Constitution

Lake Mac Independents

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Part 1 Preliminary

1 Definitions

(1) In this constitution:

committee member means a member of the committee, who is also an office-bearer of the association.

secretary means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no person holds that office the public officer/registered officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

NSWEC means the New South Wales Electoral Commission.

Party Objects

The main object of the Lake Mac Independents is the endorsement of independent candidates at local government elections in New South Wales. A further key object is to have elected representation, with continued like-minded Judeo-Christian values and worldviews, at local government level.

Part 2 Membership

2 Membership generally

- (1) A person is eligible to be a member of the association if:
- (a) the person is a natural person, and
- (b) the person has applied and been approved for membership of the association in accordance with clause 3.
- (2) A person is taken to be a member of the association if:
- (a) the person is a natural person, and
- (b) the person was:
- (i) in the case of an unincorporated body that is registered as the association a member of that unincorporated body immediately before the registration of the association, or
- (ii) in the case of an association that is amalgamated to form the relevant association a member of that other association immediately before the amalgamation, or
- (iii) in the case of a registrable corporation that is registered as an association a member of the registrable corporation immediately before that entity was registered as an association.
- (3) A person is taken to be a member of the association if the person completes a party membership declaration form and it is accepted by the office-bearing committee members.

3 Application for membership

- (1) An application by a person for membership of the association:
- must be made in writing (including by email or other electronic means, if the committee so determines) in the form determined by the committee, and
- (b) must be provided (including by electronic means, if the committee so determines) to the secretary of the association.
- (2) As soon as practicable after receiving an application for membership, the secretary must refer the application to the committee, which is to determine whether to accept or reject the application.
- (3) As soon as practicable after the committee makes that determination, the secretary should:
- (a) notify the applicant verbally or in writing (including by email or other electronic means, if the committee so determines) if the committee rejected the application, otherwise applicants are deemed accepted and

- (b) if the committee did not reject the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee and/or annual subscription, if these are charged.
- (4) A member must opt-in for communications from the association by emailing the secretary after their membership is approved.

4 Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership in writing, or
- (c) is expelled from the association by a majority vote of the office-bearing committee members.

5 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6 Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least 1 month (or any other period that the committee may determine for that resignation) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Register of members

- (1) The secretary should establish where convenient and maintain a register of members of the association (whether in written or electronic form or with the NSWEC), with a minimum of 100 members, specifying the name and address of each person who is a member of the association.
- (2) Preferably, the register of members would be kept in New South Wales:
- (a) at the main premises of the association, or
- (b) if the association has no premises, at the association's official address or online or on an electronic device.
- (3) The register of members must be open for inspection, free of charge, by any member of the association at any reasonable hour, unless the committee members do not allow it.
- (4) A member of the association may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (5) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection, that information ideally should not be made available for inspection.
- (6) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
- (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or

- (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (7) If the register of members is kept in electronic form:
- (a) it must be convertible into hard copy where cost effective and reasonable, and
- (b) the requirements in subclauses (2) and (3) apply as if a reference to the register of members is a reference to a hard or soft copy of the register of members.
 - (8) A member can be a member of other political parties.

8 Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$0 or \$1, if some other amount is determined by the committee, that other amount, or \$0 if no fee is set.
- (2) In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association an annual membership fee of \$0 or higher (if annual fees are introduced), if some other amount is determined by the committee, that other amount:
- (a) except as provided by paragraph (b), before the first day of the financial year of the association in each calendar year, or
- (b) if the member becomes a member on or after the first day of the financial year of the association in any calendar year—on becoming a member and before the first day of the financial year of the association in each succeeding calendar year.

9 Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 8. If no membership fee is payable then no liability exists for any members or anyone involved with this entity in any capacity.

10 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be resolved between the parties and committee.
- (2) If a dispute is not resolved by the parties, then mediation or referral to a Community Justice Centre is suggested as a possible, practical solution.

11 Disciplining of members

- (1) A complaint may be made to the committee if any person that is a member of the association:
- (a) has refused or neglected to comply with a provision or provisions of this constitution, or
- (b) has acted in a manner prejudicial to the interests of the party.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
- (a) must cause notice of the complaint to be served on the member concerned, and
- (b) must give the member at least 5 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
- (c) must take into consideration any submissions made by the member in connection with the complaint.

- (4) The committee may, by resolution, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the president must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
- (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
- (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12,

whichever is the later.

