

Legalise Cannabis Western Australia Party

Constitution and Rules

1 Name and Constitution

- 1.1 The name of the party shall be Legalise Cannabis Western Australia (the **LCWA**).
- 1.2 The party may also be known as the LCWA Party.
- 1.3 All other by-laws, rules, procedures and processes of the LCWA are subject to this Constitution. A copy of this Constitution will be available at all times on the <https://lcwaparty.org.au/>
- 1.4 For the avoidance of doubt, the LCWA is not a constituent part of the Help End Marijuana Prohibition Party Australia.

2 Objectives

The objectives of the LCWA are:

- 2.1 to endorse and promote candidates to contest elections in Local Councils and both houses of the Western Australian Parliament, people who are committed to the objectives of the LCWA;
- 2.2 to re-legalise Cannabis for:
 - (a) personal use;
 - (b) medical and therapeutic uses; and
 - (c) industrial purposes;
- 2.3 to be a registered political party under the Electoral Act 1907 (WA);
- 2.4 to encourage other political parties to adopt LCWA's policies by electoral strategies and direction of voting preferences;
- 2.5 to promote and assist other organisations to work for the objectives of the LCWA;
- 2.6 to make policies as contemplated in this Constitution which are consistent with these objectives, and to seek to implement them;
- 2.7 collecting and disseminating knowledge relating to all or any of the LCWA's objectives;
- 2.8 campaigning to, lobbying of, and educating members and all sectors of the community;
- 2.9 organising fund raising for the LCWA;
- 2.10 conducting and facilitating research relating to all or any of the LCWA's objectives;
- 2.11 to apply for and seek public funding for electoral purposes in accordance with the provisions of the Australian Electoral Act 1918 as amended; and
- 2.12 do all such things as may be necessary, expedient or desirable to carry out the objectives of the LCWA.

3 Membership

- 3.1 Any person enrolled on the electoral roll and eligible to vote in elections to the Parliament of Australia shall be eligible to be a Member of the LCWA. A person may join the LCWA by filling in

a membership form and lodging it either electronically or by post to [PO box 113 Como WA 6152] under which:

- (a) they provide their full name and contact details;
 - (b) they sign a declaration agreeing to be bound by this constitution and the objectives of LCWA;
 - (c) they declare they are not a member of any other political party;
 - (d) [it is accompanied by a joining fee | an annual membership fee as determined by the Executive Committee from time to time].
- 3.2 Acceptance of Membership to the LCWA will be at the discretion of the Secretary, however persons convicted of a disqualifying electoral offence within the previous ten years will be barred from joining the LCWA or continuing as a LCWA Member. Once accepted by the Secretary that person will be a Member of the LCWA.
- 3.3 [In the event that the membership fee of any Member is not paid by the due date, the Member will remain financial for no longer than three months, after which time membership will cease.]
- 3.4 A Member may resign from Membership of the LCWA at any time by giving written notice thereof to the secretary of the LCWA.
- 3.5 The Secretary will keep and maintain a register of Members. Membership details will not be passed on to any organisation other than the WA Electoral Commission without the consent of the Member.
- 3.6 It is a condition of Membership that Members:
- (a) support the objectives of the LCWA and are bound by this Constitution;
 - (b) treat all other Members with respect and courtesy at all times;
 - (c) uphold and enhance the standard and reputation of the LCWA;
 - (d) observe the directions, procedures and decisions of the Executive Committee;
 - (e) do not nominate against any preselected or endorsed candidates of the LCWA for election either as an independent or member of another political party without the prior approval of the State Executive. ; and
 - (f) do not actively oppose the LCWA during any election.
- 3.7 If the Executive Committee decides by way of vote that a Member has not complied with this Constitution including item 3.6 or items 7.1 or 7.2, that Member will cease to be a Member on and from the date of that vote. The Secretary will notify that person in writing using the contact details given to the LCWA at the time of joining. There is no right of appeal.
- 3.8 A Member ceases to be a Member on death.
- 3.9 Without limiting item 3.7, where a complaint is received from or about a Member of the LCWA [which must be received by electronic means to contact@lcwaparty.org.au], the matter will be resolved according to the most current version of the LCWA complaint handling policy, which is to be published [on the LCWA website]..
- 3.10 Subject to giving a Member an opportunity to be heard or make a written submission to an Extraordinary General meeting of the Executive Committee, the Committee may resolve to discipline a Member, and item 3.7 can apply..
- 3.11 Members are entitled to:
- (a) be elected to positions within the Executive Committee and to the Ordinary Committee;

