

Nov. 15/2/19

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“Brain, not ego” Statute

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## Part I - The Party

### Chapter 1 - Founding provisions

1. There is a political party called 'Brain, not ego' which is referred to throughout this statute as 'the Party'.
  - 1.1. The short name for the party will be the abbreviation 'BNE'.
  - 1.2. The founding Party Leader will be Mr Antoine P. Borg, a Maltese national, with Maltese ID card number 376886 (M).
  - 1.3. The registered address of the Party is 11, Triq Dun Gwann Zammit Hammet, Balzan, Malta.
  - 1.4. The Party's financial year starts on 01 February

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2. The Fundamental Purposes of the Party are:
  - 2.1. To participate in the public affairs of the Republic of Malta by endorsing members of the Party as candidates of the Party for legal elections in Malta as provided for by applicable legislation at a local council, national or European level, and by supporting their election.
  - 2.2. To advocate and support policies based upon data and rational analysis.
  - 2.3. To promote membership in the Party.
  - 2.4. To raise money to support the Fundamental Purposes of the Party.
  - 2.5. To provide a forum for members of the Party to have their say and influence the policies and platform of the Party.
  - 2.6. To coordinate the activities of supporters of the Party.
  - 2.7. To ensure equitable representation of all people in the Republic of Malta and in the European Union.
  - 2.8. To seek to achieve a common ground of understanding amongst all people of the Republic of Malta.

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3. In pursuing the Fundamental Purposes outlined in paragraph (2), the Party shall promote the equal participation of all genders at all levels of the Party.
4. This statute governs the Party's affairs and is the final authority concerning any dispute within the Party. If there is a conflict between this statute and any other Party document, this Statute will prevail insofar as Party affairs are concerned.

## Chapter 2 - Membership

5. Membership is open without discrimination based on race, ethnic origin, gender, skin colour, religion, sexual orientation, or physical disability. To be eligible for membership, a person must:
  - 5.1. Be eligible to vote in elections in the Republic of Malta as per the relevant legislation applicable at the time the person applies for membership.
  - 5.2. Have a clean criminal record.
  - 5.3. Commit to work in the Party's interest, namely the Fundamental Purposes of the Party outlined in paragraph 2.
6. A person may apply for Party membership using the electronic forms available on the Party's website.
  - 6.1. In exceptional cases (e.g., technological malfunction), the Party will accept paper applications for membership.
  - 6.2. Specificities for payment of the membership fee will be described online on the Party's website. The membership fee will also be published on the Party's website.
  - 6.3. Membership in the party starts on the day the Party communicates its acceptance of a membership application to the applicant. Membership runs for a period of 1 (one) calendar year.
  - 6.4. A person may renew their membership any time before their current membership expires. Specificities about payment, and the renewal form, are available on the Party's website. A membership renewal starts the day after the original membership expires.
  - 6.5. A Party Member whose membership lapses may apply to join the Party again. A lack of renewal will not be a reason for the Party to reject a membership application.
7. The Party will process the request for membership once it receives both the application form, and the concomitant membership fee. Should the Party reject the application, the membership fee will be reimbursed less 10% of the membership fee to cover administrative costs.
8. The Party's Board of Directors will determine the membership fee on an annual basis at the Party's annual conference. The fee will then be fixed for a period of 1 (one) calendar year from the date of that conference.
9. The Party's Corporate Services Officer (CSO) is responsible for maintaining a register of Party members. The CSO is responsible for ensuring the register is up to date, accurate and respects all relevant legislation, especially legislation regarding treatment of personal data, applicable in the Republic of Malta.

10. Membership in the Party ends when:
  - 10.1. The current membership expires.
  - 10.2. When a Member no longer meets the requirements in paragraph 5.
  - 10.3. When the Member dies.
  - 10.4. When the Member chooses to cancel membership in the Party. This can be done in writing using the contact details published on the Party's website. Members are not entitled to a refund of their membership fee.
  - 10.5. When the Party's Board of Directors terminates a membership based on a recommendation by the Party's Disciplinary Board.
11. Party members have the right to:
  - 11.1. Receive newsletters and notices that the Party chooses to publish.
  - 11.2. Attend, speak, and vote at the Party annual conference.
  - 11.3. Be elected to any role within the Party.
  - 11.4. Vote for a new Leader when such elections are held.
  - 11.5. Communicate with, and receive services, in either Maltese or English.
  - 11.6. Seek to be a candidate in an election which the Party chooses to contest.

