

THE LOCAL INDEPENDENT PARTY CONSTITUTION AND REGULATIONS

THE LOCAL INDEPENDENT PARTY

CONSTITUTION

PART I NAME

The name of the organization shall be THE LOCAL INDEPENDENT PARTY

hereinafter referred to as "*the party*"

PART II OBJECTIVES

- 1) The purpose of the party shall be to have its candidates for Local elections elected to office.
- 2) In broad terms the party will present policies that appear to have majority public support whilst adhering to the interests of the constituents.
- 3) In more specific terms the objectives shall be to have a local area where:
 - a) Family life is promoted and acknowledged as an important part of society and the interests of both young and old are adhered to in all aspects – including education, childcare and aged care.
 - b) The maintenance and provision of infrastructure (such as local roads, footpaths, sporting fields and local parks) are attended to for the benefit of the community. We believe in the importance of consultation and involvement of the community when providing and maintaining public assets.
 - c) Community development is encouraged and supported in accordance with the community's needs.
 - d) Sport and recreation, special needs programs and libraries – to name a few – are encouraged and supported.

PART III POWERS

- 1) The State Executive shall have the responsibility and power to manage the affairs of the party in New South Wales.
- 2) The State Executive shall, subject to this Constitution comprise the following:
 - 1) State Director
 - 2) State President
 - 3) State Vice President
 - 4) State Secretary
 - 5) State Treasurer
 - 6) State Membership Officer
- 3) The State Director will be appointed by the State Executive for a 2 year term and the following will apply:
 - 1) The State Executive will have power to nominate and appoint members to serve on the State Executive Committee as deemed necessary by the State President.
 - 2) A State Executive member may hold more than one position in the Party at any one time.
 - 3) Any member of the State Executive may be removed from office on the majority vote of the State Executive.
 - 4) A quorum for a State Executive shall be five members.
 - 5) The State Director on consultation with the State President will oversight the general day to day running of the Party and will administer the directives of the State Executive Committee.
- 4) The State Executive will have the following powers:
 - 1) To establish branches and support groups throughout New South Wales and provide general oversight and guidance to these party units.
 - 2) To provide, maintain and manage State Headquarters and places of meeting as required and to furnish and equip in pursuit of party objectives.
 - 3) To take such steps as are necessary to raise funds in any legal way to advance and finance party objectives (subject to clause (9) this section).
 - 4) To invest any moneys of the organization not immediately required for party objectives in a prudent manner.
 - 5) To enter into any arrangement for cooperation with a party or body of persons having objectives similar to Local Independent Party.
 - 6) To produce and furnish literature as deemed necessary to promote the objectives of the organization.
 - 7) To receive and accept donations, subscriptions or any form of property.
 - 8) To engage and dismiss all paid officers and servants of the organization and fix their remuneration and terms of employment,

- 9) To borrow money for campaign and other purposes subject to the following stringent conditions:
 - a) The amount borrowed will be secured by an enforceable legal contract binding individual members of the State Executive who approved the loan.
 - b) Borrowing can only proceed on a $\frac{3}{4}$ (75%) majority of the full Executive and a majority approval of members of a duly convened State Conference.

5) General State Executive Powers

- 1) The organisation is formed to carry out the objectives of the Party and not for the purpose of trading or securing pecuniary profit to members from transactions.
- 2) The income and property of the Party whensoever derived shall be applied solely toward promotion of the party objectives as set out in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of profit to members, provided that nothing herein contained shall prevent the payment in good faith of remuneration, whether by way of salary, honorarium or otherwise on return for any service actually rendered to or on behalf of the Party, to any officers or servants, member or persons and that State Executive's authorisation is always obtained prior to incurring any expenditure.
- 3) If upon dissolution of the Party, there remains, after satisfaction of all debts and liabilities any property, such property shall not be paid to or distributed among members, but shall be given or transferred to another body or institution having similar objectives and whose Constitution prohibits the distribution of income or property to its members. The determination of such institutions or body will be made by the State Executive or in default thereof, by application to the Federal Court of Australia for determination.
- 4) All books, records, documents, funds and property received or held by any party unit under this Constitution shall be deemed the property of the Party and under the control of the State Executive at all times.
- 5) Members of the State Executive and any authorized officer or body of the party may be indemnified out of the property of the Party against liabilities incurred by them in the execution or attempted execution of any of the powers by this Constitution provided such acts have been duly authorized by the Executive and made in good faith in pursuit of the interests and objectives of the Party.
- 6) The State Executive may from time to time prescribe rules and regulations which are to be observed by party units to protect and advance the interests of the Party.

6) Membership

1) Membership of the Party is open to any person who:

- a) Is 16 years or older, and who agrees with the objectives of the Party.
- b) Is not a member of another Australian Political Party.
- c) Who agrees to uphold and comply with the rules and Constitution of the Party
- d) Pays the prescribed annual membership fee.
- e) Agrees that membership may be revoked at any time by the State Executive on refund of the pro-rata part of the membership fee paid in advance, subject to the right to be heard and/or to make a written submission to the executive Committee.
- f) Agrees to settle disputes within the Party in accordance with the Constitution and not through legal proceedings. The Party itself retains the right to choose whether or not to take action through civil or criminal courts.

