

CONSTITUTION

Democratic Party of Queensland
(ABN 62 922 925 195)

September 17, 2022

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Interpretation

Act means the *Electoral Act 1992 (Qld)*

1. Name

1.1. The name of the party is Democratic Party of Queensland (***the party***).

2. Objectives

2.1. The objects of the party are—

- a) Obtain and maintain registration of the Party on the Queensland Electoral Commission register of political parties.
- b) Promotion of the election to the Legislative Assembly of a candidate or candidates endorsed by the Democratic Party of Queensland.

3. Not-for-Profit

3.1. The assets and income of the organisation shall be applied solely to further its objects and no portion shall be distributed directly or indirectly to the members of the organisation except as genuine compensation for services rendered or expenses incurred on behalf of the organisation.

4. Powers

- 4.1. The party has the powers of an individual.
- 4.2. the party may, for example—
 - a) enter into contracts; and
 - b) acquire, hold, deal with and dispose of property; and
 - c) make charges for services and facilities it supplies; and
 - d) do other things necessary or convenient to be done in carrying out its affairs.
- 4.3. The party may also issue secured and unsecured notes, debentures and debenture stock.

5. Classes of Members

- 5.1. The membership of the party consists of ordinary members.
- 5.2. The number of ordinary members is unlimited.

6. New Membership

- 6.1. A person desiring to become a member of the party shall complete an application form that the management committee shall supply to interested persons, and shall lodge the completed form together with the applicable membership fee with the party secretary.
- 6.2. A person shall be prohibited from becoming a member of the party if the person has been convicted of a disqualifying electoral offence within 10 years before the person applies to become a member.

7. Membership Fees

- 7.1. The membership fee shall be an amount decided by the management committee.
- 7.2. Membership fees shall be paid to the party secretary by way of digital payment, cash or such other means as is approved by the management committee.

8. Admission and Rejection of New Members

- 8.1. The management committee may accept or reject the application without assigning any reason.
- 8.2. The secretary of the party must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

9. When Membership Ends

- 9.1. A member may resign from the party by giving written notice of resignation to the secretary.
- 9.2. The resignation takes effect at—

- a) the time the notice is received by the secretary; or
 - b) if a later time is stated in the notice—the later time.
- 9.3. The management committee may terminate a members membership if the member—
- a) is convicted of an indictable offence; or
 - b) does not comply with any of the provisions of these rules; or
 - c) has membership fees in arrears for at least 2 months; or
 - d) Conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the party.
- 9.4. Before the management committee terminates a member's membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.
- 9.5. If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.
- 9.6. A person shall be prohibited from continuing as a member of the party if the person is convicted of a disqualifying electoral offence.
- 9.7. In the event, that a member is convicted of a disqualifying electoral offence, their membership is considered to be revoked automatically.

10. Appeal against Rejection or Termination of Membership

- 10.1. A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the person's intention to appeal against the decision.
- 10.2. A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.
- 10.3. If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

11. General Meeting to Decide Appeal

- 11.1. The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.
- 11.2. At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.
- 11.3. Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.
- 11.4. An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

- 11.5. If a person whose application for membership has been rejected does not appeal against the decision within 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 the membership fee paid by the person.

12. Register of Members

- 12.1. The management committee must keep a register of members of the Party.
- 12.2. The register must include the following particulars for each member—
- a) the full name of the member;
 - b) date of birth of the member;
 - c) title of the member;
 - d) gender of the member;
 - e) the postal and residential address of the member;
 - f) the date of admission as a member;
 - g) the date of death or time of resignation of the member;
 - h) details about the termination or reinstatement of membership;
 - i) Any other particulars the management committee or the members at a general meeting decide.
 - j) The register must be open for inspection by members of the party at all reasonable times.
 - k) A member must contact the secretary to arrange an inspection of the register.
 - l) However, the management committee may, on the application of a member of the Party, withhold information about the member (other than the member's full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

13. Prohibition of Use of Information on Register of Members

- 13.1. A member of the party must not—
- 13.2. Use information obtained from the register of members of the party to contact, or send material to, another member of the party for advertising for political, religious, charitable or commercial purposes; or
- 13.3. Disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the party for advertising for political, religious, charitable or commercial purposes.
- 13.4. Sub rule 13.1 does not apply if the use or disclosure of the information is approved by the Party.

