

Party Constitutions as Responses to Specific Challenges: Evidence from Australia

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Comparative studies of party organisation often look to party rules and constitutions as a source of data indicating the ideological position of parties, how they are structured and how they function. Although their use in empirical investigations is commonplace, there exists almost no systematic analysis of party constitutions as discrete documents, and little enquiry as to why they exist, and their relationship to actual political practice. Rather than simply assuming that constitutions paint an accurate picture of party organisation, we argue that party constitutions need to be understood as a response to a series of internal and external challenges (democracy, ideology, order, efficiency, the nature of the party system, external legal requirements etc.). An analysis of constitutions therefore indicates which of these challenges are more important to specific parties. Analysing the constitutions of 15 parties registered in Australia (New South Wales) in 2005-2006, we catalogue the range of ways in which parties might respond to these various challenges. What are the key elements of constitutional diversity amongst parties? Does this diversity reflect differing party types (for example, major versus minor parties), the interests of party founders, the age of parties, their size and whether or not they have achieved representation in the Parliament? In assessing these questions, the paper explores the ways in which constitutions can be read as products of institutional and environmental imperatives.

1. Introduction: Studying Party Constitutions

Party constitutions and rules are widely used in the empirical study of political parties as primary evidence of a party's ideology and its organisation (see for example Poguntke 1998; Katz and Mair 1992). As far as formal rules are assumed to reflect political practice, party constitutions are assumed to be a reliable source of information as to how parties are structured and how they operate. This is hardly surprising, given that these documents form the 'public face' of parties and are relatively accessible in comparison to other party documents (such as minutes and briefings) through public offices, libraries and archives. Many political parties, though by no means all parties, publish their rules and constitutions on the Internet for easy public access. Others restrict their routine distribution to party members, and to members of the public and interested researchers only by request. Nevertheless, the formal rules and constitution of a political party are often the first avenues of investigation for the analysis of party organisations.

Although their use in empirical investigations is commonplace, there exists almost no systematic analysis of party constitutions as discrete documents, little enquiry as to why they exist and their relationship to everyday political practice. The only critical debate on the use of constitutions in party scholarship centres on whether these documents paint an accurate picture of the actual operation and practices of political parties (see for example Appleton 1994; Katz and Mair 1992). Panebianco (1988: 35) warns against the use of party constitutions as anything more than 'a point of departure for the organisational analysis of a political party', arguing that 'a party's statutes do not describe its organisation any more than political system's written constitution does. It is only a pallid trace, fleeting and imprecise...' For Panebianco, the utility of party constitutions in providing insight into the dynamic practices of political parties is questionable, as these documents are subject to interpretation, manipulation and uncertain and unpredictable patterns of enforcement. Conversely, Katz and Mair suggest that party rules and statutes, like formal constitutions in national political systems, provide a 'fundamental and indispensable guide to the character of a given party. These rules and statutes constitute (along with other party reports and documents), for want of a better term, a part of the *official story* of the party, affording an insight into its internal conceptions of organizational power, authority and legitimacy' (Katz and Mair 1992: 7).

Therefore, whilst party constitutions must be treated with caution in describing the actual operation of parties, as discrete documents they provide a useful insight into a party's normative vision of its organisation and function: 'rules, like laws in general, arise out of the fact, and their establishment reflects a particular vision of what the network of organizational power actually is, as well as what it should be' (Katz and Mair 1992: 7). It is important to recognise that political parties do not establish the rules for their own operation in a vacuum – their agency in moulding the 'playing field' and choosing 'the terrain upon which confrontations, negotiations, and power games with other organizational actors will take place' (Panebianco 1988: 35) is constrained by a myriad of social, legal, economic and political considerations. Political parties are isomorphic organisations – they structure themselves according to the environmental conditions under which they operate (Appleton 1994: 24; Harmel and Janda 1982). Rather than

simply assuming that a constitution paints an accurate picture of both a party's organisation and its normative goals, we argue that party constitutions need to be understood as a response to a series of internal and external challenges.

The challenges faced in the initial drafting and the later amending of a party constitution are both normative and institutional or systemic. That is, some of the imperatives will derive from the goals that the party founders and later members see as desirable, while others will be forced upon parties by external factors such as legal requirements for party registration, existing electoral laws and the behaviour of other political parties. We suggest that political parties adopt constitutions in response to five main imperatives: a need to satisfy legal requirements, particularly where these are a means to obtaining state resources; a need to pronounce ideological principles; a need to confer legitimacy on decisions of the party; a need to manage internal conflict; and a need to respond to external competition.

Not all of these imperatives will be equally important to all parties. Some parties will see ideological purity as being far more important than effective competition with other parties, some parties will face more internal conflict than others, and so on. Analysis of specific constitutions therefore indicates which of these challenges are considered more or less important to particular parties. Not all parties will respond to these imperatives in the same ways. Analysing the constitutions of 15 parties registered in New South Wales (Australia) in 2005-2006, we catalogue the range of ways in which a range of parties have responded to these various challenges. What are the key elements of constitutional diversity amongst parties? Does this diversity reflect differing party types (for example, major versus minor parties), the interests of party founders, the age of parties, their size and whether or not they have achieved representation in the Parliament? In answering these questions, the paper seeks to develop a framework for analysing party constitutions as products of institutional and environmental imperatives.

2. Data and Method

This paper is based on a systematic content analysis of the constitutions and rules of 15 political parties registered to contest state elections for the New South Wales Parliament in 2005-2006. The party constitutions were sourced from the Internet, through requests made to individual political parties and to the New South Wales Electoral Commission under the Freedom of Information provisions of the *Parliamentary Electorates and Elections Act*. New South Wales provides a good focus for a comparative study of party constitutions, not only because of the relatively large number of party constitutions available but because the parties fall into a number of fairly distinct categories (for more detail on the New South Wales political system, see Smith 2003). They include: the majority governing party in the Legislative Assembly (the Australian Labor Party); the main Opposition party (the Liberal Party); two established minor parties (the Christian Democrats and the Australian Democrats), each with two decades of representation in the popularly elected Legislative Council (the upper house); six newer minor parties with upper house representation, including the largest minor party (the NSW Greens); four

minor parties with no history of parliamentary representation; and one party yet to contest an election (see Table 1).

Table 1 about here.

The constitutions of two parties that were registered in 2005-06, the Socialist Alliance and the National Party, could not be obtained by the means outlined above. Hence they have been excluded from the analysis. Although the Country Labor Party was a registered party in this period, it is in reality part of the Australian Labor Party and operates according to the Australian Labor Party's principles and rules. Hence it has not been included here as a separate party for analysis.