12 Right of appeal of disciplined member

- (1) A member may appeal to the association against a resolution of the office-bearing committee under clause 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary and president a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee, which is to convene an office-bearing committee meeting of the association to be held within 7 days.
- (4) At a general or committee meeting convened under subclause (3):
- no business other than the question of the appeal is to be transacted unless deemed necessary by the chair, and
- (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
- (c) the members present are to vote on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by office-bearing members of the association with the chair having a casting vote.

Part 3 The committee

13 Powers of the committee

This constitution and any resolution passed by the association, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a meeting, and
- (c) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association or as are required by the NSW Electoral Commission.

14 Composition and membership of committee

(1) The committee is to consist of:

- (a) the office-bearers of the association, and
- (2) The total number of committee members is to be three.
- (3) The office-bearers of the association are as follows:
- the president (who is also titled the Registered Officer, to ensure compliance with the NSWEC),
- (b) the vice-president (who is also be the Deputy Registered Officer with the NSWEC),
- (c) the secretary,

Note: The official party agent with the NSWEC is required by the NSWEC to hold one of the above office-bearing positions. This must be done while ever this is a NSWEC requirement.

- (4) A committee member may hold one office-bearing position, as long as this remains a NSWEC requirement. Should this be removed by the NSWEC then party members could hold a maximum of two office-bearing positions.
- (5) There is no maximum number of consecutive terms for which a committee member may hold office.
- (6) Each member of the committee is, to hold office, until they resign or are removed from office by a majority of the committee or someone accepts to replace them, approved by the office-bearing committee by majority.

15 Election of office-bearing committee members

- (1) Nominations of candidates for election as office-bearers may fit with section 14 of this constitution, if so, then is likely required:
- (a) must be made in writing, signed by 2 members of the party and with the written consent of the candidate (which may be endorsed on the form of the nomination), unless they are existing office-bearers, and
- (b) must be delivered to the registered officer of the party, at least 7 days before the date fixed for the holding of any general meeting at which any election is to take place where reasonable, if one is being held.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated may be taken to be elected and further nominations are to be received at the next meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, the remaining or remaining and exiting committee members are able to select them.
- (6) Office-bearers, if not approved by a majority of office-bearers, should be a member of the party.

16 Secretary

- (1) The secretary of the party must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address, if required by the committee.
- (2) It is the duty of the secretary or registered officer to keep minutes when requested or not performed by the registered officer (whether in written or electronic form) of:
- (a) appointments of office-bearers of the committee, and
- (b) the names of members of the committee present at a committee meeting or a general meeting, and

- (c) main proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting must be accepted by the chairperson of the meeting.
- (4) Any signatures of the chairperson, or others, may be transmitted by electronic means or typed.

17 Party Agent

This role is required by the NSW Electoral Commission for political parties registered in NSW.

Currently, this includes, that no other members of the party are allowed to manage party funds.

18 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the next appropriate general meeting next following the date of the appointment, where reasonable.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
- (a) dies, or
- (b) ceases to be a member of the association, or
- (c) resigns office by notice in writing given to the secretary, or
- (d) is removed from office under clause 19, or

19 Removal of committee members

(1) The association may by committee resolution and majority vote, remove any member of the committee from the office of member and may by resolution appoint another person to hold office.

20 Committee meetings and quorum

- (1) The committee will meet if required in each period of 12 months at the place and time that the committee may determine, or digitally.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee should be given to each member of the committee at least 24 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting, where possible.
- (4) Notice of a meeting given under subclause (3) should, where reasonable, specify the general nature of the business to be transacted at the meeting.
- (5) Any 2 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present.
- (7) If at the adjourned meeting a quorum is not present within a quarter of an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
- (a) the president/registered officer or, in the president's absence, the vice-president is to preside, or
- (b) if the president and the vice-president are absent or unwilling to act, one of the remaining members of the committee chosen by the members present at the meeting is to preside.

21 Appointment of association members as committee members to constitute quorum

(1) This section does not apply.

22 Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of the member or members of the association that the committee thinks fit) the exercise of any of the functions of the committee that are specified in the instrument, other than:
- (a) this power of delegation, and
- (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances, that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee. The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (6) A sub-committee may meet and adjourn as it thinks proper.

24 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 20 (5), the committee may act despite any vacancy on the committee.
- (4) The registered officer is responsible for completing any official paperwork, including nomination forms, unless the NSWEC requires it to be completed by the party agent. Office-bearers elect the election candidates.
- (5) Office-bearing committee members can pass resolutions electronically without the need for formal meetings.