## Chapter 3 - Party Structures

12. The Party has three bodies with concomitant responsibilities. These are:
  - 12.1. The Board of Directors
  - 12.2. The Appeals Board
  - 12.3. The Disciplinary Board.
13. The Board of Directors is responsible for:
  - 13.1. Developing an election readiness strategy.
  - 13.2. Election readiness, in accordance with the strategy defined in paragraph 13.1.
  - 13.3. The policy development process.
  - 13.4. Policy development, in accordance with the process defined in paragraph 13.3.
  - 13.5. Providing a forum for members to express their opinion, and to influence the Party's policies and platform.
  - 13.6. Refining the party's manifesto at least once every calendar year.
  - 13.7. Defining the strategy to use for fund raising

- 13.8. Raising funds for the Party in accordance with the strategy defined in paragraph 13.7. These funds will enable the Party to fulfil its Fundamental Purposes.
- 13.9. Communicating regularly with its members.
- 13.10. Providing for the election of a Party Leader when such an election is due.
- 13.11. Defining committees to handle specific areas of interest. The Board of Directors will nominate the committee members from Party Members, and define the terms of reference of the committee. These terms of reference will include clear start and end dates marking the period when the committee is meant to carry out its work.
- 13.11.1. All committees that operated during the course of a calendar year will present their work and, if applicable, results at the following annual conference.
14. The Board of Directors is made of the Party Leader who chairs the proceedings, and of a maximum of 5 (five) other Party members.
- 14.1. The election of the Party Members to the Board of Directors takes place at the annual conference. It is possible for no Party Members to be elected to the Board of Directors.
15. The Appeals Board is the final appeals tribunal of the Party. It is responsible for:
- 15.1. Defining its own rules of procedure, provided these rules do not conflict with this statute.
- 15.2. Providing for an appeal procedure in respect of any formal decision of the Board of Directors.
16. The Appeals Board is made up of an odd number of Party members, elected at the Party's annual conference.
17. The Appeals Board is made up of a minimum of 3 (three), and a maximum of 5 (five), Party members.
- 17.1. The election of Party Members to the Appeals Board takes place at the annual conference.
- 17.2. The Party Leader cannot be part of the Appeals Board.
18. The Disciplinary Board is made up of a maximum of 5 (five) Party members. Article 17.1 applies *mutatis mutandis*. It is responsible for:
- 18.1. Setting up its own rules of procedure, provided these rules do not conflict with this statute.
- 18.2. Proactively investigating any allegation of gross misconduct, or illegal activity, by any Party Member in connection with Party business.

- 18.3. Proactively investigating any allegation of gross misconduct, or illegal activity, by any Party Member when there is no connection with Party business but where the situation may reflect badly on the Party's image.
- 18.4. Investigating any allegation sent to it regarding the behaviour of a Party Member.
- 18.5. Investigating any alleged violation of the conditions laid out in this statute.
- 18.6. Recommending disciplinary action be taken against a Party Member based on both a reasoned investigation and a hearing that will include the views of the Party Member. Party Members have the right to present their case during such a hearing and to defend themselves using all legal means at their disposal. Modalities regarding hearings are defined in the rules of procedure referred to in paragraph 18.1. The disciplinary actions that can be recommended are:
  - 18.6.1. Expulsion of a Party Member in serious cases, or
  - 18.6.2. A fine, not less than EUR 100.00 and not more than EUR 10,000.00 in cases of financial misconduct or fraud, or
  - 18.6.3. A written recommendation that the Member in question not hold any official role in the Party for a period not more than 2 (two) calendar years from the date of the recommendation.
19. Before hearing any case, the Members who form the Disciplinary Board will declare a lack of conflict of interest in respect of the people concerned.
  - 19.1. A conflict of interest will automatically be determined to exist if the following relationships exist between the Member under investigation and the Member in the Disciplinary Board:
    - 19.1.1. A relative in the third degree.
    - 19.1.2. If there is, or ever was, a continued business relationship.
    - 19.1.3. If there is provable evidence that the two regularly socialise outside Party activities.
  - 19.2. Given a conflict of interest, the Disciplinary Board will exclude that Member from the proceedings.
  - 19.3. If the number of Members forming the Disciplinary Board falls to 1 (one), the Party Leader may appoint an alternate Party Member to the Board for the duration of this case.

## Chapter 4 - Party Officials

20. The Party has the following official roles with concomitant responsibilities. These are the Party Leader and the Corporate Services Officer.



20.1. The names of Party Officials will be made public.

21. The Party Leader is responsible for:

21.1. Speaking for the Party on issues relating to the Party and its activities.

21.2. Managing and supervising the activities and affairs of the Party.

21.3. Participating in the development of Party policies and the Party platform in accordance with paragraph 13.4.

21.4. Calling and chairing the annual conference at least once each calendar year. A minimum of 6 (six), and a maximum of 13 (thirteen), calendar months must elapse between one annual conference and another.

21.5. Reporting to the Party members at every annual conference.

21.6. Taking any appropriate and necessary action to fulfil the provisions of this statute and the party's Fundamental Purposes.