- (b) seek nomination as a candidate for the LCWA; and
- (c) receive notice of General and Annual General Meetings, and submit items for consideration in those meetings
- (d) otherwise participate in General Meetings and Annual General Meetings including in discussion, debate and decision making.

4 The Executive Committee; and ordinary committee

4.1 The Executive Committee of the LCWA shall be comprised of the following:

- (a) the Secretary, who will be responsible for the carrying out of the administration, the keeping of the records, and for the conduct of the correspondence of the LCWA;
- (b) Assistant Secretary;
- (c) Treasurer;
- (d) President;
- (e) Vice President;
- (f) Agent; and
- (g) any additional positions the Executive Committee creates for the purpose of administering and managing the purposes and activities of the LCWA.

(each an **Officeholder**). Each Officeholder must be a Member and one person can hold more than one position.

4.2 Ordinary committee members should number between 3 and 5 and can be appointed and replaced by the Executive Committee for specific tasks such as membership officer or publicity officer etc, but those members do not have a right to vote on the Executive Committee.

4.3 The persons who are Officeholders at the date of registration of the LCWA shall hold office initially for a period of no more than one year from the date of such registration and shall be eligible for re-election at the first Annual General Meeting of the LCWA.

4.4 The positions of Officeholders of the Executive Committee will be:

- (a) vacated for re-election at every third Annual General Meeting (or if that meeting falls in a Western Australian election year, deferred to the following year); and
- (b) if a position becomes vacant prior to that time, including because the Officeholder:
 - (i) is unable or refuses to act to fulfil their designated responsibilities;
 - (ii) without apology or leave, fails to attend those meetings they have a duty to attend; or
 - (iii) resigns from LCWA,

the Executive Committee will be entitled to remove that Officeholder and appoint an interim officer to hold office until election to that position is decided on by the Members at the next Annual General Meeting.

4.5 Incumbent and past Officeholders will be eligible to nominate for re-election at any Annual General Meeting. If there are no nominations received for any Officeholder position, and the incumbent is prepared to continue in that role, that person will be returned to office without the need for a vote.

4.6 The following are the duties of the President of the LCWA:

- (a) shall exercise the President's casting vote;

- (b) in conjunction with the Secretary, ensure that the appropriate notice of meeting, agenda and motions on notice are provided in within the required time;
- (c) have conduct of each Annual General Meeting , General Meeting and Executive Committee Meeting;
- (d) ensure that the business of each meeting is properly addressed;
- (e) present an annual report to the Annual General Meeting;
- (f) liaise with group of elected members of Parliament, both current and in waiting (**Elected Members**);
- (g) vote on matters to be considered by the Executive Committee; and
- (h) perform such other duties as the Executive Committee may from time to time determine.

4.7 The following are the duties of the Vice President of the LCWA:

- (a) the Vice President is to be considered as an office bearer when acting as a replacement for the Secretary and item 4.6 will apply;
- (b) vote on matters to be considered by the Executive Committee; and
- (c) perform such other duties as the Executive Committee may from time to time determine.

4.8 The following are the duties of the Secretary of the LCWA:

- (a) In conjunction with the President, notify all members of Annual General Meetings and General Meetings, and ensure they are conducted within the required timeframes;
- (b) prepare the agendas for meetings, table correspondence, take minutes and record the attendance of all persons;
- (c) maintain the LCWA membership register.
- (d) vote on matters to be considered by the Executive Committee;
- (e) keep custody, during the term of office, of all books, documents, records and registers of LCWA; and
- (f) perform such other duties as the Executive Committee may from time to time determine.

4.9 The following are the duties of the Assistant Secretary of the LCWA:

- (d) the Assistant Secretary is to be considered as an office bearer when acting as a replacement for the Secretary and item 4.8 will apply;
- (e) vote on matters to be considered by the Executive Committee; and
- (f) perform such other duties as the Executive Committee may from time to time determine.