The content analysis had three stages. The first stage involved reading all the constitutions to determine the various elements found across them. The second stage involved consideration of individual constitutions. For each, the presence or absence of each of the elements identified in the first stage was noted. Where elements were present, their comprehensiveness was scored on a rough 1-3 scale. The elements identified were a statement of objectives, membership, basic party sub-units (local branches etc), the machinery of party governance, party policy-making, preselection of candidates, campaigning, behaviour of parliamentarians, dispute resolution mechanisms, finances and procedures for constitutional amendment. The overall length of each constitution was noted as a general measure of its comprehensiveness. The third stage of the analysis involved a more detailed reading to make interpretative judgements about the key elements present in the constitutions. For example, if a constitution included a statement of objectives, this statement was critically examined to determine the general ideological position that it reflected. All of these stages of the analysis are drawn on in the discussion that follows. The next section of the paper outlines the points of commonality and diversity found in the party constitutions, while Section 4 discusses some explanations for these similarities and divergences.

3. The Diversity of New South Wales Party Constitutions

The 15 party constitutions were not cut from the same pattern. The most general measure of their coverage and detail is set out in Table 2. The length of the party constitutions varies remarkably, from 210 pages (Liberal Party) to just two pages (Australians Against Further Immigration; Fishing Party). The average length of the constitutions is 35 pages. This average is, however, dragged up considerably by the constitutions of the two major parties (Liberal and Labor) and particularly by the Liberal Party's constitution, which is three times the length of any other. Five minor parties, including the two oldest ones (the Christian Democrats and Australian Democrats) have constitutions of more than 20 pages; however, the median length for the constitutions is a relatively modest 12 pages. Three minor parties that had achieved parliamentary representation (Unity, the Shooters Party and the Human Rights Party) managed to operate with constitutions of, or less than, this median length.

Table 2 about here.

When we look more directly at what is covered in the party constitutions, similar patterns emerge. Table 3 shows the results for the 15 parties scored on each of the 11 constitutional elements mentioned above. With an overall score for comprehensiveness of 30, the Labor Party gets closest to the possible ‘perfect’ score of 33 (each of the 11 elements discussed with a high level of detail). It is followed by the Liberal Party on 28. Behind the major parties are One Nation (24), the Christian Democratic Party (20), the Greens NSW (19), the Australian Democrats (16) and the Shooters Party (15). The rest of the parties fall on or under the mean comprehensiveness score of 14. Not surprisingly, the party with the lowest score—Australians Against Further Immigration, with a score of 5—was one of the parties with a one of the shortest constitutions. Broadly, the pattern is from the older and more electorally successful parties to the newer parties with least electoral success.

Table 3 about here.

Perhaps the more interesting feature of the analysis summarised in Table 3 is what it tells us about the things that parties are likely to leave out of their constitutions and the elements on which they spill the most ink. On only five of the 11 constitutional elements—party objectives, membership, basic party sub-units, party governance and constitutional amendment (set out in columns A-D and K of Table 3)—did the combined parties reach the notional ‘pass’ score of 22 or better out of the combined party score of 45 that would have been achieved if all 15 parties comprehensively spelled out an element.

Each of the party constitutions contains a statement of objectives and principles of the party. The statements tend to combine instrumental and expressive objectives. The instrumental objectives are fairly uniform across the parties, focusing on the selection and endorsement of candidates to contest elections for parliament and local government. The expressive objectives set out the parties’ ideological or policy goals and also reveal something of their stances towards the political system. Australians Against Further Immigration, for example, has as one of its two objectives

... to give the people of N.S.W. the chance to vote on the issues that successive governments have forced on to the people of N.S.W. without consultation. These issues have seen the forsaking of Australian national interest and have led to the internationalisation of Australia, the destruction of our industry, the sale of our assets and an unsustainable immigration policy (Article 3.1).

Apart from the particular socio-economic policies mentioned here, the objective positions the party as one that views the New South Wales political system as undemocratic and authoritarian.

All but two parties (the Fishing Party and the Workers’ Rights Party) specify the rules for party membership. At one end of the spectrum of membership rules are brief statements that party membership was open to anyone agreeing with the articles of association who paid their membership fee (the Australian Democrats, Article 5.0), or who was deemed

suitable by the party to be a member (the Horse Riders Party, Section 3). At the other end are parties with complex rules for eligibility, exclusion, credential-checking, different categories of membership, membership rights and set periods of exclusion from the party. Workers whose occupation is covered by a trade union, for example, have to be members of that union to take up membership of the Australian Labor Party while employers wishing to become Party members have to encourage union membership among their employees (Article A.3). The 14 pages of the Liberal Constitution devoted to membership sets out a schedule of exclusion periods for different categories of political action against the interest of the Party; for example, five years exclusion for people who have actively helped candidates standing against endorsed Liberal candidates in an election (Article 2.2.3).

Most party constitutions identify a basic party sub-unit to which members belong. Usually this is a branch whose eligible members are defined by local or regional geographic proximity. Some constitutions also make provision for additional non-geographically defined party units such as youth and women's branches, or affiliated organisations such as trade unions and relevant special interest groups. In addition to defining basic party sub-units, the constitutions scoring high on this element set out the functions, rules and organisation of these sub-units. The Australian Labor Party constitution, for example, sets out rules for local branch meetings and the responsibilities of a range of branch office-holders. The constitutions of four of the minor parties (Australians Against Further Immigration, the Human Rights Party, the No Privatisation Peoples Party and the Outdoor Recreation Party) make no reference to any basic party sub-units. In these parties, no party organisation intervenes between the individual member and the party's general meetings or its executive.

Although every party constitution makes provision for internal governance arrangements, there is a significant variation in the level of procedural and institutional detail between individual parties. This variation is not simply a matter of some parties having more officers and internal bodies than others, although that is partly the case. The variation also stems from the extent to which the constitution spells out the roles of those officers and bodies within the party. The constitutions of the Human Rights Party and the Liberal Party, for example, both refer to a party executive. The functions and powers of the Executive Committee of the Human Rights Party are left unexplained, whereas the powers of the Liberal Party State Executive, along with its relationship to a range of other party bodies, are specified in considerable detail.

Just three party constitutions—those of the Fishing, Horse Riders and Restore the Workers Rights parties—say nothing about how the constitution can be amended. The constitutions that do specify amendment procedures typically include the requirement for a special majority. In the case of the Australian Democrats, for example, amendments can be proposed by 20 percent of party branches or two percent of party members (or 50 members if that is a larger number) but must be passed by 70 percent of the members participating in a postal ballot. Other parties generally require between three-fifths and three-quarters support from an annual general meeting or party conference. The Liberal and Labor parties have the most elaborate mechanisms for constitutional amendment,

including mandatory referral to a Constitutional Standing Committee in the case of the Liberals and a Rules Committee in the case of Labor.

It is worth repeating that, despite the patchiness of the coverage of these five elements in the party constitutions, they were more comprehensively covered than any of the six elements not yet discussed. Specific policy-making processes are articulated by just nine of the parties, with only five parties presenting these processes in significant detail. Again, these five are the more established political parties: the Liberal Party, the Australian Labor Party, the Christian Democratic Party, the Australian Democrats and the Greens.

