

# **Constitution**

## **of the Communist Party of Australia**



Amended December 2017



# Constitution of the Communist Party of Australia

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74 Buckingham Street,  
Surry Hills, NSW, 2010

Ph: (02) 9699 8844 Fax: (02) 9699 9833

Email: [cpa@cpa.org.au](mailto:cpa@cpa.org.au)

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# Preamble

**The Communist Party of Australia is a political organisation established for the purpose of changing the order of society in Australia from capitalism to socialism. It is a voluntary union of people who support and actively work for this objective.**

It is a working class Party based on the concept that the working class is the only force capable of engaging in and leading other social forces in the necessary actions to wrest political power from the capitalist ruling class, establishing the power of the working class and achieving the revolutionary changes necessary to build a socialist society. The Party has no aims separate from those of the working class and all exploited people.

Socialism will develop Australia's natural resources and its productive capacities in a planned and environmentally sustainable way. While giving priority to the public ownership of the nation's natural resources, the means of production, and other major segments of the economy, other forms of ownership, including private ownership, will continue. Socialism enables the steady improvement of living and cultural standards in a peaceful and democratic society thus ensuring for future generations social security, health and happiness.

Success in that aim requires that the working class and the Party develop a broad alliance with other forces in society which are exploited and whose interests are prejudiced by monopoly capitalism, that is, small working farmers, professional and technical workers and proprietors of small business enterprises.

The Communist Party of Australia combines defence of the best interests of the working people and the independence and sovereignty of the nation with international working class solidarity. The work of the Communist Party of Australia to achieve these aims involves a variety of activities including endorsing candidates for Commonwealth, State and local government elections.

Party members are guided in their work by the revolutionary theories and teachings of Marx, Engels and Lenin, applying them to Australian conditions while recognising that the general principles of Marxism-Leninism are universal.

Democratic centralism is the organisational principle of the Party. This is a process which entails ascertaining and converting the will of the majority of members into policy decisions which become binding on all. The leadership bodies of the party are chosen periodically by democratic centralist procedures.

Democratic centralism ensures a vigorous democratic life within the Party, an effective authoritative central leadership, close contact between higher and lower Party organisations, the carrying out by all members of majority decisions and lower Party organisations acting in accordance with the decisions of higher Party organisations. Collective methods of leadership are combined with individual responsibility in carrying out decisions.

Proper observance of the principles of democratic centralism promotes the activity and initiative of members and unites the Party in which factional and splitting activities are impermissible.

Decisions of the party are tested in practice and evaluated by the process of criticism and self-criticism which necessitates a continual analysis and assessment of the work of the Party organisations and of each member.

The struggle by the working class and other progressive social forces for reforms and for socialist change, requires the existence of a political organisation dedicated to this objective. The Communist Party of Australia aims to be such an organisation and this Constitution sets out the framework on which the Party is built and carries on its work.

## **RULE 1 – Name**

The Party shall be known as the Communist Party of Australia.

In any circumstances in which the Central Committee considers a change of name necessary, it shall put such a proposition to a National Congress. In between Congresses, the Central Committee may put a recommendation to the membership of the Party, who will vote on the recommendation in branch meetings. The recommendation will be adopted if a majority of the Party members vote at such meetings in favour of it.



## **RULE 2 – Membership**

Membership of the Communist Party of Australia is open to any person 16 years of age or over, who normally resides in Australia. The conditions of membership are acceptance of the Party Program and Constitution, membership and activity in a Party organisation, observance of Party decisions and payment of dues.

Where it is established that special circumstances exist preventing activity in a Party organisation, arrangements can be made for a member to be relieved of that membership obligation for a specific period of time. Arrangements should be made for the member to engage in other activities on behalf of the Party.

## **RULE 3 – Duties of Party Members**

It is the duty of a Party member:

- (a) To build, strengthen and extend the Party's organisation and its political influence among the people.
- (b) To explain and win support for the Party Program and policies among the working people endeavouring to win them to a socialist position and to recruit them to membership of the Communist Party; to work in unity in active defence of their vital interests and to extend and consolidate the Party's connections with them.
- (c) To defend and strengthen Party unity. To raise the level of his or her political understanding and knowledge of Marxism-Leninism; to observe Party discipline and to carry out the Party Constitution, which is equally binding on all Party members.
- (d) To develop criticism and self-criticism in a manner intended to improve the life and work of the members of the Party, to develop collective methods of work and the democratic life of the Party.
- (e) To join and help build the trade union, farmer or professional organisation and seek to play a leading role in those organisations based upon the Party Program and policies and by these means, to expand the influence of the Party in such organisations and to win their support for Party policies.

## **RULE 4 – Rights of Party Members**

It is the right of a Party member:

- (a) To participate freely in Party discussions and in the formulation and application of Party policy in accordance with the Party Constitution.
- (b) To criticise in Party meetings, in a manner which assists the Party, any Party organisation, officer or member.
- (c) To address any proposal, statement, criticism or appeal to any Party organisation, including Party conferences and congresses, in accordance with the Party Constitution and the relevant decisions of constituted Party bodies.
- (d) To elect and be elected within the Party in accordance with the provisions of the Party Constitution.
- (e) To submit in writing a resignation from party membership to his/her party branch. The party branch has the right to accept or reject the resignation. A resignation shall be notified to the next higher party body.

## **RULE 5 – Admission of New Members**

Applications for membership must be signed by the applicant and by a nominator who must be a financial member of the Party. The signed application shall be submitted to a meeting of a Party organisation without the applicant being present. Any Party member present at such a meeting may speak either for or against the admission of the applicant.

Before being admitted to the Party an applicant must be attached to and remain in contact with a designated Party organisation or cadre from a specified branch for a minimum of three months, and must participate in a minimum of three political education discussions covering Party structure, policies and ideology.

