

Civil Liberties, Consumer Rights, No-Tolls Party

CONSTITUTION

Effective from 20th June, 2017

1. NAME

The name of the party is the “Civil Liberties, Consumer Rights, No-Tolls” party, (previously known as “No-Tolls.org”, “No Tolls, No Sell Offs”, and “Consumer Rights & No-Tolls”), hereafter termed “the Party”.

2. OBJECTIVES

The objectives of the Party are :

- a) to endorse and promote the election of Party candidates to the Queensland Legislative Assembly, and other State and Territory Parliaments, and the Senate and House of Representatives in the Australian Federal Parliament.
- b) to introduce a bill to parliament to abolish tolls on all public roads in Queensland, and Australia, and to keep Australian roads in public ownership, and to implement other policies of the party, including keeping electricity generation, water supply, and other essential services and public assets in state ownership.

3. FOUNDING OF THE PARTY

In the exceptional circumstance of the initial founding and establishment of the Party, Founding Members as defined under Rule 4.1 may appoint an interim Executive Committee which is to function with all the powers of an elected Executive Committee until such time as a formal election is held. The date for these elections shall be not less than one (1) month and not more than sixty (60) months after the registration of the Party with the relevant electoral commissions in all Australian States and Territories including the Electoral Commission of Qld and the Australian Electoral Commission. Until such time as an interim Executive Committee is appointed, the Party Secretary shall conduct all the business of the Party with all the powers of an elected Executive Committee, including the adoption of this Constitution and implementation of its Rules as of 25th October 2016.

4. TYPES OF MEMBERS

The membership of the Party shall consist of Founding Members, Supporting Members, and Ordinary Members.

4.1 Founding Members

Founding Members are members of the party whose application for membership was received and approved by the founder of the Party, Jeffrey Dale Hodges, prior to successful registration of the Party.

Founding Members are life members and have no voting rights at General Meetings and Annual General Meetings. Founding Members can become Supporting Members and / or Ordinary Members.

4.2 Supporting Members

Supporting members are members who have joined the Party, either before or after the successful registration of the Party, and who pay an annual Supporting membership fee to support the Party. Supporting members have no voting rights at General Meetings and Annual General Meetings. Supporting Members can become Ordinary Members.

4.3 Ordinary Members

Ordinary members are members who join either before or after the successful registration of the Party, and who pay an annual Ordinary membership fee, and who have been successfully admitted to Ordinary membership of the Party by the Executive Committee, or who have been deemed Ordinary members by the Secretary. Financial Ordinary members have voting rights at General Meetings and Annual General Meetings.

5. MEMBERSHIP

5.1 Application for Party Membership

An application for party membership must be

- (a) in writing, and signed by the applicant; or
- (b) an internet application, as per online form on the Party website; or
- (c) otherwise be in the form decided by the Executive Committee or Party Secretary

When a member signs the application form, or internet application, it is understood that they agree with the policies and mission of the Party, and agree to be bound by the rules of the Party, as outlined in this Constitution. In the exceptional circumstance of the initial founding of the Party, applicants joining either by written membership form or online through the website application form, are automatically accepted and deemed as Founding Members of the Party.

5.2 Admission and Rejection of Party Members

- (a) The Executive Committee must consider an application for membership at the next meeting of the Party when it receives :
 - (i) the membership application, and
 - (ii) the appropriate membership fee, if applicable
- (b) Admission to membership (financial or non-financial) shall be by the election of the Executive Committee, or upon appeal, by the members. At the Party meeting next following the receipt of the membership application and payment or tender to the Secretary of the annual subscription for the current financial year as provided by this Constitution (if applicable) the Executive Committee shall consider the application of each applicant and shall elect or reject him or her as a Founding, Supporting or Ordinary member.
- (c) Any applicant who received a majority of votes of the Executive Committee members present at the meeting at which his or her application for membership is being considered shall be elected by the Chairman as a Founding, Supporting or Ordinary member.
- (d) The Executive Committee has absolute discretion to refuse membership applications of applicants who are deemed unsuitable for the Party and furthermore has no obligations under the Party rules to disclose the reasons for that decision.