2) Specific details re membership:-

- a) Any person applying for membership must complete the prescribed form and lodge the application together with the prescribed fee with the State Secretary of the Party.
- b) The State Executive upon receipt of membership applications/or renewals will either approve or refuse such applications.
- c) Its decision to defer an application may only be extended to the next monthly meeting when a final decision will be made. The decision requires written notice to the applicant within 7 days.
- d) Membership is for a period of 12 calendar months from date of approval.
- e) A membership roll will be maintained by the State Executive and will be prima facie evidence of party membership and the date thereof.
- f) The State Membership Officer will provide branches or units with lists of members in respective areas from time to time.
- g) Members will be notified regarding end of membership period at least 30 days prior (1) that annual membership fee is now due; (2) the due date for payment of it.

3) a) The State Executive may make such rules and regulations regarding membership as it deems necessary to protect and promote Party interests and objectives.

- b) No member shall be permitted or authorised to communicate directly or indirectly, with the media concerning any Party policy matter or the internal affairs of a branch, a region or a division unless first properly authorised by the State Executive or the State Director.

c) By virtue of their position or office in the Party, the following persons will automatically have authority to communicate with the media on political issues provided such communication accord with Party policy:-

- i) State President.
- ii) State Director.
- iii) Members elected to public office.
- iv) Endorsed candidates for public office.
- v) Appointed Media Spokesperson(s).

7) Branches

- 1) Branches may be formed in accordance with the Constitution and its provisions.
- 2) A branch shall consist of not less than 10 members and may be formed in any locality with the approval of the State Executive.
- 3) An application for formation of a branch shall be on a form approved by the State Executive from time to time.
- 4) Such application will indicate names of proposed office bearers and sponsors.
- 5) The State Executive may reject or approve appointments to Branch Executive from time to time.
- 6) The main functions of a branch shall be
 - a) To promote the objects and policies of the Party
 - b) To work for the election to public office of endorsed candidates and to cooperate with other branches and the State Executive to that end.
 - c) To recruit members and to raise funds for the Party.
 - d) To report and make submissions to the State Executive in order to advance the objectives and policies of the party.
 - e) To keep members informed of meetings and policy directives affecting One Nation and its membership.
- 7) Branch Procedural Matters:
 - a) Following State Executive approval of formation of a branch, the first meeting and subsequent branch AGM's will require 21 days written notice. The AGM shall be held between 1st July and 31st August yearly.
 - b) At each AGM the Treasurer will present an audited financial statement for the year ending 30th June. A copy of this statement will be forwarded to State Executive within 14 days.
 - c) Notice in writing of Branch AGM's shall be forwarded to the State Director.
 - d) Following the AGM, the Branch Secretary shall, within 14 days, send a copy of all branch officers with names, addresses, and phone numbers for State Executive approval.
 - e) A quorum at a Branch meeting shall be 6 financial members.
 - f) If meeting fails to attract a quorum business will be deferred to a subsequent meeting. If a quorum fails after three consecutive meetings the Secretary must notify the State Director of the situation.

- g) A special branch meeting may be called:
 - 1.1 On written and signed request by 6 Branch members
 - 1.2 The President and Secretary shall call the meeting within 14 days.
 - 1.3 7 days notice of meeting must be given members.
 - 1.4 Notice of meeting must specify the reason for such meeting.
 - h) A special branch meeting may be called at the request of the State Executive subject to Conditions specified in (g) above.
- 8) The Branch Executive shall consist of:
- a) President
 - b) Vice President
 - c) Secretary
 - d) Treasurer

All of the above office bearers shall be financial members and the Branch Executive will have power to appoint additional members subject to consultation with the State Director.

- 9) The election of Branch Executive Officers shall take place in the following manner:
- a) Any financial member of One Nation shall be at liberty to propose another financial member of that respective Branch to serve on the Branch Executive provided the nomination is seconded by another financial Branch member.
 - b) The nomination, including absentee nominations, shall be in writing and signed by the member and the member's proposer and seconder. The nomination will be lodged with the Branch Secretary before the AGM at which the election is to take place.
 - c) Nominations may be taken from the floor of the meeting for office bearers.
 - d) A majority decision of members attending may decide to accept absentee nominations from the floor.
 - e) Removal of an officer shall be determined by a majority vote of members present at a general meeting.
 - f) Subject to this Constitution and the right of the State Executive to prescribe rules and regulations binding on branches from time to time, each Branch shall have the conduct and management of its own affairs.
 - g) In all branch matters under dispute the State Executive's decision will be final.
 - h) In the event of a majority decision by branch membership to close a branch at a properly convened general meeting – all assets including bank balances must be forwarded to the State Executive.

