

# 2016 LC Preselection Rules

As amended by consensus at the April 2015 Greens NSW state delegates' council.

This resolution of the SDC sets out the operation (effective immediately) of Greens NSW Preselections, hereafter called the 'preselection'; the rules and guidelines for the preselection candidate(s), hereafter called the 'candidate(s)'; the duties of the Preselection Returning Officer; hereafter also called the 'Preselection RO', and other related matters, including the operation and the limits of a preselection disputes committee; also known as a 'PDC'.

## 1) Principles:

1. The preselection is to be run in accordance with Greens NSW Constitution, principles, policy and relevant decisions of the State Delegates Council. This includes any future preselection rule changes being finalised by no later than the SDC preceding the opening of nominations for a pre-selection.
2. Candidate(s) are expected to uphold Greens NSW Constitution, principles, policies and relevant decisions of the State Delegate Council.
3. Candidates should not seek, publish or promote endorsements.

## 2) Nomination procedure:

1. Nomination should be made in accordance with 11.3 of NSW Greens Constitution. '11.3 Written nominations for preselection as a candidate in either NSW Legislative Council or Commonwealth Senate elections must be submitted to the Returning Officer of The Greens NSW by that time and date, also designated by the Delegates Council, for the 'close of nominations'. Any party member nominating for preselection must also be nominated in writing by at least six other financial members of The Greens NSW. The membership levies of the six members must be received by the Membership Officer prior to close of nominations. The nominations by the six members must be received by the preselection Returning Officer by post or facsimile prior to the close of nominations. As long as the intention of each of the six members is clear in the written nomination then it shall be accepted by the Returning Officer.

2. Scanned electronic copies of nomination forms may be accepted

The Returning Officer will not publish the names of the six nominators of any preselection candidate on the web or otherwise, but any member can request the RO to advise them who has nominated any candidate."

## 3) Candidates' communications:

1. Candidate(s) are not by virtue of their candidacy spokespeople for the Greens NSW and are not authorised to either speak to the media or publish material on behalf of the Greens NSW.

2. In all public activities, no candidate is to make any negative comment about any other preselection candidate(s) or in any way reflect poorly on any other member of the Greens.
3. In all public activities, candidates must not make statements or encourage others to make statements that reflect badly on the Greens.

#### **4) Endorsements**

1. Greens MPs, their paid staff, former Greens MPs and Greens NSW Office bearers and party paid staff are prohibited from giving endorsements for any candidates, and candidates are prohibited from using any such endorsements in the preselection.
2. Greens members who hold roles within party committees or working groups are not to publish endorsements or comments that give the impression that those comments are made on behalf of that body
3. The RO is to communicate this to the people concerned.

#### **5) Traditional media (print and broadcast media) engagement protocol for candidate(s):**

1. Candidate(s) shall not approach the journalist based traditional broadcast or print media to promote their candidacy .
2. If a candidate interacts with the journalist-based media, they may use the opportunity to confirm their candidacy but they shall not overtly promote themselves in the context of the preselection or pass any comment on any other candidate or all other candidates collectively. If asked to do so they shall decline to comment.
3. Notwithstanding the above, this section [3] does not prohibit a candidate from continuing to undertake their normal duties for and on behalf of the Greens or other issue-based campaigning.

#### **6) Internet and Social Media engagement protocol for candidate(s):**

1. Internet and Social Media is defined as:
  1. Blogs and discussion forum website(s) that post information or opinion on various issues that are open for comments or otherwise. These includes blogs and forums maintained by media organisations including but not limited to Fairfax, News Ltd and the ABC, also others established by organisations, private individuals or candidate(s).
  2. Video sharing websites that disseminate organisation(s) and individual(s) generated content to distribute, share and stream video and other audio visual material online. Examples include but not limited to Youtube, Vimeo.
  3. Wikis or other online repositories of information to which individuals and organisations can contribute or edit information. Example includes but not limited to Wikipedia.

