

# AUSTRALIAN COMMON LAW PARTY CONSTITUTION

Approved by Members ..... 2011.

## 1. THE PARTY

1.1 The name of the Party is "The Australian Common Law Party".

1.2 This constitution defines the principles governing the conduct of the Party's affairs.

1.3 All other Party documents are subordinate to this constitution.

1.4 This constitution can be changed only by a resolution which is passed by a three quarters majority of such members of the Party as, being entitled to do so, vote in a party ballot in accordance with this constitution.

## 2. DEFINITIONS

In this constitution:

'**elected public office**' means an elected position in a local government council, state, territorial or federal parliament;

'**executive**' means the national executive of the Party;

'**majority**' means more than half of the persons voting, unless another proportion is otherwise specified;

'**member**' means a person who is enrolled as a member of the Party;

'**officer**' means a person who is elected by members of the Party to an official position as determined by this constitution or by the National Executive;

'**Party**' means the national organisation;

'**party ballot**' means a ballot open to all members of the Party who are qualified under this constitution;

'**policy**' means a public statement by the Party for and on behalf of the members and endorsed candidates and the Parliamentary representatives of the Party on matters of general and/or specific concern to the people of Australia, which statement shall take the form of a declaration, opinion and/or pledge and shall be determined according to the provisions of this constitution;

'**political party**' means an organisation or group of people active in political affairs related to achieving the election of persons to any state, territory or Federal Parliament;

'**preselection**' means the endorsement by the Party, in accordance with the relevant constitutional provisions, of a person to stand as a candidate of the

Party for elected public office;

'regulations' mean the rules or procedures for the efficient administration and operation of the Party that are approved by the National Executive of the Party;

'state' means a state or territory of the Commonwealth of Australia;

### **3. PARTY AIMS & OBJECTIVES**

3.1 To ensure that the Commonwealth of Australia remains a Common Law Jurisdiction with Sovereignty belonging to the Australian People who will always be able to exercise their inalienable Right to Trial by Jury in Australian Courts for the administration of Justice, the advancement of Truth, the effective implementation of Democracy and the preservation of Liberty.

3.2 To seek the teaching of the fundamental principles of Common Law throughout the schools and universities of Australia that Common Law is indeed the Law of the People, by the People and for the People.

3.3 To ensure that Grand Juries operate for the investigation of serious offences and of the maladministration of government and the finding of true Bills of Indictment to go to Petit Juries who will judge the facts and the laws presented to them in those particular actions and that Grand and Petit Juries be unimpeded in their inquisitorial role and the full execution of their authority to question and call for witnesses and to determine the admissibility of evidence.

3.4 To endorse and support candidates for election to all levels of government in Australia in order to achieve the above Aims and Objectives.

### **4. MEMBERSHIP**

4.1 Membership of the Party is open to any citizen of Australia who is prepared to comply with this constitution and any policies made under it.

4.2 A Member may resign from the Party at any time by notice in writing.

4.3 The National Executive may expel from the Party any person who acts against the interests of the Party.

4.4 Members shall be entitled, subject to the Party's Constitution and Regulations, to:

- a) Be consulted in the determination of the Party's policies;
- b) Seek election to Party office and participate in the election of the Party's office bearers;

4.5 Each member shall be bound, except as otherwise specified by or determined under this Constitution or Regulations, to:

- a) Uphold and comply with the Party's Constitution and any Regulations

which may be made by the National Executive of the Party.

b) Uphold and comply with decisions made by ballot of the members of the Party.

## **5. ORGANISATION OF THE PARTY**

The National Executive may establish and dissolve groups and committees to support the aims and objectives of the party. These may include, but not be limited to, campaign committees to preselect candidates for elections, policy development working groups and/or inquiries into political or social issues affecting the Australian people.

## **6. NATIONAL ORGANISATION**

### **6.1 National Executive**

a) There shall be a National Executive of the Party which shall comprise a maximum of ten members.

b) Each member of the National Executive is elected for a term of 2 years, except in the case of sub-clause (c) of this clause.

c) At the First General Meeting of the Party, the five members elected to the National Executive with the most votes will be appointed for 2 years. The remaining members elected to the National Executive will be appointed for a term of one year.

d) Five members of the National Executive will be elected at subsequent Annual General Meetings of the Party to fill positions on the National Executive when those positions on the National Executive have expired.

e) At the first meeting of the National Executive after each Annual General Meeting, the National Executive shall elect a President, Treasurer and other office bearers as they decide would best support the aims and objectives of the party.

f) Any vacancies on the National Executive can be filled by a person appointed by the National Executive for the remainder of the term of that vacant position on the National Executive.

g) A quorum of the National Executive will be the first whole number above the number which is half the number of current members of the National Executive.

6.2 The President may also be the Registered Officer, or the National Executive may appoint another committee member to be the Registered Officer.

### **6.3 National Executive Duties and Responsibilities:**

a) To direct, organise and co-ordinate the policies, functions and

administration of the Party, in accordance with this Constitution.

b) The President, or another committee member, as agreed by the committee, shall have responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.

c) The Treasurer, supported by the National Executive, shall have responsibility for ensuring that the management of the finances of the Party are conducted in a manner that meets the requirements of the Australian Electoral Commission, or its successors, as well as the Australian Accounting Standards.

d) The National Executive shall approve regulations for the efficient operation of the Party in accordance with this Constitution.

6.4 Decisions at any meeting of the Party can be made by electronic means unless otherwise specified by the Regulation of the Party. Decisions made by electronic means will be binding in the same way that they would have been if the members making that decision had been gathered in the same place.

## **7. POLICY FORMULATION**

Policies shall be formulated with the maximum practicable participation of members, which may be legally conducted by electronic means, but shall finally be determined by the National Executive.

## **8. FUNDING**

It is intended that the Party will be registered for Electoral Funding in all jurisdictions of Australia.

## **9. PARLIAMENTARY REPRESENTATION**

9.1 Only members, with the approval of the National Executive or its authorised Delegate, may stand as a candidate for election to an Australian Parliament or local government body.

9.2 The National Executive may endorse candidates for an electorate at any time up to the close of nominations.

9.3 The National Executive has the authority to decide whether the Party stands candidates in specific electorates. This includes by-elections.

9.4 The National Executive can withdraw endorsement at any time up to the election date.

## **10. USE OF PARTY FUNDS**

The Party is a non-profit organisation and accordingly the following provisions shall apply:

10.1 The income and property of the Party however and whenever derived or acquired shall be applied solely towards the promotion of the objects and policy objectives of the Party as set forth in this Constitution.

10.2 Party funds may legally be used to pay for secretariat services provided by voting members of the National Executive.

10.3 If upon the winding-up or dissolution of the Party there remains after satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Party but shall be given or transferred to some other institution or institutions having objects and objectives similar to the policy objectives of the Party and whose memorandum of association or constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Party under or by virtue of Clause 10.1 hereof such institution or institutions to be determined by ballot of members of the Party at or before the time of dissolution and in default thereof by application to the Federal Court for determination.

## **11. DISSOLUTION**

The Party may be dissolved by a resolution passed by a three quarters majority of members who cast their votes in a voluntary ballot.

## **12. REPLACEABLE RULES**

The replaceable rules listed in the Corporations Act from time to time, insofar as they are applicable to a Company Limited by Guarantee, shall apply to the governance of the Party, so long as they are not replaced by a clause in this Constitution or by a Regulation made by the Party in accordance with this Constitution.