- (e) The Party Secretary must, as soon as practicable after the Executive Committee decides to accept or reject an application, give the applicant written notification of the decision.
- (f) The Party Secretary shall renew the membership of all Foundation Members on the 1st July each year unless written notification is received from the member cancelling their membership, and they shall be deemed current and active Founding members of the Party.
- (g) With the adoption of ‘Consumer Rights & No-Tolls’ as the Party name on 12th March 2015, all members of the Party who joined under the names of ‘No-Tolls.org Party’, or ‘No Tolls, No Sell-Offs Party’ were automatically re-registered on that date with the Party, and deemed to be current and active Founding members of the Party as of that date, unless written cancellation of membership was received by the Secretary notifying such cancellation.

5.3 Appeal Against Rejection or Termination of Membership

- (a) A person whose application for membership has been rejected, or whose membership has been terminated, may give the Secretary written notice of their intention to appeal against the decision.
- (b) A notice of intention to appeal must be provided to the Secretary within one (1) month after the person receives written notice of rejection or termination of membership.
- (c) If the Secretary receives a written notice of intention to appeal, the Secretary must, within three (3) months, after the date of receipt, call a General Meeting to decide the outcome of the appeal.
- (d) At the meeting, the applicant must be given a full and fair opportunity verbally or in writing, or partly by either of these means, to show why the application should not be rejected or the membership should not be terminated.
- (e) Also, the Executive Committee and the committee members who rejected the application or terminated the membership, must be given an opportunity to show why the application should be rejected or the membership terminated.
- (f) An appeal must be decided by a vote of the financial Ordinary members present at the meeting.
- (g) If a person whose application has been rejected does not appeal against the decision within one (1) month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the Secretary must, as soon as practicable refund any application fee, or applicable part thereof, paid by the person.

5.4 Membership Requirements

Each applicant must :

- (a) Have agreed to the terms and conditions of membership, and the stated policies of the Party, by signing a membership application form or demonstrating this by completing the online application form. By completing the membership application online, the member attests that they are eligible for membership and agree to the Party’s published policies and procedures, and these Rules.
- (b) Not have been convicted of a disqualifying electoral offence within 10 years before the date of application for Party membership, and not continue as a member of the Party if the person is convicted of a disqualifying electoral offence.

6. MEMBERSHIP FEES

An annual membership fee can be imposed on all Supporting and Ordinary members. No membership fee is payable by Founding members. The membership fee for each financial year :

- (a) Will ensure the member is deemed as a financial member
- (b) Is at the discretion of the Executive Committee, and is the amount decided by the Executive Committee from time to time at a General Meeting.
- (c) Is due and payable in advance on the first day of January in every year after which no resignation, termination or forfeiture of membership exempts a member from payment of the current year's subscription
- (d) If deemed beneficial and appropriate to do so, an individual's membership fee may be waived by the Executive Committee or Party Secretary.

7. REGISTRATION OF MEMBERSHIP

7.1 Register of Members

The Secretary shall maintain an accurate and up-to-date register of Members, which will include the following :

- (a) Name and residential address of the Member
- (b) Date of admission as a Member, and date of termination of membership
- (c) The type of membership and financial status of the Member as being financial or non-financial
- (d) Any other particulars the Executive Committee or Secretary may decide as relevant.

7.2 National Privacy Principles

The Party recognizes the importance of confidentiality of Members' personal information and will abide by National Privacy Principles. The Party will :

- (a) Only collect personal information necessary for the Party's functions and activities, and will ensure that all Member details are not disclosed to, or accessed by, unauthorized persons.
- (b) Provide Member information to an entity (eg AEC) when we are required to by law.
- (c) Allow a Member to access his or her personal information held by the Party if requested to do so in writing by the Member.

8. CESSATION OF MEMBERSHIP

8.1 Resignation

- (a) A member may resign from the Party by giving written notice of resignation to the Secretary

(b) The resignation takes effect on the date and time the notice is received by the Secretary

8.2 Cessation

The Executive Committee will terminate a Member's membership :

- (a) If the member is convicted of a disqualifying offence
- (b) Upon notification of the death of the Member
- (c) If the Member does not comply with any of the provisions of these Rules
- (d) Has membership fees in arrears for at least three (3) months.

