

MTT Constitution

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1. NAME

1.1. The name of the organisation shall be "MTT Committee"

2. OBJECTS AND PURPOSES

2.1. The objects and purposes for which the organisation is formed are to take any action or do any thing of any kind what so ever that advances, promotes or implements proletarian internationalism, anti-imperialism and Marxism-Leninism, but excludes any form of liberal identity politics.

3. NA

4. POWERS

4.1. The organisation may do all things necessary or convenient for carrying out its objects or purposes as outlined in clause 2.

5. PROPERTY AND INCOME

5.1. Property and income of the organisation whensoever derived must be applied towards the promotion of the objects and purposes of the organisation set forth in Clause 2 and property and income must only be dealt with subject to this constitution.

5.2. Nothing herein contained will prevent:

(a) By prior arrangement the payment in good faith of remuneration to any Committee Member or employee in return for any services actually rendered to the organisation or for goods supplied in the ordinary and usual course of Committee activities ;

(b) By prior arrangement the payment of interest;

(c) the payment of reasonable and proper rent by the organisation to an entity for premises leased by the organisation; or

(d) By prior arrangement the reimbursement of proper expenses incurred by any Member on behalf of the organisation.

5.3. Remuneration of Committee Members

(a) By prior arrangement the organisation may pay a Committee Member's travelling and other expenses as properly incurred in connection with the organisation's business.

(b) Committee Members must not receive any remuneration for their services as Committee Members other than as described in Clauses 5.2 and 5.3.

5.4. Any payment from organisation funds made to a member of the Committee under clause 5.2 or 5.3, apart from the reimbursement of expenses incurred by any Committee Member on behalf of the organisation, must be itemised in the notes to the Accounts.

5.5 Subject to a resolution of the committee the organisation may use either property or income or both for any purpose of any kind what so ever in order to achieve any objective as outlined in clause 2.

6.1. NA

7. NA

8. AUDITOR OR REVIEWER

8.1. An Auditor or Reviewer may be appointed by a Resolution of the Committee to investigate and report to the Committee upon the financial position of the organisation or any aspect thereof.

9 DELEGATES

9.1. The committee may by resolution from time to time appoint delegates to represent the organisation in any capacity and to any other body, club or association whatsoever.

9.2. The delegates must attend all meetings, as required, as a representative of the organisation and will report to the Committee upon request.

9.3. Delegates attending any meetings in that capacity must act and vote as directed by the Committee in any case where they have received such a direction.

18. MEETINGS

18.1. NA

18.2. NA

18.3. At least five (5) clear days and not more than 10 (10) days notice of any Meeting will be given to each member entitled to vote and a copy must be posted on the Message App and by email.

18.4. Members wishing to bring forward specific business at a Meeting must submit notice of motion in writing to the Secretary in sufficient time to permit inclusion in the notice of meeting. The notice of meeting will serve as the agenda for the meeting.

18.5. At any Meetings 3 members entitled to vote at the Meeting must be present and that will constitute a quorum.

18.6. If there is no quorum present within fifteen minutes after the time fixed for commencement of the Meeting such meeting will be adjourned to a date and time to be fixed by those present and a notice of such adjournment must be sent to all members in accordance with these rules.

18.6a If at the adjourned meeting there shall be no quorum present those members present will constitute a valid quorum for the meeting.

18.7. At a Meeting, the order of business unless otherwise determined by the Committee will be as follows: (i) election of chairperson (a) Apologies (a) Minutes and Confirmation thereof. (b) Questions and Business Arising out of Minutes (c) Correspondence (d) Annual Reports [if any] (e) Financial and Auditor's Reports [if any] (to be approved by a resolution) (f) Other Reports (g) Election of members of the Committee [if applicable] (h) Appointment of Auditor (i) Motions on Notice (j) Question Time

18.8. In any case the business of such meeting must be confined to that set out in the Notice of such meeting.

18.9. at the commencement of a meeting the Committee must appoint the Chairperson, failing which, the meeting must be cancelled. The Chairperson at a meeting cannot be the Chairperson of the previous meeting.

18.10. At any Meeting, a resolution put to the vote of the Meeting will be decided on the written response of the members unless before, or on the declaration of the result of a vote, a poll is demanded: (a) by the Chairperson, or (b) by at least two (2) members present and entitled to vote.

18.11. Unless a poll is demanded a declaration of the result by the Chairperson must when entered in the Minutes of the proceedings be conclusive evidence of the fact without proof being required of the number or proportion of votes recorded for or against the resolution.