Where the Party organisation considering the application for admission to membership is of the opinion that the applicant is not yet ready to join the Party the application may be either rejected or deferred for a specified limited period during which the applicant is asked to carry out some activity on behalf of the Party and/or to carry out further study.

Any member may appeal against any decision on an application for admission to the Party. Such appeal shall be addressed to the Party body next higher to that making the decision. Any member becoming informed of any circumstances concerning a person admitted to the Party, putting that admission in question, shall be entitled to refer such information to the Party organisation admitting the member and/or to the next higher Party organisation. Any such reference must be dealt with by the Party organisation to which it is referred at the next meeting of that organisation.

If a former member who was expelled from the party applies for re-admission, such a former member may be readmitted to the party providing that the party organisation dealing with the application is satisfied that the errors which brought about the expulsion will not be repeated. The readmission must be approved by the Party organisation next higher to the party organisation that originally expelled the applicant. Continuity of membership cannot be granted in such cases unless the Central Committee permits this in exceptional circumstances.

## **RULE 6 – Training and education of Members**

The responsibility to ensure that Party members are provided with training and political education rests on the Party organisations and each individual members' comradely assistance and guidance to others.

It is the responsibility of the Executive of the Party organisation to discuss with new members a plan and area of work, ensure the members' involvement in the life of the Party organisation and arrange for the political education of members.

The development of cadres is a continuing task. The aim is to ensure that each member maintains the maximum level of activity with an increasing capacity to fulfill the tasks of a Party member, maintaining high moral standards and a commitment to serving the working class.

It is the right of each member to receive training opportunities in the various positions of responsibility within the Party, increasing thereby, their organisational and political capacity.

## **RULE 7 – Transfers**

- (a) Any member of the Party desiring to transfer from one branch to another shall apply to the branch of which they are a member on a form prescribed by the Party. Upon the branch agreeing to the transfer the Secretary of the branch shall sign the transfer and be responsible to forward it to the next higher Party organisation.
- (b) Any member refused a transfer and being dissatisfied with that decision may refer the matter to the next higher Party organisation which shall decide the matter.
- (c) Branches shall not accept any member from another branch without the procedure prescribed by this rule being followed and without suitable notification of the transfer being received through the appropriate Party organisation.

## **RULE 8 – Dues payment and financial control**

- (a) Party members shall pay dues of an amount determined from time to time by the Party Congress or by the Central Committee. It is an obligation of Party members to pay the amount of dues as determined, in full and on time.  

Party members shall make a commitment to give ongoing financial support to the Party including the regular payment of a pledge.
- (b) Any member more than three months in arrears in the payment of dues shall be deemed to be unfinancial. A member unfinancial shall be notified of that fact in writing. Such a letter is to be delivered in person by a branch officer and every effort made to bring the member concerned into good standing. During any period in which a member has been declared unfinancial he/she shall not be entitled to exercise any rights of membership as set out in the constitution.
- (c) A member who is six months in arrears shall be notified in writing and further steps taken by way of a personal visit and discussion to bring the member into good standing. Only after the failure of such steps should the member be lapsed.

- (d) If a former member whose membership was lapsed for these reasons applies for re-admission to the party within six months of lapsing, such a member may, on the approval of the next higher party organisation, be permitted to pay up arrears of dues and be granted continuity of membership. In any other circumstance the lapsing of membership stands and any persons thus lapsed and desiring to re-join the party must apply for admission to the party in accordance with these rules.
- (e) Each party organisation authorised to handle party finances shall establish appropriate books of account based on the principle of written receipts for monies received and payments by cheque or electronic banking signed by not less than two authorised persons.
- (f) An internal audit of the books of account is to be conducted in accordance with By-law 2 – Financial Audit.

## **RULE 9 – Non-profit**

The assets and income of the Communist Party of Australia shall be applied solely in furtherance of its objectives set out in the Party's Program and in the Preamble to this Constitution and no portion shall be distributed directly or indirectly to the members of the Party except as bona fide compensation for services rendered or expenses incurred on behalf of the Party.

## **RULE 10 – Organisational principles of the Party**

The Communist Party of Australia is built on, and functions in accordance with, the principles of democratic centralism which promotes a vigorous democratic life in the Party, a cohesive and effective central leadership and ensures Party solidarity and unity. Democracy and centralism are not separate and antagonistic processes and democratic centralism constitutes a dialectical unity of those processes. It is a single integrated whole, and the proper observance of the Party's democratic practices will, and is intended to, strengthen the leadership and functioning of the Party at all levels, including central leadership. Proper and full application of democratic centralism will ensure a single line for the Party

on all issues, a central cohesive and not a fragmented lead and will significantly increase the unity of Party members and improve the effectiveness of the Party's work.

The main principles of democratic centralism include:

- (a) The election of the Central, State and District Committees and Branch Executives by secret ballot.
- (b) To analyse, study and learn from experiences, to practice criticism and self-criticism on a basis intended to assist and strengthen the work of the party and its members.
- (c) The submission by leading Party organisations of reports at regular intervals to the Party organisations under their leadership. The reporting by lower Party organisations to higher Party organisations, the proffering of guidance by higher Party organisations to lower Party organisations and the acceptance of assistance by the lower Party organisations on problems arising from and in their work.
- (d) The observance of collective leadership at every level as the principle of leadership of the Party. All important questions are to be decided on a collective basis with individual responsibility allocated to carry out decisions.
- (e) The compulsory observance of decisions properly made in accordance with this Constitution, with lower Party organisations carrying out the decisions of the higher organisations and minorities implementing the decisions of the majority.
- (f) A regular and efficient check by Party organisations of the carrying out of decisions made at all levels.

## **RULE 11 – Party National Congress**

The highest authority of the Communist Party of Australia is the Party National Congress which shall be convened every four years.