When it comes to party candidates, the constitutions say far more about procedures for preselecting candidates than they do about actually getting them elected. The party constitutions that address preselection in detail typically outline different processes for selecting candidates for lower and upper house elections and contain provisions for review of the preselection decisions of one party body by another. Interestingly, the level of detail of preselection processes does not necessarily correspond with how democratic or inclusive the process is meant to be. That is, parties are just as likely to spell out in detail highly centralised and autocratic candidate selection procedures as they are to advertise democratic selection processes (see discussion below).

Once candidates are selected, the constitutions tend to fall silent on how the party should campaign on their behalf. The One Nation constitution is typical here, spending four pages detailing preselection procedures and just one-third of a page on campaign committees. Even the minority of constitutions, like One Nation's, that do specify the appointment of campaign managers or campaign committees tend to leave the details of their roles and coordination unspecified. The Christian Democratic Party constitution, for example, enumerates some functions for a central Campaign Standing Committee (Section 18) and a number of local Electorate Coordinators (Section 9) but does not outline whether and how these two parts of the party are to work together.

The party constitutions contain even less about elected representatives and the relationship between parliamentary members and the rest of the party. Only the Australian Labor Party, Greens NSW and One Nation constitutions address the behaviour of parliamentarians in any detail. In each case, the focus of constitutional attention is an attempt to keep parliamentarians accountable to the rest of the party and particularly to the policies developed by the extra-parliamentary wing of the party. Labor parliamentarians are required to sign a pledge in which they promise

... on all occasions to do my utmost to ensure the carrying out of the principles embodied in the Labor Platform and on all such questions, especially on questions affecting the fate of the Government, to vote as a majority of the Labor Party may decide at a Caucus meeting (Schedule C1).

Parliamentarians not upholding this pledge may be expelled from the Party.

As with Green parties elsewhere (Poguntke 1993: 383), the constitution of the Greens NSW seeks to make parliamentarians delegates of the party's organisational wing and membership through a number of accountability mechanisms. Green parliamentarians must abide by the policies and decisions of the party, must consult with their local member groups and state executive, and periodically report back to them (Article 12). The Constitution of One Nation requires its parliamentarians to adhere to party policy, except in the instance of a conflict with a parliamentarian's conscience and on issues specifically pertaining to his or her electorate. It also requires an elected parliamentarian to resign his or her seat if he or she resigns from One Nation (Article 12.16). The Restore the Workers Rights Party constitution covers the same issue in briefer terms. Idiosyncratically, it ties the duties of its potentially elected parliamentarians to the Labor Party caucus; that is, to the behaviour of members of another party. Its parliamentarians must abstain from all parliamentary votes until the Party's demand for adequate workers compensation is met by the Australian Labor Party. After this, the Party's representatives must vote at the direction of the Leader of the Labor Party.

The Liberal Party constitution sidesteps the issue of parliamentary accountability to the extra-parliamentary wing by vesting the 'ultimate responsibility' for party policy with the parliamentary party itself and authorising the parliamentary party to 'create rules for its internal conduct' (Articles 10.2.2 and 18.1.2). The other ten party constitutions, including those of minor parties with upper house representation, say nothing directly about how their parliamentary representatives ought to behave.

Two other elements, which are mentioned in most of the party constitutions but are highly developed in only a few, are dispute resolution and party finances. Ten of the fifteen parties have constitutionally mandated dispute processes. In most cases, the focus of these processes is the disciplining of members and control of the process remains in the hands of the party executive. The Unity Party constitution, for example, allows its Committee of Management to expel or suspend members, who have the opportunity to respond to this action before the Committee makes its final decision. No further right of appeal is allowed. The Shooters Party does give members who are 'suspended, reprimanded or expelled' by the State Executive of the Party the right of appeal; however, it is to a five person Appeals Committee appointed by the State Executive. The Liberal and Labor party constitutions present more detailed lists of matters that might be brought before their dispute resolution bodies (respectively the Disputes Panel and the Review Tribunal), as well as more detail concerning how matters might be brought before these bodies. Over the course of eight pages, the Liberal Party constitution gives a particularly thorough account of the nature of disputes and how they should be treated. Perhaps the party official with the most unfettered constitutional brief to intervene in disputes is the Australian Democrats' Ombudsman, who is elected by the party membership to deal with cases that he or she thinks are 'contrary to justice and/or the ethics of the Party' (Article 20.5).

Party financial arrangements are dealt with in all but four of the party constitutions. Some of the constitutional specifications, such as requirements to hold party funds in one type of financial institution rather than another (the Greens constitution specifies a credit

union, for example), indicate the broad ideological instincts of the parties. In most particulars, however, the financial stipulations found in the constitutions are fairly perfunctory and are broadly similar across the parties.

The similarities and variety shown above, both between different parties and the level of attention directed to different constitutional elements, suggest that it is worth considering the imperatives that parties attempt to meet in drafting their constitutions. Some of these will be more or less consistent across parties; others will be more or less pressing for different types of parties.

4. The Imperatives Behind Party Constitutions

i) Constitutions as responses to legal requirements

At a basic level, party constitutions can be viewed as a response to the legal requirements for the establishment of a political party. These requirements may be contained in a discrete area of law, usually known as party law; however, in many democracies, including the United Kingdom and Australia, laws affecting the organisation and operation of political parties can be sourced from numerous areas, including administrative, associations, electoral and company law (Gauja 2008; Müller and Sieberer 2005). The laws governing the organisation of political parties (and by extension the form and content of their constitutions) carry their own set of normative assumptions and requirements as to how parties should function.

Whether or not a constitution is necessary, the level of detail in the document and its prescribed contents will vary with each political system. In systems such as the United States, Germany and many emerging democracies, parties are subject to extensive public regulation. By contrast, in states such as the United Kingdom and Australia, parties are free to determine their own internal arrangements. According to Carothers (1999: 142-3), practitioners in the United States believe that ‘not just any kind of party will do’, and that

Parties should be organized around political ideologies rather than ethnic, religious, or regional identities. Their ideological differences should be distinct but not too sharp; extreme ideologies are dangerous. The parties should not be personalistic vehicles for the self-aggrandizement of charismatic leaders but organizations with democratic internal structures that seek a constituency among citizens and strive for openness, accountability and lawful behavior. They should cultivate relations with other social and political organizations and be willing to work in coalitions when circumstances require (quoted in Janda 2005: 7).

In Australia, there are no requirements for party constitutions to be ‘democratic’, ‘open’ or ‘accountable’. Like the United Kingdom, Australian jurisdictions have taken a ‘hands off’ approach to the direct regulation of the internal affairs of political parties. Parties in these systems are legally classified as ‘voluntary associations’, subject only to the laws that govern these types of organisations (including community and sporting clubs) and to specific regulations under electoral legislation that govern their financial arrangements and registration to contest elections.