14. Appointment or Election of Secretary

- 14.1. The secretary must be an individual residing in Queensland who is—
- a) a member of the party elected by the party as secretary; or
 - b) any of the following persons appointed by the management committee as secretary—
 - i. a member of the Party's management committee;
 - ii. another member of the Party;
 - iii. Another person.
- 14.2. If a vacancy happens in the office of the secretary, the members of the management committee must ensure a secretary is appointed or elected for the party within 1 month after the vacancy happens.
- 14.3. If the management committee appoints a person mentioned in sub rule 14.1(b) (ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.
- 14.4. However, if the management committee appoints a person mentioned in sub rule 14.1 (b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.
- 14.5. If the management committee appoints a person mentioned in sub rule 14.1(b) (iii) as secretary, the person does not become a member of the management committee.
- 14.6. In this rule— **casual vacancy**, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

15. Removal of Secretary

- 15.1. The management committee of the party may at any time remove a person appointed by the committee as the secretary.
- 15.2. If the management committee removes a secretary who is a person mentioned in rule 14.1 (b) (i), the person remains a member of the management committee.
- 15.3. If the management committee removes a secretary who is a person mentioned in rule 14.1 (b) (ii) and who has been appointed to a casual vacancy on the management committee under rule 15.1, the person remains a member of the management committee.

16. Functions of the Secretary

- 16.1. The secretary's functions include, but are not limited to—
- a) calling meetings of the Party, including preparing notices of a meeting and the business to be conducted at the meeting in consultation with the president of the Party; and
 - b) keeping minutes of each meeting; and

- c) keeping copies of all correspondence and other documents relating to the Party;
and
- d) Maintaining the register of members of the Party.

17. Membership of Management Committee

- 17.1. The management committee of the party consists of a president, treasurer, and any other position the management committee decides to include on the management committee.
- 17.2. A member of the management committee must be a member of the Party.

18. Electing or the Appointment of the Management Committee

- 18.1. The management committee shall be appointed by the party president.

19. Resignation, Removal or Vacation of Office of Management Committee Member

- 19.1. A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- 19.2. The resignation takes effect at—
 - a) the time the notice is received by the secretary; or
 - b) if a later time is stated in the notice—the later time.
- 19.3. A member may be removed from office at a general meeting of the party if a majority of the management members present and eligible to vote at the meeting vote in favour of removing the member..
- 19.4. Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 19.5. A member has no right of appeal against the members' removal from office under this rule.
- 19.6. A member immediately vacates the office of member in the circumstances the person holding the office—
 - a) dies; or
 - b) becomes bankrupt or compounds with creditors or otherwise takes advantage of the laws in force for the time being relating to bankruptcy; or
 - c) is—
 - i. convicted of an offence under this Act; or
 - ii. convicted of an indictable offence or an offence punishable on summary conviction for which the person is sentenced to imprisonment, other than in default of payment of a fine; or

- d) has been convicted of an offence on indictment or summarily and sentenced to imprisonment, other than in default of payment of a fine, and the rehabilitation period in relation to the conviction has not expired.

20. Vacancies on the Management Committee

- 20.1. If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the party to fill the vacancy.
- 20.2. The continuing members of the management committee may act despite a casual vacancy on the management committee.
- 20.3. However, if the number of committee members is less than the number fixed under rule 23.1 as a quorum of the management committee, the continuing members may act only to—
 - a) increase the number of management committee members to the number required for a quorum; or
 - b) Call a general meeting of the party.

21. Functions on the Management Committee

- 21.1. The management committee has the general control and management of the administration of the affairs, property and funds of the party.
- 21.2. The management committee has authority to interpret the meaning of these rules and any matter relating to the party on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.
- 21.3. The management committee may exercise the powers of the party—
 - a) to borrow, raise or secure the payment of amounts in a way the members of the party decide; and
 - b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the party in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the party's property, both present and future; and
 - c) to purchase, redeem or pay off any securities issued; and
 - d) to borrow amounts from members and pay interest on the amounts borrowed; and
 - e) to mortgage or charge the whole or part of its property; and
 - f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the party; and
 - g) to provide and pay off any securities issued; and
 - h) to invest in a way the management committee of the party may from time to time decide.

- 21.4. For sub rule 21.3 (d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—
- a) the financial institution for the party; or
 - b) If there is more than one financial institution for the Party—the financial institution nominated by the management committee.