18.12. No resolution passed at any Meeting will be rescinded except after notice of motion for the proposed rescission has been stated in the notice of meeting required in Clause 18.4 herein.

18.13 Each member has only one vote on any given resolution.

18.14. NA.

18a CIRCULAR RESOLUTIONS

18a.1 Subject to clause 18a.3 the committee may pass resolution(s) by way of circular resolution.

18a.2 The member proposing the circular resolutions(s) must send the written resolution(s) to each other member by email and also post the written resolution(s) in full on the Message App.

18a.3 Circular resolutions cannot be used for a resolution that impacts the status of a member or a proposed member. If a circular resolution contains resolutions that impact the status of a member and resolutions that do not impact the status of a member then the resolutions impacting the status of a member will be invalid but the remaining resolution(s) will remain valid and can be voted on by the members.

18a.4 A circular resolution is deemed to have been received by all members 48 hours after it is posted on the Message App.

18a.5 The member proposing the circular resolution(s) must indicate in the body of the circular resolution itself the amount of time before voting is to commence on the circular resolution(s). The time cannot be less than 72 hours, which commences at the time the members are deemed to have received the circular resolutions.

18a.6 If additional time is require to consider a circular resolution(s) a vote of the committee, with a quorum of 3, must be taken to extend the time. The time cannot be extended by more than 72 hours. This procedure may be repeated any number of times if the time needs to be extended more than once. A vote under this section 18a.6 may take place by circular resolution. If the time is not extended the vote on the circular resolution commences at the time indicated in the body of the circular resolution(s).

18a.7 Once voting commences on the circular resolutions voting will remain open for a maximum of 72 hours. Any member may cast a vote on any or all resolutions, in the circular resolution, within 72 hours of voting commencing on the circular resolutions. At the expiration of 72 hours voting on the circular resolutions expires and no more votes may be cast on the. Any vote cast after the expiration of the 72 hours voting period is invalid and will not be taken into account in determining if the resolution(s) passed, or not.

18a.8 If a quorum is not present on a resolution then the resolution fails. If a simple majority of members entitled to vote on a resolution, vote in favour of a resolution, then the resolution is passed.

18a.9 Members must indicate in writing on the Message App which resolution they are voting in relation to and indicate their vote (for , or against or if they abstain). Voting is not compulsory.

18.a10 A vote cannot be conditional unless all other member agree in writing on the Message App before the voting period expires, or the extended voting period expires, as the case may be. If a vote is conditional and it is not consented to by all other members within the voting period stipulated in this sub section then that vote is invalid.

18a.11 Any vote that is made invalid pursuant to this constitution will not be taken into account in determining if a resolution or resolutions(s) are passed, or not.

18a.12 The wording of a circular resolution must be the same for each member. No time period commences running until each ember has been given the circular resolutions with the same wording.

18a.13 The clauses that relate to meetings generally apply equally to circular resolutions. If, when conducting a circular resolution, there is a conflict between the clauses that relate to meetings generally and the clauses that relate to circular resolution, the clauses that relate to circular resolutions will prevail.

19 APPOINTMENT

19.1 All members are members for life.

19.9. In the event of two or more nominations being received for the one office the unsuccessful nominees may be nominated for any office not already filled.

19.11. NA.

19.12. Retiring members of the Committee will retain office until the conclusion of the meeting at which they retire.

19.13. Alternate members are not permitted.

20. OBLIGATIONS AND RESPONSIBILITIES OF COMMITTEE MEMBERS

20.1. Obligations of the Committee.

20.1a The members must keep all activities of the committee strictly confidential at all times . The committee must at all times act in the best interests of the organisation. The committee must at all times act in accordance with the objectives as outlined in clause 2.

20.2. Responsibilities of Committee Members

(a) A Member must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise in the circumstances.

(b) A Member must exercise his or her powers and discharge his or her duties in good faith in the best interests of the organisation and for a proper purpose.

(c) A Member or former Member must not improperly use information obtained as a Committee Member to:

(i) gain an advantage for himself or herself or another person; or

(ii) cause detriment to the organisation.

(d) A Committee Member or former Committee member must not improperly use his or her position to: (i) gain an advantage for himself or herself or another person; or (ii) cause detriment to the organisation.

20.3. A Committee Member having any material personal interest in a matter being considered at a Committee Meeting must: (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and

(b) not be present while the matter is being considered at the Meeting or vote on the matter.

20.4. Clause 20.3 does not apply in respect of a material personal interest that: (a) exists only because the Member belongs to a class of persons for whose benefit the organisation is established; or (b) is a material personal interest the Committee Member has in common with all, or a substantial proportion of, other members.