## **(a) Congress functions and powers**

The functions and powers of such Party National Congress shall include:

- (i) To determine policies for the Party.
- (ii) Receive, discuss and make decisions on reports submitted by the Central Committee.
- (iii) When necessary to revise the Party Program and Constitution.
- (iv) To decide the number of members to constitute the Central Committee and to elect the Central Committee.
- (v) To elect a Ballot Committee consisting of a Returning Officer and two Scrutineers.
- (vi) To accept and decide upon any matters referred to the Congress by the Central Committee.
- (vii) To discuss and decide upon other matters accepted by a majority of the Congress as business for the Congress.

## **(b) Congress delegates**

Delegates to the Party National Congress shall consist of members of the outgoing Central Committee and of delegates elected by State or District Conferences, or where decided by the Central Committee, directly by Branches.

The basis of representation shall be determined by the Central Committee in accordance with the numerical strength of the organisations electing delegates and such as will ensure the number of delegates elected by Party organisations shall be not less than twice the number of members of the outgoing Central Committee.

## **(c) Congress documents**

The main document to come before the National Congress shall be prepared by the Central Committee and circulated throughout the Party for discussion in accordance with procedures set out in this rule. The document shall deal with the main problems which have faced the Party since the previous Congress, problems currently confronting the Party and the problems which it is possible

to anticipate in the future and before the next Congress. The document may also cover such other matters as the Central Committee considers proper for inclusion in a single Congress document.

The Central Committee shall complete the preparation of such a document in a manner, and under circumstances, enabling its distribution to Branches, not less than six calendar months before the month in which the Congress opening date occurs.

The Central Committee shall take all necessary steps to ensure the convening of appropriate meetings of Branches during the sixth, fifth and fourth months before the month in which the opening date of the Congress occurs for purposes of considering the Congress document and deciding upon amendments, additions or deletions to the document for submission in turn by the Branch to the next highest Party committee, that is, a District Committee, a State Committee or where neither of these exist Branches shall submit their proposals direct to the Central Committee.

The Central Committee shall also take necessary steps to ensure that during the fourth and third months before the month in which the opening date of the Congress occurs, District Committees and State Committees shall meet under circumstances enabling proper consideration of those committees of proposals submitted by the Branches under their direction for amendment, addition or other alteration to the Central Committee's Congress Document.

The Central Committee shall also take the necessary steps to ensure that District Committees and State Committees organise their Conferences to be held prior to the Congress as prescribed by these rules in the third month before the month in which the opening date of the Congress occurs, and such Conferences, in addition to other business which may be properly brought before them, shall consider the outcome of the discussions of the District or State Committee as the case may be of the proposals from Branches in relation to the Congress Document.

All necessary steps shall be taken to ensure that the Conferences referred to here are held at such a time as to enable the outcome of their deliberations on the Congress Document to be forwarded to the Central Committee not less than 56 days before the opening date of the Congress.

The Central Committee shall, during the second month before the month in which the opening date of the Congress occurs, arrange such meetings as are necessary to enable it to consider proposals submitted to it by District Conferences and



State Conferences, and where none exist, directly from Branches to make final decisions in relation to the inclusion or exclusion of such proposals from the Congress Document and to forward the final proposals from the Central Committee to delegates of the Congress 14 days before its opening date.

In completing these processes District Committees and State Committees shall take necessary steps to advise Branches of proposals from those Branches which those Committees have not accepted as amendments to the Central Committee document and such as to enable those Branches to press their amendments if need be before the State or District Conference.

### **(d) Congress Preparatory Committee**

The Central Committee shall, not less than six months before the Congress, fix the date and venue of the Congress. The Central Committee in fixing that date shall make its decision so as to enable the steps provided for in the previous sub-rule to be completed in accordance with the provisions of that sub-rule. At the same meeting the Central Committee shall appoint a Congress Preparatory Committee. The number of persons comprising that Committee shall be decided by the Central Committee.

The Congress Preparatory Committee shall be responsible for steps necessary to prepare the Congress in accordance with the decisions of the Central Committee and shall function under the direction of the Central Committee.

In addition to other necessary steps preparing for the Congress the Congress Preparatory Committee shall take the following steps in connection with the election of the Central Committee.

- (i) Invite the leading committee of each of the Party organisations entitled to elect delegates to the Congress to consider and submit to the Preparatory Committee the names of those Party members functioning in the area of the particular organisation, who, in the opinion of that organisation should be submitted to the Congress as candidates for election to the Central Committee. To be eligible for such consideration a person must have at least three (3) years continuous membership of the Party and to be finally selected as a candidate must be financial in accordance with these rules at the time of such consideration. Each organisation must submit, together with the names, their reasons for submitting each individual.

- (ii) Each such Party organisation shall also be invited to consider the work of any existing member of the Central Committee functioning in their area and submit to the Preparatory Committee any reasons why, in their opinion, any such member should or should not be considered for submission to the Congress as a candidate for election to the Central Committee.
- (iii) The Central Committee shall also be invited to make an analysis of its work and to reach conclusions concerning any member of the Central Committee who, in the opinion of the Committee, should not be considered as a candidate for election to the Central Committee. The Central Committee shall also be invited to submit the names of those members of the Committee who should be submitted as candidates for election to the Central Committee. The Central Committee shall be required to provide in writing reasons for submissions they make in relation to members of that Committee.

All such proposals and the relevant reasons must be submitted in writing by the appropriate Party organisation and be in the hands of the Preparatory Committee not less than one month before the date of the opening of the Congress.

The leading committees referred to in this rule are the State and District Committees and the Branch Executives of the Branches which under this Constitution are entitled to elect delegates to the Congress.

The invitation from the Preparatory Committee referred to in this rule may be acted upon by the State Committee, District Committee, or where applicable the Branch Executives existing at the time the invitation from the Preparatory Committee is received.