8.3 Expulsion

- (a) The Executive Committee or any twenty (20) Ordinary Members of the Party may notify the Secretary in writing that they are of the view that a Member has engaged in conduct which is injurious to the character or the interests of the Party or its Members, or has not behaved in a manner befitting a Member of the Party.
- (b) Within thirty (30) days of receiving such a notice, the Secretary shall call a meeting of the Executive Committee to consider the conduct of the Member, and invite the Member to attend the meeting to have an opportunity to defend the allegations.
- (c) If the Executive Committee is not satisfied by the explanation, the Member shall be expelled from the Party as of that date.

8.4 Consequences of Cessation

Any person who ceases to be a Member of the Party under Rules 8.1, 8.2 or 8.3 shall forfeit all rights and claims against the Party and its property or fund which he or she would have had, by reason of his or her membership.

9. GENERAL MEETINGS

9.1 First General Meeting

- (a) The First General Meeting must be held not less than one (1) month and not more than sixty (60) months after the Party is officially registered with the relevant electoral commissions in all Australian States and Territories.
- (b) The Party Secretary in consultation with the Founding Members shall determine the exact date and location of the meeting.
- (c) The business to be conducted at the First General Meeting must include the appointment of Office holders, and a vote to accept this Constitution.

9.2 First Annual General Meeting

- (a) The First Annual General Meeting must be held within sixty months after the day the Party officially registered with the relevant electoral commissions in all Australian States and Territories.

9.3 Subsequent Annual General Meetings

Each subsequent Annual General Meeting must be held by 31st December each year.

9.4 General Meetings

The order of business at a General Meeting shall be as follows :

1. Short prayer of Thanksgiving and request for God's guidance and blessing on the Meeting
2. Reading of the minutes of the last General Meeting, and business arising from those minutes.
3. Reading of correspondence and any business arising from it
4. Business for which notice has been given
5. Secretary's report and business arising from it
6. Treasurer's report and business arising from it
7. General business
8. Address from the leader of the Party
9. Closing prayer.

9.5 Special General Meetings

The Executive Committee or Secretary may call a Special General Meeting, providing at least fourteen (14) days' notice is given to all financial Ordinary members of such meeting.

10. NOTICE OF MEETINGS

10.1 Posting of Notice

- (a) The Executive Committee or Secretary may post a notice calling a General or Special General Meeting, and such notice shall be in writing via email or general post to all financial Ordinary members.
- (b) The notice shall set out the objectives for which the meeting is called and state the business to be conducted at the meeting.
- (c) The notice shall be posted at least fourteen (14) days' prior to the meeting.

11. VOTING AT GENERAL MEETINGS

All current financial Ordinary Members of the Party shall be eligible to vote at any General Meeting and or Annual General Meeting of the Party, and each financial Ordinary Member shall have one vote.

12. MANAGEMENT OF THE PARTY

The affairs of the Party shall be managed by the Executive Committee.

12.1 Functions of the Executive Committee

Subject to the Rules of this Constitution or a resolution of the Party carried at any Annual General meeting or General Meeting, and in addition to any other powers vested in the Executive under the Rules of this Constitution, the Executive Committee shall be authorized as to :

- (a) The general control and management of the administration of the affairs, property and funds of the Party.
- (b) Authority to interpret the meaning of these Rules and any matter relating to the Party on which these Rules are silent.
- (c) To make by-laws for giving effect to the Rules of the Party, and to alter, amend or rescind such by-laws as required.
- (d) Subject to these Rules, to perform all acts, deeds and things as the Executive Committee considers necessary for the management and to achieve the objectives of the Party.
- (e) To control all funds of the Party
- (f) To acquire and dispose of property, to use funds and to enter into contracts on behalf of the Party
- (g) To nominate and endorse candidates for election to the Houses of Parliament in all States and Territories in Australia, and to the Federal House of Representatives and the Senate of Australia.

13. ELECTION OF OFFICE HOLDERS

13.1 Officers

The following shall be the Officers of the Party and shall constitute the Executive Committee:

- (a) The Party Leader
- (b) The Deputy Party Leader
- (c) The President / Chairperson
- (d) The Secretary
- (e) The Treasurer

13.2 Officer Holders

- (a) There shall be a minimum of three (3) office holders of the Party
- (b) Office Holders must be financial Ordinary Members of the Party and elected in accordance with Rule 13.3
- (c) Executive Committee members may hold more than one Executive position.
- (d) At each Annual General Meeting of the Party, the members of the Executive Committee must retire from Office, but are eligible, on nomination, for re-election.