20.5. The Secretary must record every disclosure made by a Committee Member under Clause 20.3 in the minutes of the Meeting at which the disclosure is made.

21. POWERS AND DUTIES OF THE COMMITTEE.

21.1. The Committee

(a) will be responsible for the general conduct and management of the organisation subject to clause 34.5.

(b) NA.

(c) will construe and interpret this Constitution and such constructions will be final unless revoked by resolution carried at Meeting.

(d) May delegate to a sub-committee any matter for investigation or report.

(e) May engage and dismiss any employees, agents or contractors.

(f) Must comply with all orders, directions and references given to it in accordance with a resolution of members.

(g) Where immediate action is required in any matter affecting the policy or in the interest of the organisation and it is impracticable to refer the matter to the appropriate sub-committee; a member must seek the advice of as many members as may be practicable and must act in such manner as the majority of such members approve.

(h) May appoint new members to a vacant position.

(i) May suspend or expel Members under Clause 24.

22. RECORD OF OFFICE HOLDERS

22.1. The Secretary or a person authorised by the Committee. from time to time. must maintain a record of office holders.

22.2. The record of office holders must include: (a) the full name of each office holder; (c) the office held and the dates of appointment and (if applicable) cessation of the appointment; and (d) a current email address of each office holder.

22.3. The record of office holders must be kept and maintained at a place as the Committee decides.

23. INSPECTING THE RECORD OF OFFICE HOLDERS

23.1. Any Member may inspect the record of office holders free of charge, at such time or place as is mutually convenient to the organisation and the Member.

23.2. The Member may make a copy of details from the record of office holders.

23a. APPOINTMENT OF MEMBERS

23A(l) A new member may be appointed by meeting and a unanimous resolution of all other members. For clarity all members must vote. Incoming member(s) must, prior to their appointment, in writing, agree to be bound by this Constitution.

23b. CESSATION OF MEMBERSHIP

23b(I) A member is automatically no longer a member if:

- (i) They lack capacity as determined by an appropriate medical professional or legal body;
- (ii) They die or are declared dead by a relevant legal body; or
- (iii) They can no longer carry out their function as a member for what ever reason, resign, or refuse to carry out their duties as a member for more than 2 months.

24. SUSPENDING OR EXPELLING MEMBERS

24.1. The Committee by a unanimous resolution minus 1, may, suspend or expel a Member from membership if:

- (a) the Member refuses or neglects to comply with this Constitution; or
- (b) the Member's conduct or behaviour is materially detrimental to the interests of the organisation.

24.2. The Committee must hold a meeting to decide whether to suspend or expel a Member.

24.3. The Secretary must, not less than 14 days before the Committee Meeting referred to in Clause 24.2, give written notice to the Member:

- (a) of the proposed suspension or expulsion and the grounds on which it is based;
- (b) of the date and time of the Committee Meeting;
- (c) that the Member, or the Member's representative, may attend the Committee Meeting; and
- (d) that the Member, or the Member's representative, may address the Committee at the meeting and will be given a full and fair opportunity to state the Member's case orally, or in writing, or both.

24.4. At the Committee Meeting referred to in Clause 24.2 the Committee must:

- (a) give the Member, or the Member's representative, a full and fair opportunity to state the Member's case orally;
- (b) give due consideration to any written statement submitted by the Member; and
- (c) determine whether or not the Member should be:
 - (i) expelled from the organisation; or
 - (ii) suspended from membership, and if so, the period that the Member should be suspended from membership.

24.5. Once the Committee has decided to suspend or expel a Member under Clause 24.4(c) the Member is immediately suspended or expelled from membership.

24.6. The Secretary must inform the Member in writing of the decision of the Committee and the reasons for the decision, within 7 days of the Committee Meeting referred to in Clause 24.2.

25. RIGHT OF APPEAL OF AGAINST SUSPENSION OR EXPULSION

25.1. If a Member is suspended or expelled under Clause 24, the person may appeal the Committee's decision by giving written notice to the Secretary within fourteen (14) days of receiving notice of the Committee's decision under Clause 24.

25.2. Reinstatement of a Member

(a) If the Committee's decision to suspend or expel a Member is revoked under this Constitution, any act performed by the Committee during the period that the Member was suspended or expelled from Membership under Clause 24, is deemed to be valid, notwithstanding the Member's inability to exercise their rights or privileges of Membership, including voting rights, during that period.

25.3. When a Member is Suspended

(a) If a Member's membership is suspended under Clause 24, the Secretary must record in the Register:

(i) the name of the Member;

(ii) the date on which the suspension takes effect; and

(iii) the length of the suspension as determined by the Committee under Clause 24.