22. Meetings of Management Committee

- 22.1. Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- 22.2. The management committee must meet at least once every month to exercise its functions.
- 22.3. The management committee must decide how a meeting is to be called.
- 22.4. Notice of a meeting is to be given in the way decided by the management committee.
- 22.5. The management committee may hold meetings, or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- 22.6. A committee member who participates in the meeting as mentioned in sub rule (21.5) is taken to be present at the meeting.
- 22.7. A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.
- 22.8. A member of the management committee must not vote on a question about a contract or proposed contract with the party if the member has an interest in the contract or proposed contract and, if the member does vote, the members' vote must not be counted.
- 22.9. The president is to preside as chairperson at a management committee meeting.
- 22.10. If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose one of their numbers to preside as chairperson at the meeting.

23. Quorum for, and Adjournment of, Management Committee Meeting

- 23.1. At a management committee meeting, more than 50% of the members appointed to the committee as at the close of the last general meeting of the members form a quorum.
- 23.2. If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.
- 23.3. If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—
- a) the meeting is to be adjourned for at least one day; and
 - b) The members of the management committee who are present are to decide the day, time and place of the adjourned meeting.

- 23.4. If, at an adjourned meeting mentioned in sub rule (22.3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

24. Special Meeting of the Management Committee

- 24.1. If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.
- 24.2. If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.
- 24.3. A request for a special meeting must state—
- a) why the special meeting is called; and
 - b) the business to be conducted at the meeting.
- 24.4. A notice of a special meeting must state—
- a) the day, time and place of the meeting; and
 - b) the business to be conducted at the meeting.
- 24.5. A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

25. Minutes of Management Committee Meetings

- 25.1. The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book format that is determined by the management committee.
- 25.2. To ensure the accuracy of the minutes, the minutes of each management committee meeting must be approved by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

26. Appointment of Subcommittees

- 26.1. The management committee may appoint a subcommittee consisting of members of the party considered appropriate by the committee to help with the conduct of the Party's operations.
- 26.2. A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.
- 26.3. A subcommittee may elect a chairperson of its meetings.
- 26.4. If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose one of their numbers to be chairperson of the meeting.
- 26.5. A subcommittee may meet and adjourn as it considers appropriate.

- 26.6. A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

27. Appointment of Office within the Party

- 27.1. The party president is responsible for selecting and appointing a person to hold office in the party and the final decision on whether a candidate is endorsed by the party for an election.
- 27.2. The party president is responsible for the removal of office from a person that holds office in the Party.
- 27.3. The party president shall be empowered to create or remove, except for any offices listed in this Constitution, offices within the Party.
- 27.4. The party president may delegate or revoke the delegation of these powers to the management committee by informing the party secretary via written communication.

28. Offices within the Party

- 28.1. The party shall contain but is not limited to the following offices—
- a) President
 - b) Secretary
 - c) Treasurer
 - d) Agent
 - e) Registered officer
- 28.2. The duties of the agent shall be to have their details are entered into the Electoral Commission of Queensland's Register of Agents once the party is registered under the Electoral Act 1992.
- 28.3. The agent is responsible for giving financial disclosure reports for the party and making election funding claims for the party.
- 28.4. If an agent's appointment is no longer in effect the obligations of the agent rest on the management committee.
- 28.5. The registered officer, upon the party formal registration with the Electoral Commission of Queensland, is responsible for—
- a) nominating the party's endorsed candidates at State and local government elections
 - b) makes application to change the party's registration details other than a change of registered officer
 - c) gives quarterly reports about the party's constitution
 - d) Can request that the commission cancels the party's registration.

- 28.6. Since a registered political party cannot operate without a registered officer. If, once the party is registered with the Electoral Commission of Queensland, the registered officer wishes to resign their position they must be replaced through an application from the party secretary.

29. Acts Not Affected by Defects or Disqualification

- 29.1. An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.
- 29.2. Sub rule 29.1 applies even if the act was performed when—
- a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

30. Resolutions of Management Committee without Meeting

- 30.1. A written resolution signed by majority of members of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- 30.2. A resolution mentioned in sub rule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

31. By-Laws

- 31.1. The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Party.
- 31.2. A by-law may be set aside by a vote of members at a general meeting of the Party.

32. Common Seal

- 32.1. The Party does not use a common seal.

33. Funds and Accounts

- 33.1. The funds of the party must be kept in an account in the name of the party in a financial institution decided by the management committee.
- 33.2. Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Party.
- 33.3. All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- 33.4. A payment by the party of \$100 or more must be made electronic funds transfer.
- 33.5. The party does not use cheques,

- 33.6. A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- 33.7. All expenditure must be approved or ratified at a management committee meeting.

