

# Procedure for the Permanent Appeals Committee

## 1. APPLICATION

- 1.1 This By-law is made pursuant to Section 17 of the Constitution of the Liberal Party of Canada (as adopted May 28, 2016 and as amended, restated, supplemented or otherwise modified from time to time, the “**Constitution**”). Capitalized terms used but not otherwise defined herein shall have the meaning given to them in the Constitution.
- 1.2 This By-law must be applied in a fair and equitable manner and must be interpreted in a manner which is fair and reasonable, having regard to all circumstances, and in the best interests of the Liberal Party of Canada.

## 2. SCOPE

- 2.1 The Permanent Appeals Committee will hear all disputes arising from:
  - (a) the Constitution;
  - (b) the by-laws made by the National Board; and
  - (c) any rules made by the National Campaign Committee.
- 2.2 The Co-Chairs may, in their sole and unfettered discretion, dismiss any appeal at any time, and without seeking submissions from other parties, if they do not believe the appellant has presented a prima facie case.
- 2.3 Decisions of the Permanent Appeals Committee must be based on rules and regulations adopted in accordance with this By-law and the Constitution and are final and not subject to appeal.

## 3. COMPOSITION

- 3.1 The Permanent Appeals Committee will consist of:
  - (a) two (2) Co-Chairs, appointed by the National Board, with the consent of the Leader and the President, in a manner that promotes diversity, inclusiveness and gender

parity. One Co-Chair will be French-speaking and the other will be English speaking; and,

- (b) additional representatives appointed by the two Co-Chairs based on regional and/or linguistic requirements to create a panel for each individual appeal.
- 3.2 Each panel will consist of three (3) Registered Liberals appointed by the Co-Chairs, one of whom will be designated by the Co-Chairs to be the President of the panel. At least two (2) of the representatives must be a lawyer (or in Quebec be a lawyer or notary).
- 3.3 One or more of the Co-Chairs may be included on any panel.
- 3.4 In the event that one of the Co-Chairs is unable to be contacted, the remaining co-chair may exercise the jurisdiction of both co-chairs provided that he or she has made sufficient attempts to contact the other co-chair.

#### 4. PROCESS-GENERAL

- 4.1 Subject to Section 2.1 of this By-law, an appeal may be commenced by any Registered Liberal who considers that his or her *bona fide* rights or privileges have been substantially infringed as a result of a decision made by an official of the LPC, or any PTB, EDA or Commission.
- 4.2 Notwithstanding Section 4.1 of this By-law, where a dispute arises out of a nomination meeting and after the nomination meeting has commenced, only a nominee at that meeting, or the candidate, may commence an appeal.
- 4.3 Notwithstanding Section 4.1 of this By-law, where a dispute arises out of an election of officers for an EDA, PTB, Commission, or the Party and after the meeting has commenced, only a candidate at that meeting may commence an appeal.
- 4.4 Unless otherwise specified in a by-law or rules for a proceeding or event, all applications for appeal must be submitted to the PAC Co-Chairs within 48 hours of the close of the event at which the decision being appealed took place. The PAC Co-Chairs may, in their sole discretion, decide to extend this timeframe if sufficient reasons are given.
- 4.5 All appeals shall be decided in the method determined by the PAC Co-Chairs or the panel struck for the purpose of that appeal. All appeals shall be decided in a manner that is fair and equitable, and in accordance with the Rules and Procedures for the Permanent Appeals Committee.
- 4.6 The Co-Chairs may dismiss any appeal that they believe to be without sufficient merit even after a panel has been appointed but only after giving the parties a fair opportunity to make representations in that issue.

- 4.7 Every panel of the Permanent Appeals Committee shall give short written reasons of any decision dealing with the merits of an appeal, but any decision may be given orally first and shall be effective from the date of oral pronouncement.

## 5. RULES OF PROCEDURE

- 5.1 The Co-Chairs may make any rules to regulate the procedure of the Permanent Appeals Committee, including establishing a fee for each appeal, but any rules it makes must be consistent with the Constitution and Party by-laws.
- 5.2 The Co-Chairs may establish an appeal fee to be payable to the Liberal Party of Canada and delivered to the Permanent Appeals Committee care of the National Office.
- 5.3 A panel of the Permanent Appeals Committee may, on any individual appeal, direct procedures not contemplated by the rules established in accordance with Section 5.1 of this By-law, including without limiting the foregoing, the abridgement of time limits and the alteration of procedures.