(b) A Member that has been suspended under Clause 24 cannot exercise any rights or privileges of membership, including voting rights, during the period they are suspended from membership.

(c) Upon the expiry of the period of a Member's suspension, the Secretary must record in the Register that the Member is no longer suspended.

26. MEETING AND PROCEEDINGS OF THE COMMITTEE.

26.1. The Committee will meet as often as it will from time to time determine and on any special occasions when summoned by the Secretary provided that no more than two (2) calendar months will elapse between meetings.

26.2. A notice of meeting to the Committee must be given in writing by the Secretary to each member of that Committee provided that such notice may be dispensed with in respect of a meeting at which all members attend and consent.

26.3. At all meetings of the Committee a 3 Committee Members will constitute a quorum. For the purposes of this calculation any vacant Committee position will not be counted.

26.4. The committee may meet online and conduct online meetings

27. SUB-COMMITTEES

27.1. The Committee may appoint sub-committees responsible to the Committee as and when deemed necessary.

27.2. NA

27.3. Any member may serve on a sub-committee or as Chairperson of the subcommittee.

27.4. The Committee may at any time terminate the appointment of any sub-committee after which the sub-committee ceases to exist.

27.5. All of the members of sub-committees must retire from the sub-committee at the expiration of the sub committee business or as directed by the committee.

27.6. At all meetings of sub-committees two (2) members of the sub-committee will constitute a quorum.

27.7. At meetings of sub-committees, the Chairperson will determine the order of business.

28. NA

29. DISPUTES ARISING UNDER THE CONSTITUTION

29.1. This Clause applies to: (a) disputes between Members; and (b) disputes between the organisation and one or more Members that arise under the Constitution or relate to the Constitution.

29.2. In this Clause "Member" includes any former Member whose membership ceased not more than six months before the dispute occurred.

29.3. The parties to a dispute must attempt to resolve the dispute between themselves within fourteen (14) days of the dispute coming to the attention of each party.

29.4. If the parties are unable to resolve the dispute, any party to the dispute may initiate a procedure under this Clause by giving written notice to the Secretary of the parties to, and details of, the dispute.

29.5. The Secretary must convene a Committee Meeting within twenty-eight (28) days after the Secretary receives notice of the dispute under Clause 29.4 for the Committee to determine the dispute.

29.6. At the Committee Meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, in writing or both.

29.7. The Secretary must inform the parties to the dispute of the Committee's decision and the reasons for the decision within seven (7) days after the Committee Meeting referred to in Clause 29.6.

29.8. If any party to the dispute is dissatisfied with the decision of the Committee they may elect to initiate further dispute resolution procedures as set out in the Constitution.

30. MEDIATION

30.1. This Clause applies:

(a) where a person is dissatisfied with a decision made by the Committee under Clause 29; or

(b) where a dispute arises between a Member or more than one Member and the organisation and any party to the dispute elects not to have the matter determined by the Committee; or

(c) where a member is suspended or expelled under Clause 24 and the person gives notice of appeal under 25.1 requesting the appointment of a mediator.

30.2. Where the dispute relates to a proposal for the suspension or expulsion of a Member this Clause does not apply until the procedure under Clause 24 in respect of the proposed suspension or expulsion has been completed and the person suspended or expelled gives written notice under Clause 25.1.

30.3. If the parties to a dispute are unable to resolve the dispute between themselves within the time required by Clause 29.3, or a party to the dispute is dissatisfied with a decision made by the Committee under Clause 29 a party to a dispute may:

(a) Provide written notice of the parties to, and the details of, the dispute to the Secretary;

(b) Agree to, or request the appointment of, a mediator.

30.4. The party, or parties requesting the mediation must pay the costs of the mediation.

30.5. The mediator must be:

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement:

(i) if the dispute is between a Member and another Member – a person appointed by the Committee; or

(ii) if the dispute is between a Member or more than one Member and the organisation, the Committee or a Committee Member then an independent person who is a mediator appointed to, or employed with, a not for profit organisation.

30.6. A Member can be a mediator, but the mediator cannot be a Member who is a party to the dispute.

30.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

30.8. The parties are to exchange written statements of the issues that are in dispute between them and supply copies to the mediator at least five (5) days before the mediation session.

30.9. The mediator, in conducting the mediation, must:

(a) give the parties to the mediation process every opportunity to be heard;

(c) allow all parties to consider any written statement submitted by any party; and

(d) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

30.10. The mediator must not determine the dispute and the mediation must be confidential. Information provided by the parties in the course of the mediation cannot be used in any other legal proceedings that may take place in relation to the dispute.

