



Independents for Climate Action Now

CONSTITUTION

1. PURPOSE

The purpose of Independents for Climate Action Now (“ICAN”) is to be a party of allied Independents from across the political spectrum bound by a commitment to delivering effective, scientific, evidence-based policies to address the Climate Emergency.

This purpose is derived from the knowledge that Science informs us that Climate Change is an existential threat to human society and life as we know it.

Urgent action is required in emergency situations and Humans must now respond to this emergency. It requires **Climate Action Now!**

ICAN aims to:

- Be an alternative to Australia’s party based political system. We believe climate change to the extent it is caused by human behaviour and choices requires action on a non-partisan basis.
- Provide voting options for the 60% of Australians who want ‘effective action on climate change even if it costs us economically’ (Lowy Institute 2018)
- Challenge major political parties to develop climate policies that reflect the science which indicates immediate and substantive action is required to address the climate emergency.
- Shift political power to a broad block of climate action committed independents.
- Raise awareness of the significance of the climate emergency amongst the Australian electorate.
- Help drive our nation toward being a collaborative international participant in global action that CAN avert a climate catastrophe, and
- Provide our youth with direction, hope and options for a viable and truly sustainable future.

Whatever the costs and commitments are in order to address the climate emergency, challenges also provide opportunities for a shift in investment, employment, nation building, technological innovation and societal progress. These opportunities when embraced by all Australians are the way of the future.

ICAN's Emergency based Policy Response to climate change has six foundations including:

1. Transitioning society to 100% Renewable Energy.
2. Managed Phasing Out of the Fossil Fuel Industry
3. Natural Resource and Ecosystem Management for Carbon Sequestration
4. Investment in Science and Technology to implement Carbon Drawdown
5. Creating a Beyond Zero Emissions Society
6. Planned Adaptation for Unavoidable Climate Impacts

Join ICAN at www.i-c-a-n.com.au

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2. NAME

The Party shall be named "Independents for Climate Action Now". The Party will have the abbreviation of "ICAN".

3. MEMBERS

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 is eligible to become a member of the Party.

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.

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. Vote at General Meetings and in ballots; and, Nominate candidates for positions on the Party Executive (“Executive”)

Termination of membership

Members of the Party may voluntarily request at any time in writing that their membership be terminated by the Secretary.

The Executive may decide to expel, permanently or temporarily, any member of the Party, at its sole discretion.

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 100 Party members, whichever is smaller, with a minimum of 5 people.

Party members shall make reasonable efforts to update the Secretary of any changes of their address from time to time, 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.

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. 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. 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.

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. Motions 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. 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.

The Executive is to be comprised of:

The Party Federal Leader, referred to in this Constitution variously as the "Party Leader", "Federal 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. 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.

Overturning and appealing decisions of the Executive

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

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. Voting

Election of Party Leader and Regular Members of the Executive

The Federal 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.

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: any RME or the Leader is expelled from the party under clause 3, or; more than three RMEs resign in any 12 month period, or; the Leader resigns.

Changing the Party leadership

There are two further ways by which a new Executive election may occur:

If two current members of the Executive endorse a ticket to stand as Executive candidates. This ticket may or may not include the endorsing Executive members; 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.

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 between the formal announcement of the vote and six weeks after voting closes.

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 under clause 5; or, of the endorsement of a ticket that leads to an election under clause 5, the Executive shall enter caretaker mode.

While the Executive is in caretaker mode:

No changes may be made to the constitution or list of Members, except by the Director to update to reflect voluntary resignations of serving officers; and, The Executive may not expel any Party members;

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

Endorsement of House of Representatives Candidates

For each House of Representatives seat, 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.

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. Exceptions to endorsement processes The Federal 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. If any vote to determine a candidate is participated in by fewer than 50 members, the Executive may choose to substitute the preselected candidate with a candidate appointed by the Executive's choosing. If there are fewer than 50 members eligible to vote in an upcoming preselection, the Executive may opt to instruct the Secretary not to hold a ballot for that position and instead appoint a candidate of the Executive's choosing.