13.3 Election of Officer Holders

Office holders shall be elected according to the following procedure:

Any financial Ordinary Member of the Party may nominate themselves or another financial Ordinary Member, (the candidate) to serve as a member of the Executive Committee.

- (a) All nominations must be in writing, signed by the candidate, and received by the Party Secretary at least seven (7) day prior to the Annual General Meeting at which the elections are to be held.
- (b) Nominations shall be announced by the Chairperson prior to the start of the Annual General Meeting and shall be read again by the Chairperson prior to elections being held.
- (c) Each financial Ordinary Member present may vote for any number of candidates but not more than the number of vacancies.
- (d) If an Office is uncontested, the sole nominee for that Office, or the previous Officer bearer, shall be appointed to that Office, and there will be no election for that Office.
- (e) Absentee votes will be accepted provided they are received by the Party Secretary at least seven (7) days prior to the Annual General Meeting at which the elections are scheduled to be held.
- (f) Election shall be by simple majority of the eligible votes of financial Ordinary Members of the Party for each nominated Office. The President / Chairperson shall have a casting vote in the event of a tie.

13.4 Appointment of Officer Holders in the Exceptional Circumstances of the Founding of the Party.

- (a) In the exceptional circumstance which is the initial founding and establishment of the Party, Founding Ordinary Members as defined under Rule 4.1 may appoint interim members of the Executive Committee which is to function with all the powers of an elected Executive Committee, until such time as a formal election is held, as at Rule 13.3. The date for these elections shall not less than one (1) month and not be more than sixty (60) months after the successful registration of the Party with the relevant electoral commissions in all Australian States and Territories. Until such time as an interim Executive Committee is appointed, the Party Secretary shall conduct all the business of the Party with all the powers of an elected Executive Committee.

13.5 Cessation of Officer

An Office Holder shall cease to hold office :

- (a) At the end of the next Annual General Meeting of the Party when new elections have been concluded.
- (b) Upon ceasing to be an Ordinary Member of the Party
- (c) Upon a resolution under Rule 13.6 or 13.7

13.6 Resignation or Removal from Office of and Executive Committee Member

- (a) An Executive Committee member may resign from the committee by giving written notice of resignation to the Secretary. The resignation takes effect as of the date of receipt by the Party Secretary.
- (b) A member may be removed from Office at a General Meeting of the Party if a majority of financial Ordinary members present at the meeting vote in favour of removing the office holder. Before such a vote is taken, the Office Holder must be given a full and fair opportunity to show cause as to why he or she should not be removed from Office.

- (c) An Office Holder has no right of appeal against their removal from Office once the vote is decided at the General Meeting of the Party.

13.7 Roles of Office Holders of the Executive Committee

The following are the roles and duties of the Office Holders of the Party :

- (a) President / Chairperson. They shall be a financial Ordinary Member, and they shall chair all General Meetings and Executive Committee meetings, (or nominate another member of the Executive Committee to do so), to ensure orderly conduct of meetings in line with this Constitution and other by-laws of the Party. They shall have a casting vote.
- (b) Party Leader. They shall be a financial Ordinary Member, and they shall provide operational and political leadership to the Party and to act as the public spokesperson for the Party.
- (c) Deputy Party Leader. They shall be a financial Ordinary Member, and they shall assist the Party Leader in providing operational and political leadership to the Party and to act on behalf of the Party Leader as required.
- (d) The Secretary. They shall be a financial Ordinary Member, and they shall reside in Queensland, and they shall undertake all the duties under the Electoral Act of Party Secretary, including the taking of minutes of the Party at General and Annual General Meetings.
- (e) The Treasurer. They shall be a financial Ordinary Member, and they shall ensure that proper records of the financial affairs and conduct of the Party are kept and all related financial regulatory and reporting obligations of the Party are complied with and report on same to General Meetings and Executive Committee meetings of the Party on a regular basis.