4.10 The following are the duties of the Treasurer of the LCWA:

- (a) be responsible for the receipt of all monies paid to LCWA and the issuing of receipts;
- (b) deposit of those monies in accounts as determined from time to time by the Executive Committee.
- (c) ensure that all withdrawals from the LCWA bank account are are signed by at least two Officeholders.
- (d) prepare the financial report, balance sheets and financial statement and any financial information to be provided to the Western Australian Electoral Commission;
- (e) keep custody of all securities, books and documents pertaining to the financial records of the business of

- (f) 6 Ensure that bookkeeping will be carried out by a skilled bookkeeper, paid if necessary, who is accountable to the Treasurer; and
- (g) perform such other duties as the Executive Committee may from time to time determine.

4.11 The following will be the duties of the Agent of the LCWA:

- (a) To perform the duties of the party agent under the Electoral Act 1907 (WA); and
- (b) perform such other duties as the Executive Committee may from time to time determine.

5 DELEGATED AUTHORITY

The Executive Committee may, by resolution, delegate the exercise of any of its powers and functions to a committee member, a subcommittee it establishes, a voting member, or a staff member, other than this power of delegation.

6 Spokespeople

The only people authorised to make public statements on behalf of LCWA are:

- (a) Members of LCWA who are current members of the Western Australian Parliament;
- (b) any candidate endorsed for election to the Western Australian Parliament;
- (c) the President of the Executive Committee;
- (d) the Secretary in relation to party matters; and
- (e) the publicity officer provided the content has been pre approved by the Executive Committee.

7 The Annual General Meeting and General Meetings

- 7.1 The first annual general meeting of the Members of LCWA will be held within 6 months of the LCWA successfully being registered with the Electoral Commission of Western Australia. Subsequent Annual General Meetings will be held within 3 months either side of the anniversary of the prior Annual General Meeting (each an **Annual General Meeting**).
- 7.2 The secretary shall give 28 days notice of an Annual General Meeting in a suitable newspaper in Western Australia and via electronic communication such as email to Members who have provided an email address for correspondence. That notice must specify the date and time for the Annual General Meeting.
- 7.3 The Secretary must make an agenda for the Annual General Meeting available on <https://lcwaparty.org.au/> at the same time as giving notice under item 6.4. The Treasurers report on the financial status of the LCWA shall form part of the agenda.
- 7.4 Where re-election of Officeholders is due for consideration at an Annual General Meeting, Members nominating for Officeholder positions shall do so on the LCWA's prescribed nomination form which will be made available on the <https://lcwaparty.org.au/>. Forms must be received by the Secretary no later than 5 business days (being a day that is not a weekend or public holiday in Perth) prior to the AGM by electronic or regular mail.
- 7.5 All voting at the Annual General Meetings will be open ballot by those present at the meeting in person or who are attending by online meeting platform such as zoom. Each Member attending or in person or online will have one vote.
- 7.6 The Secretary of the LCWA may call a general meeting of Members in his or her discretion including as may be appropriate to further the objectives of the LCWA, with the place and time to be published on the <https://lcwaparty.org.au/> (**General Meeting**).

- 7.7 The Annual General and any General Meeting can only meet for purposes if a quorum of any three Members of the Executive Committee plus four other general Members is reached. (7). If a quorum is not reached the meeting will be adjourned to the same place and time in the following week. If a quorum is still not present, those present (in person or by electronic means) form a quorum and can attend to the business of the meeting.

8 Executive Committee Meetings

- 8.1 Executive Committee meetings are to be held at a minimum quarterly, but may be held more frequently at the discretion of the Secretary, as necessary to meet the objectives of the LCWA.
- 8.2 Executive Committee meetings may be held in person, via electronic platform, or any combination as decided by the Committee from time to time.
- 8.3 A quorum for an Executive Committee meeting is 3 Officeholders.
- 8.4 Any decision of the Executive Committee will be carried by the majority of votes of Officeholders attending in person or by electronic means. If there is a deadlock, the President will have a deciding vote.
- 8.5 General business arising between Executive Committee Meetings may be dealt with via in-person, telephone, written or electronic communications between all Committee Members, as decided by the Committee from time to time.