In New South Wales, laws regarding party registration provide an important imperative for parties to develop constitutions. Parties are subject to the legal requirements of the *Parliamentary Electorates and Elections Act 1912*. Under s 66D(f) of this Act, a party must provide a copy of its constitution in order to register as a political party and gain the benefits of this status. Party registration is not compulsory. Nonetheless, by registering, parties gain important benefits that boost their visibility, vote share and resources. These include official registration of how to vote material for distribution on polling day, the publishing of party names on lower and upper house ballot papers, and party eligibility for public electoral funding. The importance of these benefits is suggested by the fact that, although a number of unregistered parties have contested recent New South Wales elections, no unregistered party has won a seat in the Parliament. Moreover, minor parties that have been threatened with deregistration have taken vigorous steps, including pursuing legal challenges, to avoid that fate (Smith 2006: 187-8, 197). Scholars have suggested that political parties are evolving from organisations rooted in civil society and are instead becoming more entwined with the institutions of the state—using its resources to contest and maintain power (van Biezen and Kopecky 2007; van Biezen 2004). As such, we would expect that fulfilling the legal requirements in order to gain access to these resources would be a primary concern for political parties in formulating their constitutions.

As long as it is established on the basis of a written constitution, the organisation of a party in New South Wales may be a body corporate, an association of persons or organisations (whether incorporated or not), or a branch or division of one of these. The detailed structure and contents of the constitution are not specified by law, except that the constitution must address two matters for registration to be granted. The first is the aims of the party, one of which must be the endorsement of candidates to contest Legislative Council and Legislative Assembly elections (required by the definition of a party as set out in Part 3 of the Act). The second is the terms and conditions of party membership, including procedures for accepting new members and lapsing or terminating existing membership, ‘necessary to demonstrate compliance with the membership requirements of an eligible political party’ (Electoral Commission NSW 2008: 8-9). These legal requirements partly explain the higher comprehensiveness par scores for objectives and members illustrated in Table 3.

Additional matters suggested but not required by the Electoral Commission for inclusion in a party’s constitution include: the costs and benefits of incorporation as a company or an association; governance arrangements, for example, the procedures for appointing office bearers, establishing committees, quorum and meeting requirements etc.; party structure, including related branches and divisions; procedures for amending the constitution; and procedures for winding up the party (Electoral Commission NSW 2008: 9). However, these are not mandatory requirements. Hence, political parties need to respond to a limited number of basic legal requirements, but beyond this, positive state regulation of party constitutions is minimal.

Public laws may also operate to prohibit parties from regulating certain activities in their constitutions. For example, the common law (including parliamentary privilege) confers a freedom of speech and legislative independence upon MPs in the Parliament and in doing so prevents political parties from regulating the behaviour of their elected representatives – even if this regulation is expressed in a party constitution that the elected member has agreed to abide by. Although the constitution of the Restore the Workers’ Rights Party states that ‘any Parliamentary or General member acting or supporting actions by others, contravening the principles and aims of the Restore the Workers’ Rights Party, shall be subject to termination of membership of the party, and if an elected member, will be liable to a penalty of \$40,000.00’ (Article 8.3), it is highly unlikely that the party would be able to enforce this penalty, as the law regards MPs as trustees rather than partisan representatives:

authoritative instructions; mandates issued, which the member is bound blindly and implicitly to obey, to vote, and to argue for, though contrary to the clearest conviction of his judgment and conscience; these are things utterly unknown to the laws of this land (per Farwell LJ in *Amalgamated Society of Railway Servants v Osborne* [1909] 1 Ch 163 at 197).¹

However, once a constitution has been drafted, political parties are generally reluctant to subject their internal arrangements to the scrutiny of the law. For example, both the Christian Democratic Party (Article 1) and the Australian Labor Party intend their constitutions and governance arrangements to carry no legal force. Clause 1 of the Australian Labor Party constitution states that:

It is intended that these Rules and everything done in connection with them, all arrangements relating to them (whether in these Rules or implied by them) and any agreement or business entered into, or payment made by or under the Rules, will not bring about any legal relationship, rights, duties or outcome of any kind, or be enforceable by law, or be the subject of legal proceedings. Instead all arrangements, agreements and business are only binding in honour.

Despite parties’ intentions, there has been a trend in recent decades for the courts to adjudicate in internal disputes if legal proceedings are commenced by a member. In such proceedings the courts will look to enforce the provisions of party constitutions to resolve the dispute, but if there is insufficient constitutional detail they will apply the basic principles of associations and administrative law, including procedural fairness and natural justice (Gauja 2006). Several parties have been ‘caught out’ by the lack of detail in their constitutions, and have had to accept judicial interpretations of their rules that have not reflected the intentions of the party’s leaders or its members. Therefore, it is often after a legal dispute that parties will seek to clarify and amend their constitutions, and there is a correlation between the comprehensiveness of a party’s constitution and whether or not it has been involved in legal proceedings. For example, One Nation was involved in a civil action over the nature of its preselection processes, in which Hamilton J observed that the provisions of the party’s ‘Constitution are exiguous and in some ways

¹ See also *Bromley LBC v Greater London Council* [1983] 1 AC 768; *R v Waltham Forest Borough Council, ex parte Baxter* [1988] 2 WLR 257.

more remarkable for what they do not contain than for what they do contain'.² Shortly following the proceedings One Nation amended its constitution, which is now one of the most comprehensive (see Table 3).

ii) Constitutions as public pronouncements of ideological principles

Given that the constitution of a political party represents its 'public' face – documented, published and accessible both inside and outside the party (Katz and Mair 1992: 8), it also creates an opportunity for the party to advertise its ideological principles, goals and aspirations. That a party enumerates its aims in its constitution is also a requirement of electoral law, designed to promote transparency and awareness of a party's ideological position amongst the voting public.

All the constitutions surveyed contained a statement of party aims and objectives, which for the most part reflected the ideological diversity of the parties and the importance they accorded to particular issues. This ranged from specific issue parties to those seeking to implement a wider legislative agenda. For example, the Constitution of the Shooters' Party states that the party seeks to 'ensure that law-abiding citizens of good repute have an unchallenged right to legally own firearms for the protection of themselves, their family and property' (Article 2(d)), and the Horse Riders Party aimed to 'promote in the community and the Australian political environment, the cultural and heritage values of horse and other equine activities' (Article 2.3). By contrast, amongst its 22 objectives the Australian Labor Party promotes the 'abolition of poverty, and the achievement of greater equality in the distribution of income, wealth and opportunity' (Part B Art. 10).