Provided, however, that any such committee referred to here may, at its discretion, refer the invitation from the Preparatory Committee to any incoming committee which may be elected at the State Conference, or District Conference, or special Branch meeting convened for purposes including the election of delegates to the Congress.

- (iv) Prepare a complete list of the nominations together with the reasons for nomination as received from the relevant party organisations. This list, with the names in alphabetical order, is to be distributed at the first business session of the Congress to all Congress delegates.

## **(e) Congress first session**

At its first session the Congress shall:

- (i) decide the number of members to constitute the Central Committee;
- (ii) elect a Nominations Committee. Persons for the Nominations Committee shall include members of the Congress and any other member of the Party, both having not less than 3 years continuous membership in the Party at the time of the election of the Nominations Committee and financial in accordance with the Party Constitution at that date, and who is available to function on the Nominations Committee as provided for in the next paragraph (f);
- (iii) elect a Ballot Committee, including a Returning Officer.

## **(f) Nominations Committee**

Immediately following its election the Nominations Committee shall meet and elect from its members a President who shall take charge of the proposed names for submission to Congress as candidates and the reasons supporting their submission from the Congress Preparatory Committee.

The Nominations Committee shall consider the information submitted to it by the Preparatory Committee and shall decide, from the names submitted to it, a list of candidates, equal to the number of members to constitute the Central Committee, for submission to the Congress. This list together with the reasons for the Nominations Committee's recommendations shall be presented to the Congress by the President of the Nominations Committee and that person shall propose endorsement of the list by the Congress. The Nominations Committee decision on the list of candidates to be submitted to Congress shall be made by vote and determined by simple majority. Any Congress member may oppose endorsement of the Committee's recommendations in whole or in part but must state reasons for opposing endorsement of any person whose name is included in the recommendations. The Congress President shall submit the Nominations Committee's recommendations to Congress for vote and that

vote shall be decided by simple majority. In the event of the Congress rejecting the Nominations Committee's recommendations the Nominations Committee shall again consider a list of candidates from the names previously submitted to it by the Preparatory Committee and shall compile a list of candidates for submission to the Congress taking into account the views expressed by the Congress members. The previous procedure contained in this rule shall again be followed in relation to the Nominations Committee's second recommendations, and following the discussion on those recommendations by the Congress, the President shall submit the Nominations Committee's recommendations to Congress for vote, and that vote shall be decided by simple majority.

When the Congress has voted to accept the Nominations Committee's list of recommended candidates the Congress President shall invite members of the Congress to submit the names of any other Party members as candidates for election to the Central Committee and to give reasons in support of their proposals. Any member of the Congress may speak for or against any such proposal. Following the conclusion of this process the Congress shall vote separately on the issue of each of the names submitted from the floor of the Congress being endorsed as a candidate for election to the Central Committee. Voting on each proposal shall be determined by simple majority. The names of those included in the Nominations Committee's recommendations as endorsed by Congress and names proposed from the Congress floor and endorsed by the Congress shall be included on the ballot paper for election to the Central Committee with the names of the endorsed list from the Nominations Committee appearing first.

The processes referred to in this rule are related solely to determining which members of the Party, qualified in accordance with this Constitution, shall have their names included on the ballot paper for election to the Central Committee itself. The processes referred to in this rule are not the process of secret balloting for the Central Committee itself. Such processes are referred to subsequently in this rule.

### **(g) Ballot for Central Committee**

When the Congress has finalised the process of deciding which qualified members of the Party should be nominated to ballot as candidates for the Central Committee, the Nominations Committee shall hand over to the Ballot Committee. The Ballot Committee shall then prepare a ballot paper containing the names of the candidates approved of by the Congress with the names of

the candidates submitted to the Congress by the Nominations Committee and endorsed by the Congress, appearing first in alphabetical order followed by the names of other persons approved of as candidates for the Central Committee by the Congress also in alphabetical order.

A ballot in accordance with these rules must be conducted even in circumstances where the total number of candidates decided upon by the Congress equals the number to be elected to the Central Committee.

Voting for election of the Central Committee shall be by striking out the names of candidates not preferred.

Where the number of candidates appearing on the ballot paper is equal to the number to be elected, any member entitled to vote may strike out the names of any number of those candidates but they must then add further names to the ballot paper, irrespective of whether such names have been submitted to the Congress in accordance with earlier provisions of this rule. The added names must result in a vote for the number to be elected to the Central Committee. Any ballot paper which records a vote for more or less than the number to be elected to the Central Committee shall be treated as being invalid.

Where the number of candidates approved of by the Congress exceeds the number to be elected, any member entitled to vote may strike out the names of candidates not preferred up to the number of candidates in excess of the number to be elected.

Any member striking out names in excess of the number to be elected must, however, write other names on the ballot paper in accordance with the earlier provision of this rule and the same provisions in respect to invalid voting shall apply as stated earlier in this paragraph.

To be elected to the Central Committee a candidate must receive not less than 51% of the valid votes cast. In the event of two or more candidates recording a 'tied' vote for final positions and each of those candidates receiving not less than 51% of the valid votes cast a further election shall be conducted to decide the filling of the final positions. The candidates in any such ballot shall be those who received a 'tied' vote and not less than 51% of the valid votes cast.

In the event of the Congress electing with at least 51% of the valid votes cast less than the number required to fill the positions on the Central Committee a further ballot shall be conducted and the candidates in such a ballot shall be all

of those who in the first ballot received less than 51% of the valid votes cast. That process shall be continued until the full number of candidates required for the Central Committee have been elected.

## **(h) Alternate members of the Central Committee**

In addition to electing members to the Central Committee the Congress may, at its discretion, elect alternate members to the Central Committee.

The number of alternate members to be elected shall be decided by the Congress on a recommendation from the Central Committee. The membership qualifications for alternate members of the Central Committee shall be the same as those for full members of the Central Committee.

The number of alternate members of the Central Committee shall, whilst being determined by the Congress, not exceed the nearest number to 20 per cent of the Central Committee itself.