7. Affiliated groups

the Executive may decide to allow other groups to affiliate with the party, such as clubs, societies, other independent members of Parliament and so on, referred to hereafter as Affiliates. Affiliates shall not be considered party branches and shall not be subject to the other clauses of this Constitution. Affiliates' name, date of affiliation, and relevant contact information where applicable, shall be recorded 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 Federal 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

Role of office bearers.

The administration of the Party shall be managed by office bearers, also referred to as “office holders”, “officers”, or “Party officers”. The “main office holders” shall be the Party Leader, as described in clause 5, and the Secretary, Treasurer and Director, who shall be appointed by the Executive.

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 and with Fair Trading NSW, 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.

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.

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, logo and abbreviation as it appears on ballot papers and other official materials. Where appropriate, appoint the Party's Deputy Registered Officers.

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 and duties of these office holders, and the names of the current holders of each offices, shall be recorded in Schedule A , to be maintained by the Director.

10. Party meetings

A “General Meeting” means either an Annual General Meeting or Special General Meeting. An Annual General Meeting (AGM) must be held every year in the month of November.

Special General Meeting

A Special General Meeting (SGM) may be called at any time by the Executive.

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 full members.

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.

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.

11. Incorporated Association

The Party shall be an Incorporated Association, under the terms of the Associations Incorporation Act 2009 (NSW), referred to throughout this section as “The Act”.

Not-for-profit

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

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.

Clarification of roles under The Act

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

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 5 of this Constitution and the associated schedules, to the greatest extent that is compatible with The Act.

12. The Constitution

Changing this Constitution

Changes to this Constitution can be made by passing a special resolution in accordance with the Associations Incorporation Act 2009 (NSW).

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. 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 (below). 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 12 does not apply to them.

Schedule A - Names of current holders of all offices

| Name | Title(s) | Duties |
|------------------------|--|--|
| James Tait | Party Leader/ Director / Registered Officer / Executive Chair | <p>Lead the Party. Chair executive meetings or nominate meeting chair. Decide outcome of tied votes or nominate another executive member to do same. Fulfil other roles also expected of regular members of the executive. 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:</p> <p>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, logo and abbreviation as it appears on ballot papers and other official materials. Where appropriate, appoint the Party's Deputy Registered Officers. Fulfil all other duties associated with the listed titles referred to in the ICAN constitution.</p> |
| Susannah Handran-Smith | Secretary / Regular Member of Executive | <p>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 and with Fair Trading NSW, 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 including preside as chairperson, or appoint another officer to do so, at each General Meeting, and management of all matters not assigned to any other officer. Fulfil all other duties associated with the listed titles referred to in the ICAN constitution.</p> |
| Lois Genis | Treasurer / Party Agent / Regular Member of Executive | <p>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. Fulfil all other duties associated with the listed titles referred to in the ICAN constitution.</p> |
| Catherine Radonyi | Regular Member of Executive | <p>Participate in the executive, the Party's supreme decision-making body including determining decisions by participation in executive voting. Deciding the number of candidates to be endorsed to run on the Party's ticket for any Senate election and whether to field candidates for any House of Representatives seat. Decide to allow</p> |

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| | | affiliate groups. Fulfil all other duties associated with the executive referred to in the ICAN constitution. |
| Victoria Clayton | Regular Member of Executive | As per above |
| Karen McHardy | Regular Member of Executive | As per above |
| Damian Renaux | Regular Member of Executive | As per above |

Schedule B - Roles of the Party's officers, branches, mechanisms, and so forth, with respect to The Act.

| Name | Title(s) | Roles |
|------------------------|----------------------|---|
| James Tait | Public Officer | Person who is appointed as the association's public officer, and, until he or she is replaced by a person so appointed, includes the person who is nominated as the association's public officer in the association's application for registration. |
| Lois Genis | Authorised Signatory | A person who is appointed under section 36 as an authorised signatory for the association. |
| Susannah Handran-Smith | Authorised Signatory | As per above |
| Victoria Clayton | Authorised Signatory | As per above |