In most cases, the objectives of the party as contained in its constitution were detailed enough to provide a reasonable picture of the principles and issue priorities of the party. The Australian Democrats and Australians Against Further Immigration were the exceptions, with only minimal detail contained in their policy objectives. The former party deferred its objectives to the national constitution, whereas the latter articulated its position in one paragraph:

The aim of the party is to give the people of NSW the chance to vote on the issues that successive governments have forced on to the people of NSW without consultation. These issues have seen the forsaking of Australian national interest and have led to the internationalisation of Australia, the destruction of our industry, the sale of our assets and an unsustainable immigration policy (Article 3.1).

As a tool for researchers, party constitutions do provide evidence of substantial policy and ideological differences between the registered political parties, at least in a formal sense. However, party ideology and principles are not exclusively found in statements of objectives, but are also expressed in the organisational structure of the party. As Kittilson and Scarrow (2003: 65) argue, 'self-consciousness about organizational principles is perhaps most characteristic of parties that want to transform the political order: such

² *Burston v Oldfield* [2003] NSWSC 88, per Hamilton J.

parties often use their own charters to demonstrate how alternative models of political organization might work'. Two prominent illustrations from NSW politics are the Australian Democrats and the Greens, which, emerging from the new politics movement, adopted formal organizational models and processes that reflected the ideals of participatory democracy. The constitutional structure of these parties is examined in greater detail when we discuss the 'member-centred' approach to the resolution of political conflict (see subsection iv, below).

iii) Constitutions as sources of legitimacy

In a similar way to which constitutions provide parties with the opportunity to publicly state their ideological principles in a symbolic way, they also represent a means of conferring legitimate authority upon a party organisation. One source of legitimacy derives from compliance with democratic norms. It could be argued that voters and members are more likely to be drawn to, or persuaded by, political parties whose structure and organisation reflects the transparency and democratic norms that citizens have become accustomed to in the context of the broader political system (Blondel 1978: 140). As sociologists Meyer and Rowan (1977: 340) have argued: 'organizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work and institutionalized in society. Organizations that do so increase their legitimacy and their survival prospects'. In this sense party constitutions can be analysed as indirect indicators of public expectations and a direct indicator of a party's conscious and calculated response to these social norms (Kittilson and Scarrow 2003: 65).

However, the suggestion that parties adopt particular constitutional forms to gain democratic legitimacy is challenged by the fact that, as previously noted, many parties with highly centralised structures have adopted constitutions explicitly providing for this style of governance. This includes relatively successful and professional parties such as the Christian Democratic Party and One Nation, and smaller amateur contenders such as the No Privatisation People's Party. In the case of such parties, legitimacy originates from sources other than democracy, and may include ideological purity and political efficiency. Although it is highly centralised, the legitimacy of the Christian Democratic Party's organisational structure derives from the ultimate goal of promoting the Judeo-Christian ethic, necessitating tight control over party processes so they cannot be compromised by contrary interests (Smith 2006: 85-88). Legitimate authority within the Human Rights Party is constitutionally conferred on its leader and sole parliamentarian, Peter Breen, on the basis of achieving and maintaining parliamentary representation in order to achieve several specific legislative outcomes, such as the appointment of a Justice Ombudsman to oversee the legal profession and the creation of a statutory Bill of Rights (Human Rights Party Constitution, Rule 2).

iv) Constitutions as tools for the management of political conflict

It is possible for a group of persons to form a political party that operates by mutual agreement amongst the members without any formal rules. However, in most cases people who decide to form a political party (much like any association) will also decide that it should have written rules to manage instances of potential conflict within the organisation. As Katz and Mair (1992: 6) state, 'formalized structures, rules and procedures constitute one of the principle ways in which the internal struggles of parties are channelled, constrained and even pre-empted'.

These struggles and conflicts may occur over a range of issues, including party ideology and policies, membership, elections for internal offices of the party, preselection of candidates for external elections, the relationship between the parliamentary and extra-parliamentary wings of the party and even over the meaning of the party's rules themselves. Thus while ten of the parties in New South Wales have specific conflict resolution bodies and procedures (see section 3 above), a wider range of party mechanisms can be viewed as contributing to the resolution of intra-party conflicts. Policy-making bodies, for example, are designed in part to resolve conflicts between members over the direction of the party.

As the previous section of this paper showed, the most elaborate conflict resolution mechanisms can be found in the constitutions of the Australian Labor Party and the Liberal Party. In part this is a function of age and institutional learning. The long histories of both parties have been marked by conflicts, splits and divisions. The New South Wales Labor Party split in the 1920s and 1930s and almost again in the 1950s. The Liberal Party was born out of the collapsed ruins of the United Australia Party in 1945. Both parties have seen other deep conflicts around personalities, factions and ideology that continue to this day (see Hagan and Turner 1991; Smith 2006; Hancock 2007). It is thus not surprising that these parties have developed detailed constitutional provisions to try to mediate these conflicts and ameliorate their worst effects.

A related aspect of the conflict resolution imperative is the domain over which members of a party can disagree. The more there is to fight over, the more fights there are likely to be and, in turn, the more complex the constitution will become. A party that has not yet contested elections can fight over its ideology and policies, membership, selection of party officers and preselection of party candidates. This is a reasonable menu; however, these conflicts are limited to power within the party. They are limited fare compared with parties that have actually tested themselves in elections, or won themselves seats in parliament, or whose parliamentarians hold or share the balance of power in parliament, or whose parliamentarians form part or all of the government of the day. Each of these steps expands the domain over which intra-party conflicts can occur and increases the rewards for the winners.

This pattern is reflected in the constitutions. The most detailed constitutions are those of the parties that have been in government since 1945, either alone (Labor) or in coalition with another party (Liberal). Among the minor parties, the more well-developed

constitutions are found among the parties—the Christian Democrats, the Australian Democrats, One Nation, the Shooters Party and the Greens NSW—that have won parliamentary seats and held or shared the balance of power in the upper house of parliament. The first four of these parties have been forced to deal with serious conflicts involving policy (Christian Democrats; Shooters), the election of party officials (Australian Democrats; Shooters), preselections (Christian Democrats; One Nation; Australian Democrats), the issuing of preference advice to supporters (Australian Democrats) and the accountability of parliamentary representatives (Australian Democrats; Christian Democrats; One Nation). The Greens NSW have avoided these types of serious conflicts to date; however, Greens officials are well aware of the potential for them to erupt (Smith 2006: especially Chapter 7). Only parties such as the Fishing Party and the Horse Riders Party, which have garnered miniscule support in general elections and have even smaller prospects of winning parliamentary seats at future elections, can operate on the basis of minimalist constitutions.

