the majority view of Branch or Advisory members they represent.

6.4. The Annual Conference will occur once every year in a State or Territory Capital to be determined by the National Executive on the advice of the Standing Orders Advisory Group. The duration of the Annual Conference will be at least four (4) sessions of at least two (2) hours duration over a two (2) day period.

6.5. Every second year (when the year ends in an odd number) the Annual Conference will elect the National Executive for a two (2) year period. All Annual Conference delegates will have a vote and the elections will be determined according to the optional preferential system of voting.

6.6. The Annual Conference will be open to all members to attend but only Annual Conference delegates will be able to speak at debates and vote in motions and elections.

6.7. Branches and Advisories will elect Annual Conference delegates following a timetable issued by the Standing Orders Advisory Group. National Executive members are automatically deemed to be delegates of the Annual Conference. Affiliated organisations that share the Party’s aims may also be entitled to delegates at the Annual Conference subject to the discretion of the National Executive and ratified by simple majority at the Annual Conference.
6.8. The Annual Conference will normally be chaired by the Party Leader, however some sessions may be chaired by the Deputy Leader and other members of the National Executive. The Chair of each session of the Annual Conference shall make rulings, with reference to the Standing Orders (see section 8).

6.9. Representation from 50% of the National Executive members be required for a quorum at each session of the Annual Conference. National Executive members are required to be outnumbered by Contributing Members for each session of Annual Conference to be quorate.

7. **Endorsing Candidates for Public Office**

7.1. The Party seeks to further our aims and objectives by appointing candidates for Federal, State and Territory parliaments and bringing them through to successful election.

7.2. The Party is registered with the AEC as a Federal Political Party, but in time the intention is to be registered in every Australian state and territory.

7.3. Any Contributing Member who has passed the *Vetting Procedure* (see clause 7.5) may nominate for pre-selection as a candidate for public office representing the Party. They must submit nominations forms to the National Executive, proposed and seconded by Contributing Members and supported by a further twenty (20) members who may be either Contributing or Supporting Members. Those who propose or second a nomination may be required to make speeches at hustings meetings.

7.4. Before each Federal Election the National Executive will outline the time-table to nominate and become endorsed as a candidate for public office. The National Executive will have absolute discretion on this matter with no recourse for appeal.

7.5. The National Executive will appoint a *Vetting Committee* prior to each Federal Election, which will interview those wishing to nominate for pre-selection. The Vetting Committee will have robust procedures to check the personal qualities, character and reputation, resilience, health status and any other factors considered relevant to the approval of Contributing Members becoming eligible for pre-selection. The National Secretary shall maintain a *Register of Approved Candidates*. Only Contributing Members on this register may apply for pre-selection as Party candidates for public office.
7.6. Unsuccessful applicants may appeal to the Vetting Committee to be considered a second time, failing which they may appeal to the National Executive in writing. An appeal is carried by two thirds (2/3) majority decision of the National Executive and rejected if that criterion cannot be reached. If further information comes to light regarding the application, the Vetting Committee may request reconsideration of the candidate to the National Executive. A simple majority decision of the National Executive is required to support a re-considered view from the Vetting Committee.

7.7. The Party may nominate candidates for the House of Representative or Senate in Federal Elections. In future, the Party may nominate candidates for election at the State or Territory level. Currently the Party is not registered in any State or Territory as a political party. This section will therefore require amendment at a later point in time to accommodate regionally specific circumstances and legislation.

7.8. In electorates where a properly constituted Branch of the Party has formed, all members seeking pre-selection being duly nominated according to the clauses above, may seek the support of the local electorate membership to become the Party candidate for that electorate. The Branch committee, whether at a State/Territory level for Senate elections, or at an electorate level for House of Representative elections, will schedule a Hustings Meeting where all candidates for pre-selection and their proposers and seconders will be invited. At this Hustings Meeting the proposers of each candidate will be invited to make a short speech in favour of their candidate and the floor will be open to all members to question the candidates. Following speeches, all Contributing and Supporting Members present may vote to select a candidate by the optional preferential system of voting. The vote will be by secret ballot and the count will be conducted by the Office Bearers of the Branch and may be observed at all times by either the proposer or the seconder of each candidate and a member of the National Executive when availability allows. The Party candidate for that electorate will then be selected and duly endorsed by the National Executive.

7.9. In electorates where the Party is nominating candidates where no Branches have yet formed, but Advisories exist, the process outlined in clause 7.8 above will be followed, however the decision of candidate will not be binding for the National Executive. The National Executive will respect the wishes of local members unless there are over-riding strategic reasons not to do so.