Alternate members of the Central Committee shall be elected by the same processes as prescribed by this Constitution for election of full members of the Central Committee.

Alternate members of the Central Committee shall have the same rights and obligations as full members of the Central Committee except the right to vote and the right to be elected to either the CC Executive or to be members of the Central Committee Secretariat.

Provided further that alternate members of the Central Committee do not become members of the National Congress unless elected as such by a competent Party body in accordance with the provisions of this Constitution.”

## **(i) State and district Conferences**

The procedures set out in this rule for the election of the Central Committee may be adopted in whole or in part and/ or with any variation considered necessary, for election by State and District Conferences of State and District Committees. A decision to adopt these procedures as provided for in this paragraph may be made by the District or State Committee concerned, but must be notified to the Central Committee in time to enable the Central Committee to ratify or veto the procedure and in time to enable the members to be informed of the intention to adopt the procedure.

## **RULE 11A – Special Congresses**

A special Congress shall be convened by majority decision of the Central Committee or upon request received by the Central Committee from Party organisations representing at least one third of the Party membership. Such Special Congress shall be convened without delay upon the CC making that decision or upon request from Party organisations.

The agenda for a Special Congress shall be determined by the Central Committee and must include the purposes contained in either the decision of the Central Committee to convene a Special Congress or in the request received from Party organisations.

The basis of representation at a Special Congress shall be decided upon by the Central Committee and shall come from Party organisations as set out in Rule 10 for National Congresses.

## **RULE 11B – Congress Delegates**

Delegates elected to National or Special Congresses must have at least 12 months continuous membership in the Party and be financial in accordance with these rules at the time of election and at the time of attending the Congress. Delegates standing for election to Congress must at the time of the election provide the Returning Officer concerned with proof of their length of membership and their financial standing. The State, District or Branch Secretary, as the case may be, must forward to the General Secretary, prior to the Congress, certification of the membership and financial status of delegates elected to Congress.

The General Secretary will furnish the list of delegates and their financial and membership details to a Credentials Committee which shall be appointed by the Central Committee prior to the Congress. Delegates to the Congress must provide the Credentials Committee with proof of their financial standing and their length of membership prior to taking their seats as delegates. The Credentials Committee will issue each Congress delegate with an identification card to be used for entrance to the Congress and a voting card to be used on all occasions a vote is taken.

## **RULE 11C – National Conference**

The Central Committee may convene a National Conference at any time it considers necessary. Such Conference is not empowered to exercise any of the specific purposes prescribed for Congresses.

The Central Committee will decide the basis of representation to a National Conference and prepare a proposed agenda and other relevant matters. Central Committee members shall be entitled to attend and fully participate in National Conferences.

Decisions of National Conferences must be ratified by a subsequent meeting of the Central Committee before becoming operative and binding.

## **RULE 12 – Central Committee**

- (a) The Central Committee is the governing body of the Party between National Congresses. It is responsible for the implementation of the policies and other decisions adopted by National Congresses. It provides political leadership and helps to develop Party activities between Congresses, is responsible to uphold the Program and Constitution of the Party, is in charge of the National administration of Party affairs and the development of the Party's organisational structures. The Central Committee shall meet at least three times in each year.
- (b) The Central Committee shall decide the size of and elect an Executive Committee from among its members. The Executive, subject to the decisions of the Central Committee, leads the work of the Party and administers the affairs of the Party in between meetings of the Central Committee and, consistent with decisions of the Central Committee and the Congress, makes further necessary decisions in between meetings of the Central Committee. The Executive is fully accountable to the Central Committee.

The Central Committee may elect such other committees or departments as it considers necessary, determining their size, personnel and the area of their functioning. Such committees or departments are accountable for their activities to the Executive and the Central Committee.



The Central Committee shall decide upon the officers and staffing to carry out its functions. The Central Committee may elect its officers, an Executive and other Committees either at a meeting of the Central Committee following its election and during the period of the Congress, or at a subsequent meeting of the Central Committee held not more than 6 weeks after the Congress adjourns.

In the event of the Central Committee deciding to adjourn the election of its officers and/or the Executive to a meeting following the Congress the officers and the Executive previously existing, or those of them who are re-elected to the Central Committee by the Congress shall continue in their positions until the adjourned meeting.

- (c) Special levies may be struck by the Central Committee and are compulsory. Failure to pay a levy in full and on time renders the member unfinancial. No levy shall be struck by any other Party organisation except with the permission of the Central Committee.
- (d) The Central Committee may, by resolution, from time to time appoint one or more persons to receive on behalf of the Communist Party of Australia any property donated to, or the subject of any testamentary disposition in favour of the said Party or of any Branch or committee or organisation thereof, and the receipt of such person or persons shall constitute a full and proper discharge to the person, or persons, responsible for the taking of any such gift, or the carrying into effect of any such testamentary disposition. The Central Committee may also resolve from time to time, to revoke the appointment of any such person, or persons, and make new appointments in their place.

The Central Committee may from time to time authorise persons as trustees for the Party to borrow, mortgage and purchase property on behalf of the Party.

- (e) The Central Committee shall be responsible for the control in all respects of the Party press including its theoretical organ.

# **RULE 13 – State, District and other organisations**

(a) State, District and other forms of local organisation may be established as required. State organisation shall be established by the Central Committee, District organisation by the State Committee and other forms of local organisation by the State District Committee. Where no State Committees exist District and/or other local organisation may be established by the Central Committee. Such organisations shall give leadership to Party organisations under their direction, help develop the mass work of the Party and extend its influence, assist to apply the decisions and such other tasks as may be determined by higher Party organisations.

Organisations established in accordance with this rule may be restructured in any manner or disbanded by the Party body which established the organisation. Any restructuring or disbandment of a Party organisation must be reported to the next higher Party committee and be subject to endorsement or veto by that body.