In addition to these considerations, constitutions are designed to manage conflict in ways that reflect the general ideological principles of a political party. Broadly speaking, we can distinguish between two approaches, which can be termed member-centred and leader-centred. The member-centred approach reflects an attempt to codify the principles of mass democracy, whereby the party is formally controlled by its membership. Rather than being dictated by an executive or parliamentary elite, policy decisions within the party filter up from the membership. This approach encapsulates a particular normative vision of democracy and party organisation, in that the party membership provides the requisite connection between elected representatives and civil society, securing the ‘translation of mass preferences into public policy’ (Key 1961: 432). The leader-centred approach, by contrast, locates the authority to manage conflict in a leader or leadership group seen to possess relevant qualities, such as experience and knowledge, to act in this capacity. Where this leader-centred approach involves democracy, it employs an elitist understanding of democracy in which trusted leaders are authorised by election to act on behalf of the party as a whole.

Several variations of the member-centred approach are evident among the New South Wales party constitutions. The oldest variation is the mass conference model of the Australian Labor Party. The Party’s *Rules and Constitution* provide that ‘policy within the Australian Labor Party is not made by directives from the leadership, but by resolutions, originating from branches, affiliated unions and individual party members’ (Part D). The Conference, comprised of delegates from local party branches and affiliated trade unions, is the ‘supreme policy making and governing body of the Party (Article B.2). It has the power to determine policy and ideological issues, conduct preselections, elect a range of party officials and decide the matters on which Labor parliamentarians may exercise a free vote. Thus, in formal terms, the locus for dealing with a wide range of possible conflicts is a conference controlled by the mass membership of the Party. This mass conference variation of the member-centred approach to constitutional design has been emulated by parties with a similar social democratic ideology to Labor’s, including the Restore the Workers Rights Party.

A second variation on the member-centred approach is that adopted by the Australian Democrats, whose constitution provides for the management of conflicts through plebiscites of all party members. Party members elect an Executive, along with the members of Standing Committees, Legislative Council candidates and the parliamentary leadership. The Executive is to ‘ensure that all important decisions are made in the most democratic manner practicable; preferably by membership ballot’ (Article 7.3.4). General meetings of members or the signatures of two percent of the membership (or 50 members, if this is a larger number) can instigate a membership ballot on any ‘matter, whether constitutional, administrative, state policy, or elective, including the position of any officer’ (Article 15.1). After a period of debate, conducted through the party newsletter, matters are resolved via a postal vote. As with the Labor Party—and through an arguably more inclusive mechanism than Labor’s conference—a wide range of internal conflicts are managed by reference to the membership of the party.

The Greens constitution offers a third variation of the member-centred approach, this time based around consensus and local ‘member groups’. These member groups have considerable autonomy from the party’s central bodies (Section 2). They are, for example, constitutionally free to develop responses to local issues and are responsible for preselecting Legislative Assembly candidates for their areas. In the event that any of those candidates are successful, they remain accountable to the member-group that has preselected them. Member groups each send one representative to the Delegates Council—the ‘supreme decision-making body’ of the party (Article 7.13.1)—convened at least five times per year. Member-groups are given a minimum of twenty-one days to consider issues put before the Delegates Council. Decisions of the Delegates Council on policy and other matters are made by consensus among the delegates. If consensus can not be achieved, then proposals could be passed with seventy-five percent support. As noted in Section 3 of this paper, Greens parliamentarians are expected to act in accordance with decisions of the Delegates Council.

Variations also exist on leader-centred about to conflict management. The first of these variations explicitly privileges the founders of parties. Given that the founding members of an association determine the form and contents of its rules (Sievers 1996: 11), it is not uncommon for party constitutions to entrench their interests. The best example of this among the 15 parties considered in this paper is provided by the constitution of the Christian Democratic Party, whose author is accorded a special place in the Party’s structure: ‘For the NSW Branch by virtue of his role, the Rev Fred Nile is the founding State President and National President. His successor will come by appointment of the President...’ (Article 4b). The day to day functioning of the party is conducted by a State Management Committee, whose members are ‘nominated by the President on an annual basis’ and ‘endorsed’ by the State Coordinators’ Council, a body also ‘appointed by the State President’. Party branches in each electorate are entitled to have one Electorate Coordinator at the Coordinators’ Council. An annual State Convention, with two delegates from each branch, along with other party officials, members and supporters, produces ‘[r]ecommendations for possible future action by the State Coordinator’s Council and other Committees of CDP’. The Convention, Coordinators’ Council meetings and branch meetings could not set party policy, although they may suggest

policies to Nile. Preselections were determined by a Candidates Standing Committee, chaired by the State President, along with the Coordinators' Council. The constitutions also formally linked the parliamentary and organisational wings of the Party by making the State President 'the Leader of the Parliamentary Party in the Legislative Council' (Articles 4a). Despite the presence of a number of different bodies in the Party, the constitution effectively gives Nile control over most possible domains of internal party conflict.

Other parties whose constitutions privilege the positions of their founders include the No Privatisation People's Party and the Fishing Party. The constitution of the latter party states that the leader and chairman of the party will be Robert Arthur Smith, with no provision for election unless the nominated leader dies. The original constitution of the One Nation Party centralised power on its three founders (Ward 2000); however, by 2005-06 the Party's revised constitutional arrangements gave the power to resolve most conflicts to a State Executive, elected at an Annual Conference. The Executive has responsibility for 'determining policy' and managing Party 'policies, functions and administration', including preselections (Article 8). Other sections of the Party can recommend policy changes but have no formal role in determining them. In this second incarnation, the One Nation constitution provides a good example of the second variation of the leader-centred approach to conflict management, one characterised by the presence of a party executive elected at an annual general meeting, which then exercises effective control over the party's affairs. Apart from the periodic opportunity to elect the executive, party members are given little or no say in the decisions of the party.

Other registered parties that have adopted this model include the Shooters' Party, the Unity Party, the Human Rights Party, the Outdoor Recreation Party, the Horse Riders Party, the Fishing Party, Australians Against Further Immigration, and the No Privatisation People's Party. Parties that adopt this model prioritise efficiency, order and control over democratic participation in their constitutional design, as effective management of the party can be centralised within a relatively small governing body. This variant of the leader-centred approach reflects the principles of governance and organisation that are typically adopted by corporations and associations in New South Wales. These principles provide an expedient template for newly established parties that simply want to meet existing legal requirements for their registration to adopt, in that they may simply follow the model of the memorandum and articles of association for companies, or the model rules for incorporated associations under the *Associations Incorporation Act* 1984 (Schedule 1). This is an easily accessible source for parties with few organisational resources that lack the capacity or desire to develop sophisticated governance arrangements. The model rules set out the purposes of the association and regulate 'at least the more important aspects of its management', including the election of the committee or other governing body, annual meetings, and the procedures to be followed upon the dissolution of the organisation (see Sievers 1996: 111). Some parties make little effort to disguise this as the source of their formal structure. The Outdoor Recreation Party, for example, is constituted by the 'Memorandum and Articles of Association of the Outdoor Recreation Party Limited', while the Unity Party makes frequent reference to the terms of the *Associations Incorporation Act* in its constitution.

