



# Constitution

of the

## Liberal Party of Australia (Australian Capital Territory Division)

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# **PART I - PRELIMINARY**

## **Establishment**

1. This Constitution establishes the Liberal Party of Australia (Australian Capital Territory Division).

## **Commencement**

2. This Constitution shall take effect as from 1 June 1990, from which date the prior Constitution is repealed.

## **Interpretation**

3(1). For the purposes of this Constitution unless the contrary intention appears:

"ACT Platform" means the collection of policy resolutions made by a Policy Convention that forms the policy of the Division, as collated by the Policy Committee pursuant to sub clause 70(3).

"Address" means a member's nominated last known residential address, or Post Office Box or last known nominated email address

"Assembly Electorate" means an electorate used for the purposes of electing members of the Legislative Assembly, pursuant to the Australian Capital Territory Self-Government Act 1988 (Commonwealth).

"Associate" means a member of a Branch who is not an ordinary member.

"Branch" means a Branch established by clause 16.

"Chairman of an Electorate Branch" means a person elected pursuant to subclause 20(4)(a).

"Constitution of the Federal Party" means the Constitution adopted by the Federal Council of the Liberal Party of Australia, as amended.

"Deputy Chairman of an Electorate Branch" means a person elected pursuant to subclause 20(4)(b).

"Division" means the Liberal Party of Australia (Australian Capital Territory Division) established by clause 1.

"Donor" means a person who pays the appropriate membership fee as prescribed by the Management Committee for that class of membership.

"Elected member of the Management Committee" means the President, Vice President, Policy Committee Chair, Honorary Treasurer and Finance Committee Chair.

"Electorate Secretary" means a person elected pursuant to subclause 20(4)(c).

"Events Officer" means a person elected pursuant to subclause 20(4)(d).

"Endorsed candidate" means a member who has been endorsed to contest an election as a candidate for the Division at a preselection or by the Management Committee in accordance with Part XI.

"Executive Committee" means the office-bearers elected pursuant to clause 20.

"Federal policy matters" means policy formulated at a Policy Convention dealing with areas of public policy administered by the Federal Government.

"Formulation" of policy includes development, clarification, removal, or refinement of policy.

"Finance Committee" means the Finance Committee of the Division established pursuant to clause 74.

"Finance Committee Chair" means a person elected pursuant to subclause 45(5)(e).

"Financial Regulation" means any regulations made by the Management Committee in relation to the management and operation of financial and related matters within the Division pursuant to subclause 83(2).

"Financial Year" means the period commencing 1 July and concluding 30 June.

"Honorary General Secretary" means the person appointed to act in the position pursuant to clause 101, and includes people acting for the Honorary General Secretary during periods where the Honorary General Secretary is absent or the position is not filled, pursuant to clause 103.

"Internal Party Ballot" shall include votes taken at an Annual General Meeting of a Branch or the Division, or a vote taken to fill a casual vacancy for a position within a Branch or the Division.

"Interstate Member" means a person who pays the appropriate membership fee prescribed by the Management Committee and who is on the Federal, State or Territory electoral roll for a constituency outside of the Territory.

"Leader of the Parliamentary Party" means the member of the Parliamentary Party who is elected as the Leader of the Party pursuant to subclause 74(1).

"Legislative Assembly" means the Legislative Assembly of the Australian Capital Territory.

"Member" means a person holding any of the classes of membership established by clause 7.

"Ordinary Member" means a person accepted as a member of the Division pursuant to clause 8.

"Organisation" means the Liberal Party of Australia, and includes each of the State Divisions established by virtue of the Federal Constitution of the Organisation.

"Parliamentary Party" means members of the Division who are endorsed as candidates of the Division and are elected to the Legislative Assembly, or who are subsequently appointed to the Legislative Assembly to fill a vacancy.

"Pecuniary interest in a contract", whether of a direct or indirect nature, arises if a Management Committee member, or their relative, their business associate, their employer, or their close friend stands to make a financial, promotional or other material gain or loss from any decision or action taken by the Management Committee concerning a contractual matter.

"Policy Committee" means the committee established pursuant to subclause 69(1).

"Policy Committee Chair" means the person elected pursuant to subclause 45(5).

"Preselection" means the process established in Part XI to elect endorsed candidates.

"President" means the person elected pursuant to subclause 45(5).



"Prior Constitution" means the Constitution that previously established the Division.

"Professional Officer" means a paid employee of the Division appointed pursuant to Part XII, (and includes the Honorary General Secretary).

"Returning Officer" means a Professional Officer or voting member who is appointed by either the Management Committee (in the case of a preselection) or a meeting convened to conduct an election.

"Territory" means Australian Capital Territory.

"Territory policy matters" means policy dealing with areas of public policy administered by the Territory government. This may form part of the ACT Platform or be freestanding resolutions.

"Honorary Treasurer" means the person elected pursuant to subclause 45(5)(d).

"Trustee" means a person appointed to hold property for the Division (other than money held in accounts by members of the Finance Committee operated on behalf of the Division) pursuant to clause 77.

"Vice President (Membership and Branch Development)" means the person elected pursuant to subclause 45(5)(b).