21.7. Any role within the Party which is not occupied, whenever this may happen, provided this does not create a conflict of interest.

22. The Corporate Services Officer (CSO) is responsible for:

22.1. Holding the role of Party Treasurer as defined in Article 13 (1) (b) of the *Financing of Political Parties Act* of the Republic of Malta.

22.2. Establishing and maintaining all financial records as per the relevant legislation applicable in the Republic of Malta.

22.3. Disclosing all financial information to the appropriate authorities as required by law in the Republic of Malta.

22.4. Ensure the prudent financial administration of the Party.

22.5.

## Chapter 5 - Elections

23. The Board of Directors decides which elections in the Republic of Malta the Party should contest.

24. Any Party Member can seek to represent the Party in an election in the Republic of Malta, provided that:

24.1. The Board of Directors have decided the party should contest that election.

24.2. The Member is eligible to be a candidate as per the legislation applicable in the Republic of Malta.

- 24.3. The Member is not the subject of a disciplinary proceeding as defined in paragraph 19.
25. The Board of Directors approves or rejects a Party Member's application to contest an election in accordance with the Board's own rules of procedure.
- 25.1. Any approval or rejection shall be provided to the Party Member together with a reasoned explanation showing how the Board reached its conclusion.

## Chapter 6 - Selection of Party officials

26. The role of Party Leader may become vacant when:
- 26.1. The Party Leader resigns.
- 26.1.1. If the Board of Directors is composed of solely the Party Leader, then the incumbent Leader retains the role and responsibilities of Party Leader until a new one is elected.
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- 26.2. The Party Leader dies.
- 26.2.1. In such a case, the Board of Directors shall jointly take on the role of Party Leader, if such a Board exists; otherwise the CSO will assume the role of Party Leader, if a person fulfils this role; otherwise the longest serving Party Member will assume the role of Party Leader.
27. Whenever the post of Party Leader becomes vacant, the Board of Directors shall organise a fresh election within 6 (six) calendar weeks of the vacancy being announced.
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28. Any Party Member can contest the election for Party Leader. Paragraph 24 applies *mutatis mutandi*.
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29. Party Members who wish to contest the election for Party Leader will pay a non-refundable fee of EUR 100.00 to cover some of the costs of the election.
30. Only Party Members who were members when the election was announced may vote for a new Party Leader.
31. A new Party Leader will be elected once a candidate obtains a simple majority of eligible votes in an election.
32. Paragraphs 26 to 31 inclusive apply to the role of Corporate Services Officer *mutatis mutandis*.

## Chapter 7 - General provisions

33. This statute can be modified in one of two ways:



- 33.1. At the Party's annual conference by a vote by the Members. The number of votes in favour of a changed statute must be at least 60% (sixty percent) of the eligible votes.
- 33.2. By the Party Leader provided the total number of Members in the Party is less than 100 (one hundred).
34. Proposed amendments must be presented to the Party Leader at least 5 (five) weeks following the announcement of a date for the annual conference.
35. The Board of Directors will accept or reject proposed changes and communicate their decision, together with a reasoned explanation showing how the Board reached its conclusion.
36. The Board of Directors will publish the proposed statute to all Party Members no later than 4 (four) weeks before the Party's annual conference.
37. If the Party fails to put forward Members for 3 (three) successive European Parliament elections or 3 (three) successive national elections, in contradiction with the first Fundamental Purpose in paragraph 2.1, the Party will automatically be dissolved.
38. If the Party fails to win any seats in 3 (three) successive European Parliament elections or 3 (three) successive national elections, in contradiction with the first Fundamental Purpose in paragraph 2.1, the Party will automatically be dissolved.
39. If the Party Leader asks the Party Members to dissolve the Party at one of the Party's annual conferences, the Party will be dissolved following a vote, provided two-thirds of eligible voters vote in favour of this dissolution.
40. In case the Party is dissolved, the CSO will file all relevant documentation with the authorities in accordance with legislation applicable in the Republic of Malta.
41. After the actions in paragraph 40 are carried out, and once all liabilities are handled, any Party Memberships will be reimbursed on a pro-rata basis if there is any money left in the Party's accounts. If the amount left over is less than the pro-rata amount to be reimbursed, the money will be split in a fair manner by the CSO and reimbursed to the Party Members.
42. In this statute the following terms have the following meanings:
- 42.1. *Party Leader* is defined in paragraph 21.
- 42.2. *Corporate Services Officer (CSO)* is defined in paragraph 22.
- 42.3. *Board of Directors* is defined in paragraph 13.
- 42.4. *Appeals Board* is defined in paragraph 15.
- 42.5. *Disciplinary Board* is defined in paragraph 18.
- 42.6. *Fundamental Purposes* is defined in paragraph 2.