One constitution that does not fit easily into the member-centred or leader-centred approaches to conflict management is that of the Liberal Party. The Liberal constitution does not consistently establish either the mass membership of the party or its leadership as the source of authority in resolving conflicts. Party preselections, for example, are conducted by panels with specified representation from both the branches and the central bodies of the party. More generally, as was shown in Section 3 of this paper, the constitution draws lines between the parliamentary and extra-parliamentary wings of the Party. Thus the State Council is charged with producing the Party's platform; however, the parliamentary party decides to what extent it will implement planks of the platform in its parliamentary work. Many of the Party's constitutional provisions attempt to balance the competing authorities of the leadership and the mass membership.

v) Constitutions as weapons in inter-party competition

Parties do not exist in a vacuum. They compete with each other and the terms and nature of that competition provide an imperative for constitutional design. Party constitutions can be seen in part as attempts to gain advantages and minimise disadvantages in that competition. One level of the competition is the contest over ideas. Earlier in this paper, we discussed the ways in which constitutions are used to claim ideological and policy ground against opponents. The constitutional objectives of the Greens and the Australian Democrats, for example, set out their rival claims to be parties of the new politics of peace and ecology. Similarly, the constitutional objectives of Australians Against Further Immigration and One Nation represent attempts to claim the ground of Australian national identity.

The imperatives of the electoral contest are also evident in the membership rules of party constitutions. Parties are generally suspicious of rival organisations that might divide the electoral loyalties of their members. Most constitutions preclude party members from belonging to rival organisations, aiding rivals in elections, or standing against the endorsed candidates of the party. The penalties for breaches of this kind are generally expulsion from the party. The deeper threat evident in these membership rules and penalties is that to the very existence of the party itself. If members of rival organisations are able to join a party in sufficient numbers, they may be able to take it over, subvert its goals, or destroy it from within.

The demands of electoral contests also mark the sections of party constitutions that allow executive bodies to override the normal participatory processes of the party. Labor Party preselection rules, for example, which allow lower house candidates to be selected by local membership ballots, can be suspended in favour of a centralised preselection if, *inter alia*, '... an endorsed candidate needs to be selected while the Party is on a campaign footing, as determined by the Administrative Committee' or 'in other urgent situations, as recommended by the Party Officers and with the leave of the Administrative Committee' (Article N.40). This rule gives considerable power to central bodies of the Party on the basis of campaign necessity.

More general overriding rules of this kind can be found among parties whose constitutions favour participatory democracy. The Greens NSW constitution, for example, acknowledges that 'for practical purposes there may be a need from time to time to make decisions between meetings of the State [Delegates] Council'. These decisions may be taken by a 'Committee of Management', which 'may exercise all such functions as may be exercised by the Delegates Council, which the Committee deems essential for the proper functioning of The Greens NSW between meetings of the Delegates Council, other than those functions that are required by this constitution to be exercised solely by the Delegates Council' (Article 7.13). These sorts of rules point to a desire by constitution writers to avoid situations in which the normal processes would disadvantage their parties against rivals.

The same point can be made about those parties that make constitutional attempts to ensure that their parliamentary representatives remain loyal and implement party policies throughout their legislative work. The fact that constitutional rules of this sort are of doubtful legal value points to their deeper symbolic and persuasive function. Having expended considerable energy and resources achieving parliamentary representation, parties want to maximise their representative strength in the legislative contest by stressing the need for party loyalty among their parliamentary representatives.

5. Conclusion

What points can be drawn from this party constitutional survey? One is that, when drawing up or revising their constitutions, party officials tend to focus on some issues and not others. Parties have far more to say in their constitutions about their general objectives and broad modes of governance than they do about electoral campaigning or the behaviour of their present or hoped for parliamentary representatives. A second point is that not all party constitutions look the same. Some are lengthy and highly detailed; others are brief and leave many facets of the party apparently unimagined, or at least undescribed. Some constitutions are professionally drafted; others are incoherent and inconsistent. There is significant diversity in the rules, procedures and institutions that particular parties choose to codify and the comprehensiveness with which they do so.

The parties show some evidence of both positive and negative 'institutional borrowing', in which founders of political parties borrow ideas from pre-existing institutional models and templates (more generally, see Hall and Taylor 1996; Peters 1999; Sajo 1993; Osiatynski 2003). Hence we see constitutions with significant similarities to each other, as well as to the widely available templates for running organisations. We also see constitutions marked by deliberate attempts to do things differently from the ways they have been done in other parties.

The constitutional variety found throughout this paper is the product of the combination of the different imperatives discussed in Section 4 above. In general, as parties become more established, those imperatives become more complex and pressing. Those parties that have contested elections in New South Wales but have failed to gain parliamentary representation typically have few concrete provisions regarding the management of the

party. Parties that have gained limited parliamentary representation in the New South Wales Parliament have significantly more detailed constitutional management arrangements. By far the most sophisticated codification of party governance is observed in the more established parties in New South Wales politics, ones that have a sustained history of significant parliamentary representation, such as the Australian Labor Party, the Liberal Party, the Greens, the Christian Democrats and the Australian Democrats. This trend suggests that party constitutions are developed incrementally and retrospectively as party organisations gain greater resources and significance. A detailed constitution containing sophisticated organisational rules is generally not established when a political party is created. Parties in their infancy tend not to look ahead to future imperatives but adopt the minimum written requirements to deal with their immediate challenges. More detailed procedures, rules and governance arrangements tend to evolve as parties mature.

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Table 1 Key Features of the Parties in 2005-06

Name	Status	Year Formed	Lower House Representatives in 2005-06 ^a	Upper House Representatives in 2005-06 ^b	Upper House Vote in 2003 ^c
Australian Labor Party	Major party; currently forms government	1891	55	18	43.5
Liberal Party	Major party; currently main Opposition party.	1945	20	4	33.3
Greens NSW	Minor party; in Parliament since 1995.	1991	0	3	8.6
Christian Democrats	Minor party; in Parliament since 1981.	1977	0	2	3.0
Australian Democrats	Minor party; in Parliament since 1981.	1977	0	1	1.6
Shooters Party	Minor party; in Parliament since 1995.	1992	0	1	2.1
One Nation	Minor party; in Parliament since 1999.	1997	0	1 ^d	1.5
Unity	Minor party; in Parliament since 1999.	1998	0	1	1.4
Human Rights Party	Minor party; in Parliament since 1999.	1997	0	1 ^e	---
Outdoor Recreation Party	Minor party; in Parliament since 1999.	1998	0	1	---
Australians Against Further Immigration	Minor party; never in Parliament.	1989	0	0	0.9
Fishing Party	Minor party; never in Parliament.	2002	0	0	1.1
Horse Riders Party	Minor party; never in Parliament.	2001	0	0	1.1
No Privatisation People's Party	Minor party; never in Parliament.	1998	0	0	0.2
Restore the Workers Rights Party	Minor party; never contested election.	2004	0	0	---

Notes

^aThe lower house has 93 directly elected representatives (Members of the Legislative Assembly). The representatives missing from the table are from the National Party (12) and Independents (6).

