



Proposed Constitution v. 1.0

23 September 2009



Part I

Principles & Object of the Party

Pirate Party Australia strives to achieve the freedom of culture, the protection of civil liberties and inalienable rights of the nation's citizens and to protect the freedoms of the newly evolving global information society. It is these values that the party seeks to have embedded within the laws and institutions of Australia.

The growing surveillance of the citizen offends the very notions of a liberal and open democracy. Overbearing and restrictive private monopolies constructed via regimes of antiquated, unfair and unbalanced laws which prevent the free development of culture and ideas, and are detrimental to financial economic and cultural outcomes for the citizens of Australia. Changing these laws, and ensuring the protection of these values are the only of goals of the Pirate Party Australia. It will hold no official view or pursue any other agenda on any other issues that are not incidental to the platform stated here in this constitution.

Founded on the same principles as other International Pirate Parties, it is part of a global movement against increasingly draconian copyright and patent laws, and the erosion of the right to privacy. The basic tenets of this movement are Free Culture, Civil Liberty and Intellectual Rights Reform.

The Party does not seek to become part of the administration, but a mediator in parliamentary deadlocks, and to provide representation for the emergent information society, to guard the civil liberties of the citizen by utilising this power to further the party agenda, and as such intends to contest Australian Federal Elections in both the House of Representatives and Senate.

An elected representative of the party must not vote for or compromise on any legislation that impinges on or compromises the rights stated here in this constitution.

Objectives of the Pirate Party Australia also include:

- To construct, advocate and implement policies in accordance with the principles stated within this constitution; and
- To generally educate and bring awareness to the issues that are stated within this constitution; and
- To educate and encourage other political entities to adopt our objectives, whether that be through advocacy or preference allocation.

The Pirate Party Australia firmly holds belief in democracy, and rejects any use of force, intimidation or physical violence as the means to achieving political goals. We vehemently reject any and all forms of political or public corruption.



Part II

Articles of the Constitution

Article 1: Name and Principles and Constitution

The name of the party will be "Pirate Party Australia", also known as "The Pirate Party of Australia", or "Pirate Party", and from hereinafter in this document shall be referred to as the "PPAU". The principles and object of the PPAU is stated in Part I, and is fundamental to the purpose of the party. All other party documents, members and policies excluding Part I of this document are subject and subordinate to this constitution.



Article 2: Structure & Composition

The Party shall be governed at a Federal level by a body entitled the “National Council”.

The National Council shall be comprised of those persons formally elected to positions elaborated on within this constitution, and any other positions that may be created for the purposes of being a part of the National Council in accordance with any by-laws made by the National Council, by virtue of the powers given to in Article 7 of this constitution.

Those members which form the National Council are to be elected from those eligible persons as elaborated within this constitution, and are to be elected after deliberation at an annual National Congress, for a period of no more than twelve months.

The National Council shall appoint from within it’s members a Party Agent, to fulfill the obligations and duties of the role as provided by the Commonwealth Electoral Act 1918.

The National Council as the paramount governing body of the PPAU, has authority to overrule or amend policy of any subordinate organisation, their rulings or constitutions if it deems them to be inconsistent with, or it perceives that policy or organisation to be repugnant to the policy of the National Council’s policies, or the values and ideals of the PPAU. A two thirds majority vote of the elected National Council is required for any such action to be taken.



Article 3: Membership

Full Membership

Full Membership is open to:

1. All natural persons;
2. Have read and agreed to the terms and principles provided within this constitution;
3. Pay an annual membership fee, if applicable, as set by the National Executive; and
4. Are not members of any other registered political party and do not join another party whilst a member of the PPAU.

All Full Members are entitled to:

1. Be elected into a formal position within the party, at any level;
2. Where eligible, and approved by the nomination processes within this constitution, stand as a candidate in any election the party contests;
3. Communicate and submit policy amendments, constitutional amendment proposals;
4. Participate in policy and issue discussion, debate and partake in the decision making process in accordance with this constitution; and
5. Participate in working groups defined by the National Executive.
6. Vote at party Meetings, Congresses and Policy Formulation, Development and Adoption proceedings.



Associate Membership

Associate Membership is open to:

1. All natural persons;
2. Have read and agreed to the terms and principles provided within this constitution; and
3. Pay an annual membership fee, if applicable, as set by the National Executive.

All Associate Members are entitled to:

1. Participate in policy and issue discussion, debate and partake in the decision making process in accordance with this constitution;
2. Participate in working groups defined by the National Executive;
3. Communicate and submit policy amendments, constitutional amendment proposals;
4. Vote at party Meetings, Congresses and Policy Formulation and Development proceedings; and
5. Maintain membership of another political party.

All Associate Members are not entitled to:

1. Be elected into a formal position within the party, at any level;
2. Vote in Policy Adoption proceedings or with regards to constitutional amendments; and
3. Stand as a candidate for the PPAU in any election the party contests.



National Council Powers

Refusal, Suspension and Expulsion

1. The National Council may refuse to accept an application for membership by any individual on the grounds that the acceptance of the membership may be prejudicial to the interests or values of the PPAU.
2. The National Council also has the power to suspend or expel a member should that individual's membership or actions whilst a member be prejudicial to the interests of the PPAU.
3. Any refusal to admit a person as a member, and any suspension or expulsion of a member, shall be accompanied by a statement of reasons for the action, and this statement is to be made available to all membership.
4. A refusal of an applications for membership, or the suspension or expulsion of any member may only be achieved by a two thirds majority of the elected National Council.



Article 4: Policy Formulation, Development and Adoption

Development

1. Policy development should occur with the maximum possible interaction with the party members - the party should engage in as a participatory process as is possible, and outcomes should be reached through consensus.