## **(b) State Conferences**

The leading organisation in the state is the State Conference where state organisation has been established.

State Conferences shall be held once in every two years.

One such State Conference must be held in the period preceding a National Congress as provided for elsewhere in these rules.

The Central Committee may convene a State Conference at any time in any state when such conference is deemed necessary by the Central Committee.

Where state organisation is established, the State Conference shall elect a State Committee.

The State Committee shall be the leading organisation of the Party in the state between State Conferences.

State Committee members must have at least one year's continuous membership in the Party except where a State Conference is convened for the first time.

State Conferences shall consist of members of the out-going State Committee and delegates elected by organisations within the jurisdiction of the State Committee and as decided by the State Committee.

Delegates shall be elected according to the Party's numerical strength in the State and on a basis decided by the State Committee.

Delegates to State Conferences must have at least six months continuous membership in the Party.

The provisions of this Constitution in relation to a Credentials Committee for a National Congress and certification of financial and membership status of delegates to a National Congress shall apply to a State Conference.

State Committees shall elect an Executive to carry on the work of the Party between meetings of the Committee.

The State Committee, subject to Central Committee ratification, shall decide upon the officers and staffing required to carry out its work.

### **(c) District organisations**

District organisations may be formed in cities, town or areas of a State as determined by a State Committee or the Central Committee. The District Conference is the leading Party organisation in the district. The District Conference shall meet prior to each State Conference or more often as directed by the appropriate State Committee or the Central Committee. It shall elect the District Committee, which is the leading organisation in the district between District conferences. The District conference is composed of the outgoing District Committee and delegates elected direct from Party branches, according to numerical strength on a basis as decided by District Committees. District Committees work under the guidance and leadership of the appropriate State Committee or the Central Committee and must make regular reports to the organisation leading their work.

The first District Conference shall be called by the next higher Party organisation. Subsequent District Conferences are held as decided by the District Committee.

District Conferences shall be held once in every two years. One such District Conference must be held in the period preceding a National Congress.

The next higher Party organisation shall convene a District Conference at any time in any state when such Conference is deemed necessary by the next higher Party organisation.

District Committees shall elect an Executive to carry on the work of the Party between meetings of the District Committee.

The District Committee, subject to Central Committee ratification, shall decided upon the officers and staffing required to carry out its work.

Except where a District Conference is being held for the first time and/or a District Committee is being elected for the first time, delegates to a District Conference must have at least three months continuous membership in the Party and members elected to a District Committee must have at least six months continuous membership in the Party. Provisions of this Constitution relating to a Credentials Committee for National Congresses and the certification of length of membership and financial status shall also apply to State and District Conferences.

### **(d) Local organisations**

Other forms of local organisation may be established by a District or State Committee or by the Central Committee in a given area. Such organisation shall work under the guidance of the next higher Party organisation and must report regularly to that organisation on its work. Such bodies shall function in accordance with the decisions made by the body establishing them and generally speaking are responsible for the co-ordination and development of the Party's work in the area concerned.

### **(e) General meetings of members**

In fulfilling the responsibility to report to the membership on their work and help the formulation of decisions by collective discussion the District and State Committees may, in addition to reporting and consulting Branch, District and State organisations, call general meetings of members in their district or state from time to time. The decisions of such general meetings do not have force and effect unless endorsed by the organisation convening the meeting or by the Central Committee. A quorum for a general meeting shall be 25 per cent of

the district or state membership as the case may be. All such meetings shall be convened under circumstances which enable the maximum attendance of Party members.

### **(f) Special conferences**

Special State or District Conferences may be convened by decision of the State or District Committee or upon request by not less than one third of the membership of the State or District.

Other provisions in relation to the convening of Special National Congresses provided for elsewhere in these rules shall apply to the convening of Special State or District Conferences.

## **RULE 14 – Party Branch**

The basic organisation of the Communist Party of Australia is the Party branch.

Branches shall be organised in factories, workplaces, or on an industry, professional or locality basis. Branches may be organised on any other basis which will help strengthen and advance Party organisation and influence.

Party branches may be established or reorganised by decision of District or State Committees or the Central Committee subject to ratification by the next higher party committee except in the case of branches established by decision of the Central Committee.

All Party members shall be attached to and function in a Party branch except where special permission is given in accordance with Rule 2. It is the responsibility of District and State Committees and the Central Committee to allocate members to branches. Where a branch does not exist or special circumstances prevail every effort is to be made for members to participate in the life and work of the Party and meet other membership obligations.

The governing body of a branch is the general meeting of members. Branch meetings shall be held regularly and at least monthly. Annual meetings of branches shall be held in the months of November, December or January

each year. The business of such meetings is to hear reports of work done, to consider proposals for future activities, to elect a Branch Executive, to issue new membership cards and such other business as the branch decides.

The Branch Executive shall be responsible for implementing decisions of the branch, preparing the business for each branch meeting, for the extension, development and strengthening of the branch organisation and is charged with the responsibility of taking necessary steps to encourage the maximum participation of branch members in the activity of the branch.

Except in the case of new branches, members must have at least six months' membership of the Party to be eligible for office.

The duties of a Party branch shall include the following:

- (i) To work among the working people in order to organise action in support of their political, economic and cultural needs, to popularise the Party's Program and policies and to convince working people to support them, to endeavour to unite the working people in pursuit of their needs and demands and to strengthen unity between the Party and the mass of the people.
- (ii) To encourage Party members to participate in non-party organisations, to help those organisations fulfill their objectives and strengthen the organisation, to introduce and win support for relevant party policies and members to the party.
- (iii) To strengthen the Party's organisational and leadership capacities.
- (iv) To check up regularly on the carrying out of decisions and to strengthen Party discipline.
- (v) To win new members to the Party.
- (vi) To organise the political education of Party members including attention to individual study.
- (vii) To develop criticism and self-criticism in a manner aimed at strengthening the political understanding and unity of members and the Party's organisations.
- (viii) To raise finance for the Party.
- (ix) To distribute and sell Party publications.