34. General Financial Matters

- 34.1. On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- 34.2. The income and property of the party must be used solely in promoting the Party's objects and exercising the Party's powers.
- 34.3. The party must establish and operate a dedicated state campaign bank account.
- 34.4. The party shall establish and operate a dedicated state campaign bank account for all endorsed candidates.

35. Documents

- 35.1. The management committee must ensure the safe custody of books, documents, instruments of title and securities of the Party.

36. Financial Year

- 36.1. The end date of the Party's financial year is June 30, each year.

37. Distribution of Surplus Assets to another Entity

- 37.1. This rule applies if the Party—
- a) is wound-up; and
 - b) Have surplus assets.
- 37.2. The surplus assets must not be distributed among the members of the Party.
- 37.3. The surplus assets must be given to another entity—
- a) having objects similar to the Party's objects; and
 - b) The rules of which prohibit the distribution of the entity's income and assets to its members.

38. Selection of Candidates

- 38.1. The management committee shall recruit and select electoral candidates for endorsement in whatever manner it deems appropriate.
- 38.2. Applicants for endorsement by the management committee must be members of the Party.

38.3. The selection of candidates must be done in such a way that it complies with the Electoral Act 1992.

39. Candidate Remuneration

39.1. The Party may remunerate candidates for services to further the Party's objective at the discretion of the management committee.

40. Parliamentary Party

40.1. The parliamentary party shall consist of members elected to the Queensland State Parliament as candidates endorsed by the party and such other members who are elected to the State Parliament as the party shall determine.

40.2. The management committee shall appoint a leader, deputy leader and such other officers as it may decide and shall govern the affairs of the parliamentary Party.

40.3. The parliamentary party shall be responsible for the implementation of the party platform in Queensland.

41. Constitutional Amendments

41.1. The management committee may amend this constitution as required.

41.2. The party secretary will process any amendments and electronically disseminate the amendments to all members.

42. Lodging Periodic Returns to the Electoral Commission of Queensland

42.1. The management committee shall appoint a party agent who along with the treasurer of the party will lodge a disclosure return for each six month reporting period to the Electoral Commission of Queensland (ECQ) within eight weeks of the end of the reporting period.

42.2. All returns lodged must be certified by a qualified auditor.

42.3. All returns shall be lodged via the Electronic Disclosure System (EDS) on the Electoral Commission of Queensland's website or in a way which the management committee determines.

42.4. The return must include:

- a) the total amount of gifts or donations received by the Party;
- b) the total amount paid by the party;
- c) the total amount of outstanding debts, incurred by the party, at the end of the reporting period;

42.5. Section 42 of the Constitution shall apply only if the party is registered as a political party under the Electoral Act 1992.

43. Lodging Election Summary Returns to the Electoral Commission of Queensland

- 43.1. The party shall lodge an election summary return as required by the Electoral Act 1992.
- 43.2. This election summary return is a summary of electoral expenditure incurred for an election and must include an audit certificate and a bank statement of the party's state campaign account.
- 43.3. This return must be submitted within 15 weeks of the election.
- 43.4. The party treasurer is responsible for lodging this return.
- 43.5. Section 43 of the Constitution applies only if the party is registered as a political party under the Electoral Act 1992.

44. Registration with the Electoral Commission of Queensland

- 44.1. The party, at a time directed by the management committee, shall nominate to be included on the Queensland Register of Political Parties.
- 44.2. It shall be the responsibility of the party secretary to submit this application, and once registered as a political party meets the requirements to remain registered.
- 44.3. Once registered, the party secretary shall submit a quarterly report notifying the Electoral Commission of Queensland whether the party's constitution has been amended.
- 44.4. A copy of the amended constitution and a summary of those changes must accompany the quarterly report where the constitution is changed.
- 44.5. These reports must be given to the commission within seven days after each reporting date. Reporting dates are the last day of March, June, September and December each year.

45. Dispute Resolution

- 45.1. The management committee will follow the following dispute resolution process—
 - a) the parties concerned are required to attempt to resolve the issue themselves through a negotiation;
 - b) If a negotiated outcome is unsuccessful as per sub rule 45.1(a), an independent mediator will assist the parties to arrive at their own agreement through a mediation;
 - c) If a mediated outcome is unsuccessful through mediation as per sub rule 45.1(b), the matter may be brought before an independent arbitrator or court for arbitration or adjudication, where the arbitrator or court will make a binding decision or order.
- 45.2. Any party member may contact the party secretary, who will raise the dispute with the management committee.
- 45.3. If the party secretary is unable or unwilling to raise a dispute with the management committee, the party president shall raise the dispute.