31. INABILITY TO RESOLVE DISPUTES

31.1. If a dispute cannot be resolved under the procedures set out in the Constitution the members will hold a meeting to resolve the dispute and the outcome of the meeting will be final and binding.

32. NA

33. ACCOUNTS

33.1. The Financial Year shall commence on the first day of July each year and conclude on the 30th June of the following year.

33.2. If applicable the Committee must cause proper accounting and other records to be kept and will each year, if applicable, cause to be made out a Statement of Income and Expenditure and a Balance Sheet (hereinafter called 'the Accounts') made up to a date not more than four (4) calendar months before the end of financial year .

33.3. The Committee must make available on demand by any member a copy of the Accounts provided that no member shall be entitled to request a copy of the Accounts earlier than seven (7) days before the end of financial year meeting. If applicable a meeting must be held at the end of financial year (AGM) and at that meeting the Accounts (if any) together with the Auditor's or Reviewer's Report thereon (if any) must be tabled.

33.5. The Accounts shall inter alia show separately the amounts (if any) paid by way of donations.

34. CONTROL OF FUNDS

34.1. The organisation's funds must be kept in the organisations account in a financial institution determined by the Committee.

34.2. The organisation's funds must only be used in accordance with this constitution and not for any other purpose.

34.3. All electronic funds transfers, cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the organisation must be signed or approved by:

(a) any two Committee Members; or

(b) one Committee Member and a person authorised by the Committee

34.4. No expenditure will be incurred from the organisation's funds, other than a minor operating expense item, without prior approval of the Committee. The Committee may provide for an annual budget of normal operating income and expense adopted by the Committee.

34.5. Where the total cost of any project or group of projects is more than \$2000.00, the project or group of projects must first be approved by the members at a meeting.

34.6. Levies: A levy may be made on members by a resolution passed at a Meeting; notice of which resolution must be given in the notice convening the meeting and any such resolution shall not be binding unless carried by at least two thirds of the members present at the Meeting.

34.7. Loans: No loan will be raised without the prior approval of two thirds of the members.

35. FINANCIAL RECORDS

35.1. If applicable the organisation must keep financial records that:

- (a) correctly record and explain its transactions, financial position and performance; and
- (b) enable true and fair financial statements to be prepared .

35.2. The organisation must retain its Financial Records for at least seven (7) years after the transactions covered by the records are completed.

35.3. NA

36. NOTICES

36.1. Notice of every Meeting must be given to:

- (a) Every Member entitled to vote who has supplied an email address.

36.2. A notice must be delivered by Message App and by email to every member.

37. NA

38. ALTERATION OR AMENDMENT TO CONSTITUTION

38.1. The organisation may alter, rescind or add to this Constitution by a resolution carried by seventy-five percent (75%) majority of members and not otherwise.

38.2. Full particulars must be given of any proposed new clause, repeal or amendment of an existing clause, in the notice convening the meeting.

38.3. An amendment to the Constitution will take effect immediately upon the passing of the resolution.

39. DISSOLUTION

39.1. If and when the organisation is dissolved and upon the winding up of its affairs all the property and assets of the organisation remaining after all the debits and liabilities of the organisation have been paid or discharged in full will be divided equally between the current members

40. SAVINGS CLAUSE

40.1. The Constitution presently in force remains in force until any resolution amending or rescinding the Constitution

40.2. Any appointment made or motion passed under any prior Constitution will continue in force as far as practicable as if made or passed under the new Constitution.

41. DEFINITIONS

"Accounts" means the Accounts as defined in Clause 33.2

"Committee" means the Committee referred to in clause 19.

"Committee Member" means a member of the Committee being Ross Blenkinsop, Sean Sanchez, Maggie Hansen, Richard Blewitt , Paul Cockshott and Steve Nguyen.

"Financial Records" has its typical commercial meaning and includes: a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers;

b) documents of prime entry; and

c) working papers and other documents needed to explain:

i. the methods by which financial statements are prepared; and

ii. adjustments to be made in preparing financial statements;

"Financial Report" has a meaning typically attributed to that term by an accountant ;

"Financial Statements" has a meaning typically attributed to that term by an accountant;

"Financial Year" has the meaning given to it in Clause 33.1

"Member" means a person who is a member of the Committee.

"Office holders" means members of the Committee who holds a particular office.

"Message App" means Facebook Chat;

"Poll" means voting conducted in written form which may include, but is not limited to a secret ballot.