## **RULE 15 – Breaches of rules and decisions**

Party organisations at all levels may take disciplinary action against any member of that organisation. Where a member, the subject of disciplinary action, is also a member of another Party organisation, the disciplinary action should be taken in consultation with that organisation. Disciplinary action against a member of the Central Committee may only be taken by that Committee. A higher Party committee may take disciplinary action against any member of a Party organisation under its direction.

Disciplinary action may be taken for breaches of this Constitution, for refusing to carry out decisions properly made, for actions which, in the opinion of the Party organisation considering the matter, have or are likely to harm the Party, bring the Party into disrepute or weaken support for it.

Disciplinary action includes: warning, reprimand; removal from assigned work; suspension from official positions and/ or from attending Party meetings pending investigation of charges; removal from office; suspension of Party membership; lapsing of Party membership; expulsion from the Party. Any suspension from membership or suspension from attending Party meetings pending investigation of charges, shall be for a period not exceeding three months.

Any decision taken for disciplinary action by a Party organisation must be reported to the next higher Party organisation which may ratify, reject, amend, replace or take no action on the decision reported to it.

The decision made by a higher Party organisation on a disciplinary action replaces the decision referred to it by the lower organisation. Any appeal as provided for in this Constitution shall be in relation to the decision of the higher Party organisation. In the event of the higher Party organisation deciding to take no action on the matter at all an appeal shall be in relation to the decision of the lower Party organisation.

Any decision taken for disciplinary action operates from the date of the decision until and unless it is superceded by a decision of a higher Party organisation or is set aside on appeal. Any decision of the Central Committee in relation to any disciplinary matter shall be final and binding except where the matter involves expulsion from membership of the Party.

In such a case the decision of the Central Committee shall be operative until and unless it is set aside by appeal to the next National Congress.

Disciplinary actions may be taken by a higher Party organisation against a Party organisation under its authority. Such action may be taken for failure or refusal of the Party organisation to carry out properly made decisions or if the organisation makes decisions or carries out activities which, in the opinion of the higher organisation, are likely to bring the Party into disrepute, weaken support for it or cause disunity. Disciplinary action includes reprimand, dismissal of its leading organisation and appointment of an interim leading organisation, dissolution of the organisation and reorganisation of its membership. Where disciplinary action taken against a Party organisation involves more than reprimand such decisions shall be immediately reported to the next higher Party organisation.

The procedures in connection with such decision shall be as prescribed earlier in this rule in relation to individual party members.

## **RULE 15A – Conduct at meetings**

Notwithstanding anything elsewhere contained in this Constitution disciplinary action may be taken by any meeting of the Party bodies constituted by this Constitution against any member attending that meeting for behaviour, which in the opinion of the meeting concerned constitutes special circumstances warranting disciplinary action without adherence to the procedures provided for in Rule 15 and in the by-laws of this Constitution. These circumstances shall include, but not be limited to disruption of any meeting, behaviour which, in the opinion of the majority of the members attending the meeting, is offensive to the meeting, or detrimental in any way to the Party, refusal to carry out decisions of the meeting requiring implementation at the meeting and any form of misdemeanour which the meeting considers lowers standards necessary for the proper conduct of the business at the meeting concerned.

Disciplinary action under this rule may include any of the penalties prescribed by Rule 15, disallowance of any further participation in the meeting concerned and/or suspension from further attendance at the meeting.

A decision in accordance with this rule may be made by a majority vote of Party members attending the meeting.



Nothing contained in this rule shall enable the penalty of expulsion from the Party to be applied to any member except in accordance with Rule 15 and the By-laws to this Constitution.

Where a meeting makes any decision, in accordance with the provisions of this rule, the person presiding at that meeting must immediately report the matter to the next higher Party committee. Except in the case of further participation in, or further attendance at, the particular meeting the higher Party committee may, for any reason it sees fit, review any decision made under this rule and replace it with a decision of its own.

The latter decision shall then prevail and all further processes under this rule – notification to a higher Party committee and appeals – shall related to that decision.

Any member against whom disciplinary action is taken in accordance with this rule may exercise rights of appeal as provided elsewhere in this Constitution. Provided that any disciplinary action shall apply until and unless it is set aside on appeal.

An appeal shall not lie against any decision made under this rule in relation to further participation in, or further attendance at, any particular meeting.

Any decision by the Central Committee in relation to any matter provided for by this rule shall, unless subsequently rescinded by the Central Committee, be final and binding.

## **RULE 16 – Member’s rights of appeal**

Any member against whom disciplinary action is taken, and any organisation against which disciplinary action is taken, has the right to appeal to the next higher organisation of the Party but only in the case of expulsion does this right include appeal to a National Congress. At each stage an appeal must be lodged within 28 days of the date on which the previous decision was made.

The process of appeals by organisations against disciplinary action shall be by way of appeal to the next highest body above the body that ratifies any decision.

Where the disciplinary action involves expulsion and appeal rights are exercised up to and including the Central Committee any further appeal shall be dealt with at the next Party National Congress.

## **RULE 17 – Returning Officers and Scrutineers**

In any ballot conducted to elect any committee provided for in these rules no person who is a candidate for election shall act as a Returning Officer or Scrutineer.

## **RULE 18 – Control Commission**

At its first meeting following each National Congress the Central Committee shall elect a Control Commission.

The number to constitute the Control Commission shall be decided by the Central Committee meeting making the election and decided before the election is conducted. The Central Committee may elect to the Control Commission any member of the Party having not less than five years continuous membership in the Party and who is, at the time of the election, a member in good standing.