4. Social Networking websites and other online directories that connect people through social and other networks. Examples include but not limited to Facebook, Twitter and MySpace.
2. Candidates are permitted to engage in internet and social media to promote their candidacy.
3. Candidates choosing to use internet and social media during the pre-selection should not:
  1. compare their abilities, virtues, suitability for elected office to any other candidate,
  2. pass any negative comments on other candidates.
4. Notwithstanding anything else in these rules, any comments about the pre-selection by Federal & State MPs, their paid staff, former MPs and Greens NSW Office Bearers to online or social media as regulated by this section, unless that person is a candidate (and the comment is their own), are prohibited, and candidates are prohibited from using any such endorsement in the preselection.
5. The Preselection RO shall respond to complaints relating to offending content in internet and social media.
  1. candidates are to remove offending content from internet and social media they control
  2. the returning officer can direct a candidate to remove offending content

**7) Party Privileged Communication(s) protocols for all members of Greens NSW:**

1. Party Privileged Communication(s) is defined as:

All Greens NSW communication channels including but not limited to E-brief(s), GreenVoice, Green Mail, Greens NSW Internet and Social Media channel(s), intra local group communications, intra working group and intra standing committee communications, and communication channels and databases established by and/or maintained by Greens NSW elected representative(s) and spokespeople for the purposes of and/or as a result of their position.

1. No person shall misuse or engage in unauthorised use of information from a Greens database.
2. No person other than the Preselection RO is entitled to use Party Privileged Communication(s) to comment on any matters relevant to the preselection process.
3. No person shall express their intent for nomination or overtly promote their candidacy through Party Privileged Communication(s).
4. The Preselection RO is to communicate with all elected representatives of Greens NSW:
  1. that it is the wish of Greens NSW membership that they refrain from public comment on NSW preselections or publicly declare intent to contest NSW preselection(s). Should they be asked to do so by a

journalist, they are requested to decline to comment and refer all matters to the Preselection RO.

2. that they refrain from promoting or commenting on Greens NSW preselections through any party privileged channels and/or Internet and Social Media channels.
5. Local groups are encouraged to not use local group privileged communications to promote individual candidates and are encouraged to offer fair opportunity for all candidates to present their candidacy to local members.
6. Notwithstanding the above section [7(e)], nothing prohibits any communication by the local group(s) to other local group(s) or members of the local group(s), in accordance with the privileges local group(s) enjoy under the NSW Greens Constitution.
7. The relevant local group(s) shall as a courtesy notify the Preselection RO details of any such communication(s) under section [7(e)] at least 24 hours in advance of dissemination.
8. Editor(s), coordinator(s), convenor(s) and other such person(s) in charge of organising party privileged communication(s) shall aid the Preselection RO in their duties expressed in this section.

#### **8) Guidelines and protocols for External Greens NSW entities:**

1. External Greens NSW entities are defined as:
  1. Australian Greens Parliamentarians, other state parliamentarians, former parliamentarians and other elected representatives across Australia, and their staff and
  2. Australian Greens and other State Greens parties.
2. The Preselection RO is to communicate with all External Greens NSW entities:
  1. that it is the wish of the Greens NSW membership that they and their members refrain from public comment on NSW preselections or publicly declare intent to contest NSW preselection(s). Should they be asked to do so by a journalist, they are requested to decline to comment and refer all matters to the Preselection RO.
  2. that they refrain from promoting or criticising candidates or commenting on Greens NSW preselections through any party privileged channels, e-lists and/or Internet and Social Media channels.
3. Preselection candidates are prohibited from using any endorsements by external Greens NSW entities as defined in section 6a.

#### **9) Additional candidate duties:**

1. All prospective candidate(s) are encouraged to attend a nominee workshop unless reasonably prevented from doing so.

2. All candidate(s) are encouraged to attend candidate's forum conducted across the state in conjunction with the preselection.
3. Candidates may visit local group meetings to discuss their candidacy, with the agreement of the local group, as this is a local group decision.
4. Candidate(s) will be required to sign a statement declaring that they understand these preselection rules and protocols and agree to abide by them.