^bThe upper house has 42 representatives (Members of the Legislative Council). The representatives missing from the table are from the National Party (4).

^cThe most recent election prior to 2005-06 took place in March 2003. The upper house vote has been used here because it gives a better indication than the lower house vote of each party's support across the state of New South Wales. Percentages do not add to 100 because other parties and candidates not included in the study contested the 2003 election.

^dIndicates a representative who was elected for One Nation but who had parted company with the party by 2005-06.

^eOriginally elected for 'Reform the Legal System', which was later reconstituted as the Human Rights Party.

Table 2. Lengths of Party Consituitions

Party	Length (pages)
Liberal Party	210
Australian Labor Party	70
One Nation	46
Australian Democrats	31
Christian Democratic Party	28
Greens NSW	26
Outdoor Recreation Party	23
Unity	12
Shooters Party	9
No Privatisation People's Party	4
Human Rights Party	3
Restore the Workers Rights Party	3
Horse Riders Party	3
Australians Against Further Immigration	2
Fishing Party	2
<i>Mean</i>	35

Table 3. Comprehensiveness of Party Constitutions

Party	A. Objectives	B.Members	C. Basic Party Sub-Units	D. Governance
Australian Against Further Immigration	1	1	0	1 Executive Committee
Australian Democrats	1	1	2 Branches	3 State Executive; Members; State Council
Australian Labor Party	3	3	3 Branches; Affiliated Unions; Young Labor; Country Labor;	3 Annual Conference; Electorate Councils; Administrative Committee
Christian Democratic Party	1	1 Categories	3 Branches	3 State President; Management Committee; Centralised
Fishing Party	2	0	1 Branches	1 Central Committee; Leader
Greens NSW	2	2	2 Local Groups	3 Delegates Council; Committee of Management
Horse Riders	2	1	1 Branches; Affiliated Bodies	1 Management Committee; AGM
Human Rights	2	2	0	2 Executive Committee; AGM
Liberal Party	2	3	3 Branches Young Liberals Women's Council	3 State Council; State Executive
No Privatisation Peoples Party	2	2 Full; Associate	0	1 Executive Committee; Leaders
One Nation	3	3	2 Branches Regions	2 State Executive; State Conference
Outdoor Recreation Party	2	2	0	2 Board of Directors; AGM
Restore Workers Rights	2	0	1 Branches	1 State Executive; State Conference
Shooters Party	2	2	3 Branches	2 State Executive; GM
Unity	2	2	1 Branches	2 Committee of Management; General Meeting
Total	29	25	22	29

Notes

Figures in the top left hand of each cell indicate the level of detail devoted to an element of the constitution

0 = not mentioned.

1 = mention briefly, with few details.

2 = moderate level of detail.

3 = high level of detail.

Table 3. Comprehensiveness of Party Constitutions (continued)

Party	E. Policy-making	F. Preselection	G. Campaigning & Preferences	H. Behaviour of MPs
Australian Against Further Immigration	0	0	0	0
Australian Democrats	1 Policy Committee; Members Ballots	3 Candidate Assessment Committee Members	1 Campaign Manager	0
Australian Labor Party	3 Standing Policy Committees; Annual Conference	3 Branches Administrative Committee	2 Campaign Committee etc	2
Christian Democratic Party	3 Policy Advisory Working Groups State Coordinators Council	2 Management Committee	2 Campaign Standing Committee; Electorate Coordinators	0
Fishing Party	1 70% AGM	1 Central Committee	0	0
Greens NSW	2 Delegates Council Local Groups	2 Ballot Local Groups	1	2
Horse Riders	0	0	0	0
Human Rights	0	1 Executive Committee	1 Executive Committee	0
Liberal Party	3 State Council MPs	3 State Council Selection Committees	2	1
No Privatisation Peoples Party	0	0	0	0
One Nation	1 Determined by State Executive	3 Candidate Selection Committee	1 Campaign Committee; State Executive	2
Outdoor Recreation Party	1 Board of Directors	1 Board of Directors	0	
Restore Workers Rights	0	0	0	1
Shooters Party	1 State Executive	1 State Executive; General Meeting	0	0
Unity	0	0	0	0
Total	16	20	10	7

Notes

Figures in the top left hand of each cell indicate the level of detail devoted to an element of the constitution

0 = not mentioned.

1 = mention briefly, with few details.

2 = moderate level of detail.

3 = high level of detail.

Table 3. Comprehensiveness of Party Constitutions (continued)

Party	I. Finance	J. Disputes	K. Constitutional Amendment	Overall Comprehensiveness Score (columns A-K)
Australian Against Further Immigration	0	0	2 ¾ Executive Committee	5
Australian Democrats	1	1 Ombudsman	2 70% Members	16
Australian Labor Party	2	3 Administrative Committee; Review Tribunal	3 Rules Committee; Annual Conference	30
Christian Democratic Party	2	1	2 2/3 State Annual Council Meeting	20
Fishing Party	0	0	0	6
Greens NSW	1	1 Delegates Council	1 Consensus or ¾ of Delegates Council	19
Horse Riders	0	0	0	5
Human Rights	0	0	2 Majority AGM	10
Liberal Party	2	3 Disputes Panel	3 60% State Council	28
No Privatisation Peoples Party	1	1	1 Majority Special Meeting	8
One Nation	3	2	2 Majority of Members	24
Outdoor Recreation Party	2 Payments to Board	2	2 ¾ AGM, EGM	14
Restore Workers Rights	1	0	0	6
Shooters Party	1	2	1 ¾ State Conf, EGM	15
Unity	1	2	1 ¾ Members	11
Total	17	18	22	216

Notes

Figures in the top left hand of each cell indicate the level of detail devoted to a constitutional element.

0 = not mentioned.

1 = mention briefly, with few details.

2 = moderate level of detail.

3 = high level of detail.

Appendix 1. List of Constitutions

- 1.Australians Against Further Immigration Constitution
- 2.Australian Democrats (NSW) Articles of Association 1998
- 3.Australian Labor Party (NSW Branch) Rules 2005-2006
- 4.Christian Democratic Party (Fred Nile Group) Constitution and Rules 2001
- 5.The Fishing Party Constitution
6. Constitution of the Greens NSW
- 7.Horse Riders Party Constitution
- 8.Constitution of the Liberal Party of Australia New South Wales Division
- 9.No Privatisation People's Party Constitution
- 10.One Nation (NSW Political Party) State Constitution and Regulations 2003
- 11.The Outdoor Recreation Party Ltd Memorandum and Articles of Association
- 12.Peter Breen – Human Rights Party Constitution and Rules
- 13.Restore the Workers' Rights Party Constitution and Rules
- 14.The Shooters' Party Constitution 2005
- 15.Constitution of Unity Party