Part 4 General meetings

25 Annual general meetings - holding of

- (1) The association could choose to hold an annual general meeting following a unanimous vote of the office-bearers.
- (2) The association must hold any annual general meetings:
- (a) when the committee sets a date for it to be held.

26 Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is to be convened on the date and at the place and time that the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
- (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
- (b) to receive from the committee reports on the activities of the association during the last preceding financial year,
- (c) to elect office-bearers of the association and ordinary committee members, if required,
- (d) to receive and consider any financial statement or report required to be submitted to members,
- (3) An annual general meeting must be specified as that type of meeting in the notice convening it.

27 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition of at least 50% of the total number of members, or at least two office bearers, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting:
- (a) must be in writing, and
- (b) must state the purpose or purposes of the meeting, and
- (c) must be signed by the members making the requisition, and
- (d) must be lodged with the secretary, and
- (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 3 months after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a non-binding meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened practicably.
- (6) For the purposes of subclause (3):
- (a) a requisition may be in electronic form, and
- (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

28 Notice

(1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary may, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business

proposed to be transacted at the meeting, if deemed relevant or necessary by the officebearers.

- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary may, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 26 (2), unless agreed on by the office-bearers.
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who could include that business in the next notice calling a general meeting given after receipt of the notice from the member.

29 Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of officebearing members, who are the ones entitled to vote under this constitution, are present during the time the meeting is considering that item.
- (2) Two office bearing members present (being the only members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting or committee meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
- (a) if convened on the requisition of members—is to be dissolved, and
- (b) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the meeting can not commence.

30 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

31 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for a significant time, the secretary may give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

32 Making of decisions

(1) A question arising at a general meeting of the association is to be determined by the office bearers.

- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.

33 Special resolutions

A special resolution may only be passed by the office bearers of the association. They can be passed electronically by office bearers.

34 Voting

- (1) On any question arising at a general meeting of the association an office bearing member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid, and they have been given approval to vote by the office-bearers.
- (4) A member is not entitled to vote at any meeting of the association if the member is under 18 years of age.

35 Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of a general meeting.

36 Postal or electronic ballots

- (1) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 12).
- (2) A postal or electronic ballot is to be conducted in accordance with the constitution.

37 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.
- (2) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 Miscellaneous

38 Insurance

The association may effect and maintain insurance.

39 Funds - source

- (1) The funds are to be received in line with NSW Electoral Commission regulations.
- (2) All money received by the association must be deposited as soon as practicable.
- (3) The association must, as soon as practicable or required after receiving any money, issue an appropriate receipt.

40 Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by the party agent, unless the legislation allow otherwise.

41 Association is non-profit

The association must apply its funds and assets solely in pursuance of the objects of the association.

42 Distribution of property on winding up of association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

43 Change of objects and constitution

An application for registration of a change in the association's objects or written constitution is required to be passed by a resolution of the office-bearing committee members, with a majority being required.

44 Compliance with Electoral Funding Act 2018

Party members responsible for ensuring compliance with the Electoral Funding Act 2018 are the office-bearing committee members being the president/registered officer, vice-president/deputy registered officer and secretary, one of which is the official party agent.

45 Financial Year

The financial year for the association ends on June 30 each year.

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01/	03 /	2023	

Registered party information required under the *Electoral Act 2017* and the *Local Government Act 1993*:

Please provide written responses in the spaces provided to address the following party information if it is not explicitly outlined in the party's constitution. This information will be published on the NSW Electoral Commission's website with the party's constitution.

(i) the party's objects:	
(ii) the procedure for amending the party's written constitution:	
(ii) the procedure for amending the party's written constitution:	
(iii) the rules for membership of the party, including the procedure for accepted and ing a person's membership:	ting a person as a member and
ending a person's membership:	
(iv) a description of the party structure and of how the party manages its inte	ernal affairs:
(v) the procedure for selecting a person to hold an office in the party and for	removing a person from office:
(vi) the names of the officers or members of the party responsible for ensuring	ng the party complies with the
Electoral Act 2017 and the Electoral Funding Act 2018:	
LUKE SHINES CUBIS	
SENNIFER DORNE EDWARDS	
KYLIE ANN CHBIS	
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Please provide clear statements that explicitly outline all of the required information.