#### **10) Duties of the Preselection RO:**

1. The Preselection RO shall ensure the preselection process takes place in accordance with the standards and policies defined by this resolution and other relevant resolutions of the Greens NSW State Delegates Council (SDC) and the Greens NSW Constitution.
2. The Preselection RO is to coordinate a check of all names and addresses of eligible members. This shall be done after the opening of nominations but prior to the distribution of ballots, in consultation with the Greens NSW Membership Officer, and with the assistance of Greens NSW staff.
3. During this period outlined in (b), and up until a period of one week prior to close of voting, the Preselection RO in consultation with the Greens NSW Membership Officer, shall reasonably respond to requests relating to the membership roll from individual members. If any member is of the opinion that their requests have not been reasonably responded to, they may lodge a complaint as specified in Section [11].
4. maintain appropriate financial record of all transactions undertaken in relation to the preselection.
5. submit a report to the SDC at the end of the preselection outlining the conduct of the preselection and any recommendations for consideration.
6. collate and table statistics at the SDC showing the percentage of members voted, according to age, gender and geography. In order to maintain anonymity, statistics for local groups with less than 100 members shall be grouped appropriately with neighbouring groups.
7. record and report breaches of the preselection process by candidate(s).
8. maintain impartiality and refrain from making inferences about the motivations of any candidate or member at all times, including in relation to Section [10] (e) and (g).

#### **11) Preselection Disputes Committee (PDC):**

##### Disputes

1. Where the Preselection RO takes receipt of an alleged breach of the preselection rules by a candidate or candidates, the Preselection RO shall immediately refer the matter to a Preselection Disputes Committee (PDC).
2. A Preselection Disputes Committee (PDC) shall also hear any complaints in regards to the administration of the preselection received by the

Preselection RO. A PDC will report to the Preselection RO its findings in relation to any such complaints

#### PDC Selection

1. A PDC will be comprised of five (5) members. PDC Members will be chosen by random lot from a pool made up of the members of the following Greens NSW Standing Committees:
  1. Committee of Management (CoM)
  2. Election Planning and Preparation Committee (EPPC)
  3. Constitution and Process Committee (C&PC)
2. The Preselection RO shall conduct the selection process in the presence of at least one other Greens NSW member.
3. Any member of the above committees who is a candidate in the pre-selection shall be excluded from the draw. Any member selected who feels they would be conflicted in performing the functions of a PDC shall withdraw themselves and the next selected member shall take their place on a PDC.

#### Role of a PDC

1. A PDC is convened to investigate any matter referred by the RO as specified in section [9 (a) and/or (b)].
2. A PDC shall seek a report on the matter from the Preselection RO if appropriate based on the section [9 (a) and/or (b)] referral, and call for representation/evidence from candidates, members, or other people it may consider necessary to make a decision.
3. A PDC will make its determination based on a standard of proof of Reasonable Satisfaction.
4. Normal Greens NSW decision making processes shall be used by the PDC.
5. A PDC's decision shall be final.
6. A PDC shall maintain impartiality

#### Findings

1. A PDC may make one of five findings in relation to any matter referred:
  1. No further action be taken, with supporting comments or observations as required.
  2. A private warning be issued to the candidate or candidates involved.
  3. A warning be issued to all candidates, but not the membership at large.
  4. A membership-wide warning be issued. This will identify the nature of the incident, the candidate involved and will be circulated to the membership of the NSW Greens. The warning is to ensure general awareness of the incident among the membership in order to enable consideration of the incident(s) as part of the pre- selection voting process.

5. Exclusion of the candidate from the preselection
2. A PDC shall inform the Preselection RO and relevant candidate(s) of the decision made in relation to Section [9(a)] disputes. The Preselection RO shall include a log of all Section [9(a)] disputes referred to a PDC and their outcomes in the Preselection RO's report to SDC.

Rules relating to the function of a PDC

1. A PDC has the authority to consider only events / actions referred to it by the Preselection RO as specified in Section [9(a) and/or (b)].
2. A PDC shall endeavour to make a determination within 5 days of a Section [9(a)] matter being referred by the Preselection RO
3. All documentation / deliberations be kept confidential during the period of investigation / consideration.
4. Following an investigation a members version of the determination shall be put up onto the members website by the Preselection RO within 5 days of the determination being given to the RO. Such a version shall detail the determination, reference the issue/s referred, but shall not include personal contact details.