14. EXECUTIVE COMMITTEE MEETINGS

- (a) The Executive Committee shall meet not less than once in any three (3) month period during the year, and the President/Chairperson or the Party Leader may at any time convene a meeting of the Executive Committee.
- (b) The Secretary shall give each member of the Executive Committee at least seven (7) days verbal and or written notice of each Executive Committee meeting.
- (c) A quorum of any Executive Committee meeting shall be three (3) members of the Executive Committee, and subject to these Rules, the procedure and order of business at Executive Committee meetings shall be determined by the members of the Executive present at the meeting.
- (d) Each member of the Executive Committee has one deliberative vote. A question arising at an Executive Committee meeting shall be decided by a majority of votes, and if there is an equality of votes, the Chairperson shall have a casting vote in addition to his or her deliberative vote.

15. MINTUES OF PARTY MEETINGS

15.1 Recording of Minutes

The Secretary shall ensure that full and accurate minutes of all questions, matters, resolutions and other proceedings of each Executive Committee Meeting and General Meeting and Annual General Meeting are entered into minute book within seven (7) days of the meet, and these minutes shall be available at all reasonable times for all financial Ordinary members to inspect.

15.2 Confirmation of Minutes

The minutes of each Executive Committee meeting, General Meeting and Annual General Meeting must be signed by the Chairman of the meeting and witnessed by one other financial Ordinary Member present at the meeting, verifying their accuracy.

15.3 Evidence

When minutes have been entered and signed as correct under this Rule, they shall until contrary evidence is provided, be evidence that :

- (a) The meeting to which they relate was duly convened
- (b) All proceedings recorded as having taken place at that meeting did in fact take place thereat and
- (c) All appointments or elections purporting to have been made at the meeting have been validly made.

16. ENDORSEMENT AND FUNDING OF CANDIDATES

- (a) There shall be endorsed candidates to contest each state and federal electorate, and for the Senate, in each state or Territory, as determined by the Executive Committee, for election to State and Federal Parliaments and the Senate.
- (b) The Secretary shall call for nominations to be a Candidate from financial Ordinary members and financial Supporting members, and will give sufficient time for nominations to be received, with consideration given to election timeframes.
- (c) Nominations will be accepted and considered by the Executive Committee, and a Candidate accepted or rejected by a majority vote of the Executive Committee at the next scheduled meeting of the Executive Committee.
- (d) The pre-selection ballot must satisfy the general principles of free and democratic elections, as per section 76(1)(f) Electoral Act 1992. The decision of the Executive Committee re Candidates is final and there is no appeal, nor is the Executive Committee required to disclose publicly its reasons for acceptance or rejection of an applicant
- (e) To confirm party endorsement, all candidates must sign a Party Candidacy Agreement which stipulates a code of conduct and agreement with the policies and values of the party.
- (f) Endorsed candidates shall fund their own campaigns, and any expenses, debts, insurances, or other encumbrances incurred are entirely the responsibility of the candidate, and the party has no liability in respect of any such expenses, debts, insurances or other encumbrances, and endorsed candidates shall not use the party name to enter into any financial, legal or other agreements without written authorization from the party Executive.
- (g) All financial, material and labour expenditures made by endorsed candidates are at their own risk and discretion, and no refunds or re-imburement of such expenditures shall be made by the party or the founder Jeffrey Dale Hodges for any reason, unless approved by the party Executive.
- (h) Candidates may withdraw their candidacy by advising same in writing to the party Secretary.

- (i) A candidate may have his or her candidacy cancelled by the party executive, if it has been clearly found that the candidate has committed a serious criminal offence, or acted in a manner that would bring the party into disrepute, or if they make repeated public statements contrary to the stated policies of the party.
- (j) In the event of a candidate withdrawing their candidacy, or having their candidacy cancelled, no payment or refund of any financial, material and or labour expenditures made by previously endorsed candidates will be made by the party or by the party founder Jeffrey Dale Hodges, and there will be no liability to either the party or the party founder Jeffrey Dale Hodges, for any such expenditures made by previously endorsed candidates.
- (k) In the exceptional circumstances of the founding of the party, and until such time as an executive committee is elected, the Party Secretary and founder Jeffrey Dale Hodges has all the powers of an elected Executive Committee to endorse candidates, and cancel such endorsement, and such decisions are final, and no further debate or discussion about the matter will be entered into.