7.10. In electorates where the Party is standing candidates where no Branches or Advisories exist, the candidate will be selected by the National Executive, from the Register of Approved Candidates, according to their prevailing Business Rules.
8. **Business Rules, Code of Conduct and Standing Orders**

8.1. At the first full meeting of a newly appointed National Executive, the opening task will be to reach consensus on *Business Rules* that will govern operations for the coming two (2) years. It will be the responsibility of the Leader to draft the proposed Business Rules for discussion at the opening National Executive meeting, finalised and accepted by the second full meeting. Agreement will be reached by two thirds (2/3) majority of the National Executive.

8.2. The Business Rules will outline *Vetting Procedures*, the use of technology to facilitate meetings, the division of roles and responsibilities expected of National Executive members (other than those directed by this Constitution), expectations of reliability, availability for discussions between meetings, implementation of agreed actions, and any other matters deemed relevant. In subsequent years, the previous Business Rules will be used as a draft for amendment by two thirds (2/3) majority of the National Executive.

8.3. A *Code of Conduct* will be adopted governing the standards of ethics and conduct expected of Members, Party Office Bearers and holders of elected public office. The Code of Conduct will be subject to review at the Annual Conference and cannot be amended directly by the National Executive or any other Party body. Alternatively, a Special Conference may be called by signed petition of 25% of Contributing Members to amend the Code of Conduct.

8.4. The functioning of Annual Conference, State Council, National Executive and Branch meetings, will be governed by the Standing Orders of the Party. Standing Orders are drafted by the Standing Orders Advisory Group, the membership of which is selected by expression of interest disseminated by the National Secretary to the entire membership of the Party. The Standing Orders Advisory Group is convened by a senior office bearer within the Party and consists of up to 6 other members selected based on ability and diversity. Members of the Standing Orders Advisory Group are nominated and elected at the Annual Conference on years ending in an even number for a period of two (2) years. Casual vacancies within the group can be sworn in by majority decision of the National Executive.

8.5. The ongoing function of the Standing Orders Advisory Group will be to frame the agenda for the Annual Conference and revise the rules for the conduct of debates, motions and elections at the Annual Conference, State Council, and Branch or Advisory meetings.
9. The Constitution

9.1. Amendments to this constitution may be deemed necessary due to changing circumstances of the Party, the political landscape, or social trends.

9.2. Amendments may be proposed by Branches or State Council in good standing or by the National Executive. Proposed amendments are sent to all members with the agenda of the Annual Conference, using the time-table set by the Standing Orders Advisory Group.

9.3. Constitutional amendment requires a two thirds majority decision reached by delegates at the Annual Conference.

9.4. The National Executive is recognised as the final arbiter of disputes relating to interpretation of this constitution between Annual Conferences. Decisions made by the National Executive regarding interpretation of the Party Constitution are resolved by way of simple majority and are final.

9.5. If a member, Branch or any other body of the Party feels that the Party Constitution has been breached they can request the National Executive to intervene and provide a ruling. Final rulings on interpretation of the Constitution will stand and the parties to the dispute must abide by any directives which are deemed appropriate by the National Executive.

9.6. If the complainant is not satisfied with the National Executive decision they may appeal to the next Annual Conference, or propose an amendment to the clause in the Constitution they consider is ambiguous. Alternatively, a Special Conference may be called by way of presenting a petition signed by 25% of the total Party membership to resolve the matter before that date.

9.7. This Constitution will not bring about legally binding relationships, rights, duties or outcomes. The Party Constitution is not intended to be enforced by law, or be the subject of legal actions. All disputes arising from Party-related activities should be resolved in accordance with the Constitution, in good faith, honour, and mutual respect, rather than via legal proceedings.

10. Financial Transactions

10.1. All financial transactions will be conducted in an open manner.

10.2. Accounts will be set up so that no individual can access Party funds alone.
10.3. Monies received by the Party will be deposited in an account in the name of the Australian Mental Health Party, with a financial institution approved by the National Executive.

10.4. Reimbursements for expenses incurred by individuals will be paid upon production of receipts or invoices, when authorised by the National Treasurer.

10.5. All annual membership fees and donations shall belong to the Party at a national level, to be distributed as the National Executive sees fit.

10.6. Branches are encouraged to organise their own local fundraising events and may retain those funds for local use. Prior to each Federal Election the National Executive will devise a fair distribution of funds to support promising electoral targets around the country.