9 Endorsement of Election Candidates

- 9.1 Candidates for election to the West Australian Parliament shall be endorsed or dis-endorsed by a decision of the Executive Committee members of the LCWA.
- 9.2 Candidates shall only be eligible for pre-selection if they meet the LCWA criteria for candidates listed on the pre selection application including police criminal check and info given in their biography. The police criminal check for candidates may be waived by a vote of the executive committee.
- 9.3 The LCWA criteria for candidates shall be made available to any Member via electronic mail within two business days, on request.
- 9.4 Prior to a candidate being endorsed, they will be required to enter into a candidate deed with LCWA which will cover issues such as conduct and contribution to the LCWA.

10 Preferences

The allocation of preferences, if any, to other parties and/or candidates in elections to the Parliament of Western Australia shall be determined by a decision of the Executive Committee or its duly appointed representative.

11 Members in public office

- 11.1 The actions of all Elected Members will be consistent with the objectives of LCWA.
- 11.2 An Elected Member will adhere to the policies of LCWA except where:
- (a) in the opinion of the Elected Member, their duty to the constituents is in conflict with an LCWA policy then the Member may vote according to their duty to their constituents; and
 - (b) except where the view of the Member is in conflict with a LCWA policy, then the Member may vote according to their conscience.
- 11.3 When an Elected Member recognises a conflict between a LCWA policy and their duty to their electorate:

- (a) the Elected Member will provide a statement accounting for this position to the Executive Committee if possible prior to any vote in Parliament;
- (b) and a Member votes against LCWA policy, then they will at the earliest opportunity provide a statement to the Executive Committee providing the reason for their vote.

12 Policies

The policies of the LCWA must be consistent with the objectives and developed by the Elected Members and the Executive Committee. Adoption of policies will be by ordinary vote of Members at a General Meeting

13 Source of Funds

- 13.1 The funds of the LCWA may be derived from fees and subscriptions, levies, donations, sale of merchandise, fund-raising activities, grants, interest and any other sources approved by the Executive Committee.
- 13.2 Donations and other funds received by the LCWA must be reported by the Treasurer, if required by any relevant law, including the Electoral Act 1907 (WA).

14 Amendment of the Constitution

The Constitution of the LCWA may be amended, varied or added to on the recommendation of the Executive Committee provided that any such amendment is approved by a majority of Members at an Annual General Meeting.

15 Liability

Members including Officeholders will not be liable to contribute towards the payment of the debts and liabilities of LCWA.

16 Indemnity

Members of LCWA who act on behalf of LCWA with any written authority of the Executive Committee and who accept or incur any personal pecuniary liability (including under any agreement contract or understanding approved by the Executive Committee, will be held indemnified against that personal liability in respect of such action out of the property of LCWA.

17 Property

The property and income of LCWA will be applied solely towards promoting and achieving the objectives of LCWA and no part of that property or income may be applied or otherwise distributed, directly or indirectly, except in good faith for that purpose.

18 REGULATIONS

- 18.1 The Executive Committee may make and amend regulations for the proper advancement, management and administration of the LCWA and the advancement of the objectives of the LCWA as it thinks necessary or desirable.
- 18.2 The regulations must be consistent with this Constitution. All regulations are binding on the all Members.
- 18.3 The regulations may be communicated to members by a notice on the <https://lcwaparty.org.au/>

19 Dissolution

- 19.1 The LCWA may only be dissolved by:

- (a) a unanimous vote of the Executive Committee; or
 - (b) by a ballot of all members. The proposal will be passed if two- thirds or more of the votes cast favour the proposal, and the total number of votes cast is at least 25 per cent of the full membership.
- 19.2 The dissolution of the LCWA will be effective within 30 days after the result of the ballot, or on a day stipulated by the ballot.
- 19.3 If, when winding up the LCWA, any property of the LCWA remains after satisfaction of the debts and liabilities of the LCWA and the costs, charges and expenses of winding up, the property of the LCWA will be distributed to another organisation having similar aims and principles to the LCWA.