Adoption

1. New policy, or platforms must be agreed upon by a general consensus, a two-thirds majority of all votes cast must be in the affirmative for new policy or platforms to be adopted.
2. New policy, unless dictated by circumstances of urgency, shall be decided on at the National Congress.
3. Where circumstance of urgency are apparent, the National Executive may make policy, that shall be considered official, however that policy is subject to vote at the National Congress, and is subject to the same conditions as those above.
4. Policy platforms able to be adopted are constrained by those platforms and ideals enunciated in Part I of this constitution.

Policy Review

1. Where not less than 15% of Full Members petition the National Executive, a review will come under official review by the party, where that policy will be reviewed and voted upon at the National Congress.



Article 5: Meeting Procedure and Requirements

1. Meetings should be structured so as to allow all members to participate, and have their opinions acknowledged.
2. All members should be notified of any official meeting, and the intended agenda of such a meeting.
3. Consensus should be the focus of any proposal or decision - however where consensus cannot be achieved, a two-thirds majority will be sufficient to carry forward a proposal.
4. Where there is disagreement, or members indicate that a delay in voting is required, sufficient time should be given for discussion before any voting begins.
5. All official meetings are not restricted in their attendance - the general public is encouraged to attend - however at the discretion of the meeting facilitator, they may be limited in their participation.
6. The method of voting is to be determined by the meeting facilitator and the medium by which the meeting occurs.



Article 6: Financial Structure

Property

1. All property and resources of the PPAU are to be used solely for the purposes of promoting and achieving the principles and goals stated within this constitution.



Article 7: Constitutional Amendments, Interpretation and By-Laws

Amendments

1. The constitution may be amended by a two-thirds majority, where a minimum of one-tenth of Full Members participate in that ballot.

Power to Make By-Laws

The National Council:

1. Has plenary authority to enact by-laws, that within the constraints of this constitution, may effect or clarify arrangements within this constitution;
2. Is empowered with authority to enact, amend or revoke by-laws; and
3. Must keep a register of such by-laws.

Operational and Temporary Amendments

The National Council is empowered to make alterations to the constitution where circumstances of urgency dictate, or where it is necessary for party operation.

1. Such alterations are temporary, and are considered proposed amendments and as such must be voted upon at the National Congress, where they shall become amendments; and
2. If such an amendment does not receive the necessary majority as stipulated at Article 7 (1), then such an amendment will lapse.

Interpretation

The National Council is charged with interpretation of the constitution.



Article 8: Officers and Party Officials

Election

1. The positions constructed within this constitution, where applicable will be appointed by election at the National Congress, for a term of 12 months, and shall form the elected National Council. Their term shall begin and end at the National Congress at which they are elected.
2. Exception to this term may be granted where a Federal Election has been called, or is expected - to be decided at the discretion of the National Council.
3. Those that nominate themselves, or are nominated, must consent in writing to their nomination.
4. No more than two officer positions may be filled by one member of the National Council, with exception that this limitation shall not apply to the position of Party Agent.

President

Duties and Responsibilities

1. Be the Senior Officer of, and assume executive duties for the PPAU.
2. Chair the National Congress, and other meetings.

Deputy President

Duties and Responsibilities

1. Assist the President with their duties in accordance with this constitution.
2. If the president is unable to conduct their obligations under the constitution, the Deputy is to substitute and fulfill those obligations.

Party Secretary

Duties and Responsibilities

1. Inform members of all official meetings, and of the National Congress in appropriate time frames.
2. Prepare schedules, agenda, correspondence from members for submission to the meeting or National Congress, and record attendance of persons present, and arrange for minutes or logs to be recorded.
3. Co-ordinate official correspondence of the National Council.



4. Maintain the party register, in accordance with Commonwealth Electoral Act 1918.
5. Maintain custody of all documents, statements and records of the PPAU, and except for those documents that are otherwise accounted for in this constitution, by other officers.

Deputy Party Secretary

Duties and Responsibilities

1. Assist the Party Secretary with their duties in accordance with this constitution.
2. If the Party Secretary is unable to conduct their obligations under the constitution, the Deputy is to substitute and fulfill those obligations.

Treasurer

Duties and Responsibilities

1. The receipt of all monies paid to the PPAU, the issuing of all receipts and the deposit of such monies into accounts determined by the National Council.
2. Develop and ensure security and accountability measures for all payments are followed.
3. Submit an Annual Financial Report to the National Congress, detailing balance sheets, financial statements and relevant particulars.
4. Maintain tutelage and order over PPAU finances and all financial records, documents, securities ensuring smooth transition when position is transferred.
5. Ensure that all book keeping is conducted by an appropriately skilled person, and all documents conform to relevant legislation and regulations.

Deputy Treasurer

Duties and Responsibilities

1. Assist the Treasurer with their duties in accordance with this constitution.
2. If the treasurer is unable to conduct their obligations under the constitution, the Deputy is to substitute and fulfill those obligations.



Party Agent

Duties and Responsibilities

1. A member selected from within the National Council will act as Party Agent, so as to fulfill the requirements and obligations of the Commonwealth Electoral Act 1918.



Article 9: Dissolution

1. The PPAU may only be dissolved by a postal ballot - where more than two thirds of members elect to dissolve, and not less than half of current Full Members participate in that ballot.
2. Dissolution is effective within 30 days of the results of the ballot being formally announced, or whatever date that ballot may specify.
3. If after the election to dissolve, and all liabilities and debts have been satisfied, and remaining costs and fees with regards to the dissolution have been accounted for, there remains property belonging to the PPAU, that remainder shall be distributed to any organisation with similar goals and principles as here enunciated within this constitution.