17. FINANCE

- (a) The funds of the Party must be kept in an account in the name of the Party in a financial institution decided by the Executive Committee.
- (b) Records and account must be kept in the English language showing full and accurate particulars of the financial affairs of the Party
- (c) Private financial donations and contributions to the party, or to office bearers or representatives of the Party are prohibited. All funding of the party is to be provided by membership fees, sales of Party publications or products (eg bumper stickers), and payments to the party from government election funding. In the extraordinary circumstance of the founding of the Party, costs associated with the establishment of the Party and electoral registration process will be borne by the founder Jeffrey Dale Hodges, who will be later re-imbursed for such costs incurred from Party funds.
- (d) All funds received must be deposited in the financial institution account as soon as practicable after receipt.
- (e) All cheques and receipts for money paid to the Party, must be signed, drawn, accepted, endorsed, or otherwise executed as the case may be by the Treasurer, or the President, or the Secretary, or two other members of the Executive Committee.
- (f) All expenditure exceeding \$250.00 must be approved or ratified at an Executive Committee meeting.
- (g) The Treasurer shall keep proper books of account dealing with the property, receipts and expenditures of the Party and must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared :
 - (1) The income and expenditure for the financial year just ended
 - (2) The Party's assets and liabilities at the close of the financial year
 - (3) The mortgages, charges and securities affecting the property of the Party at the close of the financial year.

- (h) The Treasurer must present a report about the financial statement to the Secretary before the next Annual General Meeting following the financial year for which the financial report was made.
- (i) The income and property of the Party must be used solely in promoting the Party's objectives and for the administration of the Party.
- (j) If on the winding up of the Party, any property of the Party remains after satisfaction of the debts and liabilities of the Party, and the costs, charges, and expenses of the winding up, that property shall be distributed as determined by Jeffrey Dale Hodges the Party founder, or in the event of his death by other founding members Benjamin Kevan Hodges, Elena Lymbery, and Genavive St Clair in accordance with his wishes.

18. DOCUMENTS

The Executive Committee must ensure the safe custody of books, documents, instruments of title and securities of the Party.

19. PUBLICATIONS

- (a) The Party may produce newsletters and other publications, and products such as bumper stickers, T-shirts, advertising space, etc. and sell these for profit.
- (b) The objectives of these publications and products shall be to express the views and policies of the Party to the Members and the wider community, and to raise funds for the Party.

20. DISPUTE RESOLUTION AND MATTERS NOT DEALT WITH IN THIS CONSTITUTION

- (a) When considering any matter or situation not specifically addressed by this Constitution, the Executive Committee shall deal with the matter in a manner consistent with the spirit of this Constitution and with the objectives of the Party set out in Rule 2, and with existing Party policies.
- (b) Any member with a dispute relating to party membership, finances of the party, endorsement of candidates, or any other matter determined justifiable by either the Executive Committee or by a majority of members at a General Meeting shall have the right to have the matter heard before a Disputes Committee which will comprise two Executive Committee members and one other Ordinary Member nominated to act in this role at the General Meeting where the dispute was raised.
- (c) The Disputes Committee must hear the case within three (3) months of being raised, and make a decision regarding the matter and report back to the next General Meeting after the case was heard. The decision of the Disputes Committee is final, and no further debate or discussion about the matter will be entered into.
- (d) In the exceptional circumstances of the founding of the party, and until such time as an executive committee is elected, the Party Secretary and founder Jeffrey Dale Hodges has all the powers of an elected Executive Committee to resolve disputes within the party, and such decisions are final, and no further debate or discussion about the matter will be entered into.

21. ALTERATION OF THE CONSITITUTION

- (a) The Party may alter or rescind the Rules of this Constitution or make additional Rules for inclusion, by special resolution of financial Ordinary Members of the Party at a General Meeting or Special General Meeting called for this purpose.
- (b) The Executive Committee can alter, or rescind, or make additional rules for inclusion to the Rules of this Constitution, including change of Party name at a meeting of the Executive Committee.
- (c) In the exceptional circumstances of the founding of the party, and until such time as an executive committee is elected, the Party Secretary and founder Jeffrey Dale Hodges has all the powers of an elected Executive Committee to alter, or rescind, or make additional rules for inclusion to the Rules of this Constitution, including change of Party name.