The Central Control Commission shall have the following duties and, subject to ratification of its decisions by the Central Committee, exercise all the authority necessary to fulfil those duties:

- (a) To protect the unity and ideological purity of the Party, and to fight against hostile influences and against factional activity. It shall fight against opportunist, revisionist, sectarian and dogmatic distortions and misrepresentations of the Party's Program. It shall uphold Leninist norms of Party life, Party morality and the rights of members. It shall check on the maintenance of Party discipline and the fulfilment of decisions.
- (b) To supervise, and for that purpose investigate, the proper payment of Party dues, the honouring of other financial obligations of Party membership, the fulfilment of properly made decisions of constituted Party bodies in relation

to Party finances, to supervise methods of, and proportionate expenditures of, Party bodies. To make such recommendations and/or decisions on these matters as the Commission considers necessary for the Party's interests.

- (c) To hear, and to adjudicate, appeals against decisions of State Committees and where no State Committee exists against decisions of District Committees and where neither State or District Committees exist against decisions of Branches relating to expulsion from the Party and to other disciplinary measures. In dealing with appeals the Central Control Commission shall act for, and on behalf of, the Central Committee.

In carrying out its duties the Central Control Commission may make such recommendations and/or decisions as it sees fit in the interests of the Party except that it may not initiate disciplinary action. It may recommend to the appropriate Party organisation that disciplinary action be taken.

In carrying out its duties the Central Control Commission may act on its own initiative or on reference to it of any matter coming within its jurisdiction by any constituted Party body or any member of the Party.

All decisions and recommendations of the Central Control Commission shall require ratification by the Central Committee and shall not be operative until such ratification.

Notwithstanding anything elsewhere contained in these rules, the Central Control Commission may, whenever it considers it necessary for purposes of protecting the Party, exercise disciplinary action prescribed elsewhere in this Constitution. Any decision taken in accordance with this clause shall be final and binding until and unless set aside by the Central Committee.

The Central Committee shall, in consultation with the Control Commission, decide the methods of the functioning of the Control Commission.

## **RULE 19 – Party groups in non-party organisations**

Where three or more Party members are active participants in the work of a non-party organisation a Party group of the members concerned must be

formed by the appropriate Party body for the purpose of strengthening the work of the organisation and the influence of the Party among the members of the organisation concerned.

The Party groups are subordinate to the appropriate Party bodies, the Central Committee, the State Committees, the District Committees and where appropriate, to Branch organisation.

## **RULE 20 – Dissolution**

The Communist Party of Australia may be dissolved on a recommendation from the Central Committee to a Special Congress called for that purpose or by majority vote of members assembled at special branch meetings called to consider such recommendation.

In the event of the Party being dissolved, the finances and assets that remain after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any association with similar purposes and is not carried on for the profit or gain of its individual members.

# **By Laws**

## **1. Disciplinary procedures**

- (a) The process of disciplinary action against individual Party members and/or Party organisations is as follows: (Note: In the following clauses the singular may also be read as the plural where appropriate).
  - (i) Disciplinary action against an individual Party member or a Party organisation may be initiated by an individual Party member or by an appropriate Party organisation.

- (ii) The person making the charge and calling for disciplinary action must provide to the appropriate Party organisation in writing a statement setting out the grounds on which disciplinary action is called for.
- (iii) The Party organisation receiving the statement of charges and grounds must take the necessary steps to provide a copy of that statement to the members of the organisation concerned or to the individual being charged.
- (iv) The appropriate Party organisation must make arrangements for a meeting at which the charges are to be considered. The person or members of the organisation being charged must be given the opportunity of being present and for that purpose the meeting to deal with the charges must be held under circumstances where there is not less than 7 days between the date on which the copy of the charges is handed to the person or the members of the organisation concerned. The charge may be posted under circumstances calculated to obtain early delivery, for example priority paid post.
- (v) In addition to or instead of attendance at the meeting arranged to hear the charges the person or organisation being charged may submit a statement in writing and such statement shall be given full and proper consideration at the meeting arranged to hear the charge.
- (vi) At the meeting at which the charges are dealt with the person or organisation making the charges, or somebody acting on behalf of the organisation, must state their grounds and submit reasons why the disciplinary action should be taken and those against whom the charges are levelled must be given ample opportunity to rebut the charges if they are not admitted to.
- (vii) After the charges have been heard the person or members of the organisation being charged or their representatives must leave the meeting while the meeting hearing the charge makes its decision.
- (viii) The decision made must be notified in writing to the person or members of the organisation making the charges, to the person or members of the organisation against whom the charges are made and to the next higher Party committee.

- (ix) The absence of any person or the members or representative of any Party organisation against whom charges are made must not prevent the Party organisation concerned from proceeding to deal with the charges and from making a decision thereon.
  - (x) Furthermore, there must be no delay in initiating the process of meeting and dealing with charges after the charges have been formally laid and no delay on the part of the Party organisation concerned in reaching a decision on the charges.
  - (xi) The procedures to be followed at any meeting dealing with charges made in accordance with this Constitution are to be determined by the Party organisation dealing with the charges.
- (b) Nothing contained in these By-laws, or elsewhere in this Constitution shall be read as requiring the Party to meet any costs associated with the processes of disciplinary action or appeals against any decisions arising out of these processes.
- (c) In so far as they are applicable the provisions of these By-laws shall with any modifications required by the Party committees concerned apply to the hearing of appeals by members of Party organisations against decisions in the form of disciplinary action.

## **2. Financial audit**

Every Party organisation which establishes books of account shall:

- (i) At the conclusion of the financial year, that is, December 31st, arrange for the conduct of an internal audit of the books of account.
- (ii) The audit shall be undertaken by a competent person appointed by the organisation concerned and shall be undertaken before February 28th in the following year.
- (iii) The auditor is to report the results of the audit to the Party organisation in writing. A copy of the Auditor's report accompanied by the organisation's financial statement is to be forwarded to the next higher Party organisation.