8) Support Groups

- 1) Any groups of 5 adults or more wishing to support The Party on a continuing basis may apply for formal recognition to the State Executive.
 - a) The State Director or authorised member of the State Executive may negotiate with one or more members of a proposed group in order to appoint a meeting Convenor to oversight the affairs of the group.
 - b) The term of appointment of the Convenor will be indefinite but subject to termination by the State Director from time to time.
 - c) All party membership fees will be paid to ON State Office otherwise the support group will manage its own finances and affairs in support of the aims and objectives of the Party.
 - d) Proper records of financial transactions must be kept and be subject to audit in order to comply with the Electoral Act.
 - e) In the event of closure of the support group all assets and funds must be transferred to the State Executive.
 - f) The closure of a support group will be determined by the State Director in consultation with group members.
 - g) When a support group has 15 or more members and meets regularly it may become a formal branch of the Party at the discretion of the State Director.

9) Regulations

- a) The regulations prescribe the procedures for implementing the principles in the Constitution.
- b) The regulations may be prescribed, repeated, added to or amended by Party ballot at a State Conference or AGM or, by majority vote of the State Executive without the requirement to amend this Constitution.

10) Amendment of the Constitution

- a) This Constitution may be repealed, added to or amended by:
 - i) a State Conference or AGM which may be convened by the State Executive at any time.
 - ii) by a 75% majority of duly authorised delegates at the Conference subject to (2) subsection.

11) Before convening a State Conference to consider changes to the Constitution:

- a) The State Executive may appoint a Review Committee to examine the Constitution and call for submissions from members and party units to submit proposed amendments.

- b) Any proposed amendment to the Constitution must be submitted in writing 60 days before the Conference to the State Executive Review Committee. This Committee will circulate proposed amendments to delegates at least 14 days before the Conference.
- c) Successful amendments to the Constitution will take effect from the date of the Conference or at such date as determined by the State Conference.

12) General Priorities:

- i) All books, records, documents, funds and property received or held by any party unit under this Constitution shall be deemed the property of the Party and under the control of the State Executive at all times.
- ii) The Treasurer of each Party unit or person undertaking administrative responsibilities shall submit an annual return to the State Director to comply with Electoral Act requirements. The return shall be for the previous financial year 1st July – 30th June. It shall be submitted before 1st September in respect of that previous financial year now completed.
- iii) The State Executive is entitled to receive from party units such information as may be required by the Party to meet its obligations under the relevant State and Federal Electoral Acts and/or for any other reason deemed necessary by the Executive from time to time.
- iv) No branch or Party unit may distribute funds or party property to:
 - (a) Any member of the party
 - (b) Any other body, organization or person except on the written authority of the State Executive.
- v) All funds of the Party shall be held in the name of the Party together with any other nominated A/C title clearly stated on all A/CS with banks and other recognized financial institutions. There shall be at least 2 signatures for withdrawal transactions with financial institutions.
- vi) Where a branch is failing to hold meetings or intending to close, the State Director in consultation with the remaining members of that branch will determine how branch assets, funds etc. are to be dealt with in accordance with the requirements of this Constitution
- vii) Except where legal rights are specifically reserved for the State Executive under this (a) Constitution – everything done with it, arrangements made, agreements or business entered into, will not bring about any legal relationship, rights, duties, or outcome to be enforceable by law, or be the subject of legal proceedings. Instead, all arrangements are binding only in honour. (b) All disputes within the Party, or between members that relate to Party matters are to be resolved; by the Executive, in accordance with the Constitution and not through legal proceedings. (c) By joining the Party, and remaining members, all members of the Party consent to being bound by this rule.

13) Auditors

- a) The State Executive shall appoint an auditor.
- b) Unless otherwise determined, the financial year will be from 1st July to 30th June for all annual returns
- c) The State Executive may from time to time prescribe procedures for the manner and method of Party fund distribution to Party units.

14) Candidates:

- a) Candidates must nominate by completing and signing an application form for candidates. Endorsement is approved by the State Executive from time to time.
- b) Candidates must have been a member of the Party for 6 months prior to endorsement unless this provision is set aside by the State Executive.
- c) Candidate nomination applications may be subject to a pre-selection ballot as determined by the State Executive.
- d) All financial members within the Electorate are entitled to vote at the pre-selection ballot.
- e) Where a branch does not exist within an electorate the Executive Committee may nominate a candidate.
- f) The State Executive will determine rules regarding pre-selection ballots.
- g) The State Executive will confirm acceptance of a candidate by writing within 7 days of endorsement.
- h) The State Executive may withdraw endorsement of a candidate where it is deemed necessary for the interest of the Party.
- i) Candidates shall sign a written undertaking that they will support and advocate party policies in public.
- j) Candidates will adhere to the distribution of preferences to other parties as determined by the State Executive.
- k) Candidates are not authorised to commit the Party to any expense associated with Electoral Campaigns without the written approval of the State Executive.