"Voting Member" means a person who:

- (a) has been an ordinary member for 3 months prior to the meeting at which the member is attempting to exercise the rights of a voting member, and
- (b) has attended a Branch meeting in the last six months for which the Honorary General Secretary has received notice:
  - (i) as prescribed by clause 40; and
  - (ii) the inscribed list of attendees of the meeting, within the time prescribed by clause 41.
  - (iii) Where the Management Committee agrees that membership status should be frozen due to an emergency, as provided for clauses 41B, 54A and 100A a voting member at the commencement of the emergency is deemed to remain a voting member through to the conclusion of the emergency and beyond to the point where it is six months plus the duration of the emergency since the member last attended a compliant Branch meeting.

"Women's Council" means the Liberal Women's Council (ACT).

"Young Liberal(s)" means the Young Liberal movement of Australia (ACT Division) as defined in Division 3 of this constitution.

3(2) Words importing the masculine gender shall import the feminine gender.

3(3) Words importing the singular shall import the plural.

3(4) Where in any provision of this Constitution there is a requirement for notice to be given, notice shall be deemed to have been given where:

- (a) the notice has been posted to the member's nominated postal address as held by the Honorary General Secretary on the day prior to the day which is the last day before which notice could be validly given for the meeting; or
- (b) the notice has been sent via email or by another form of electronic communication to an account nominated by the member as held by the Honorary General Secretary

on the day which is the last day for which notice could be validly given for the meeting;

- (c) the notice has been personally given to the member on a day prior to the day which is the last day before which notice could be validly given for the meeting.
- 3(5) The appendices to this Constitution form a part of this Constitution and may only be amended in the same manner as the rest of this Constitution.
- 3(6) Headings are only inserted in this Constitution for the purpose of reference and do not form part of the Constitution.
- 3(7) Any power to appoint a person in this Constitution or form a subcommittee also includes a power to remove the person, or disband the subcommittee respectively.
- 3(8) Where for any reason the President or Chairman of an Electorate Branch is absent from the Territory, or cannot perform any of the duties of the respective positions prescribed by this Constitution, the next most senior office bearer who is available of the Division or Electorate Branch (as appropriate) shall perform the duties of that officer.
- 3(9) For the purposes of the Constitution of the Organisation, a general meeting of the Division shall be deemed to be a meeting of "Council".
- 3(10) Unless the contrary intention appears elsewhere in this constitution, any notice in writing or any document required to be sent by the Division to any person, shall be deemed to be sufficiently given to any person if either:
- (a) duly posted by prepaid post in an envelope addressed to that person at their last known address
  - (b) transmitted by facsimile to the last known facsimile number for that person
  - (c) sent by email to the last known email address for that person
  - (d) sent by a form of electronic communication approved by Management Committee and nominated by the member
  - (e) delivered and received in person

Notice in writing or any document required to be sent by the Division to any person by post in accordance with clause 3(10)(a) shall be deemed to be received on the second clear business day after posting. Notice in writing or any document required to be sent by the Division to any person electronically in accordance with clause 3(10)(b) or (c) shall be deemed to be received on the date of transmission, or if sending is not on a business day or not before 5:00pm then it shall be deemed to be received on the next succeeding business day after transmission or sending.

## PART II – MISSION AND OBJECTIVES

4. The mission of the Division is:

- (a) to promote the Objectives of the Liberal Party of Australia, as prescribed in Part II of the Constitution of the Federal Party;
- (b) formulate platform and policies to implement the objectives of the Liberal Party of Australia;
- (c) organise any public campaigns in support of Liberal Party objectives, policies or preselected candidates within the ACT;
- (d) encourage active party membership by people resident in the ACT.

### ***[INSERT: Extract from the Federal Constitution***

#### **PART II – OBJECTIVES OF THE FEDERAL LIBERAL PARTY**

2. *The objectives of the Organisation shall be to have an Australian nation:-*

- (a) *dedicated to political liberty and the freedom and dignity of man;*
- (b) *safe from external aggression and living in the closest communion with fellow members of the Commonwealth, playing its part in a world security order which maintains the necessary force to defend peace;*
- (c) *in which national defence is a matter of universal duty, and in which the spirit of patriotism is fostered and all Australians united in the common service of their country;*
- (d) *in which an intelligent, free and liberal Australian democracy shall be maintained by:-*
  - i) *a Parliament controlling the Executive and the Law controlling all;*
  - ii) *independence of the Judiciary;*
  - iii) *freedom of speech, religion and association;*
  - iv) *freedom of citizens to choose their own way of living and of life, subject to the rights of others;*
  - v) *protecting the people against exploitation;*
  - vi) *looking primarily to the encouragement of individual initiative and enterprise as the dynamic force of progress;*
  - vii) *developing to the fullest extent a national spirit in Australia.*
- (e) *in which men and women who have been members of the fighting services and their dependants shall enjoy honour and security and where preference and generous repatriation benefits are recognised;*
- (f) *in which primary, secondary and tertiary industries are promoted, new and adequate markets developed, the lot of country people improved, rural amenities increased, and decentralisation of industries encouraged;*
- (g) *in which there shall be no nationalisation of any Australian industry without the approval of the people;*
- (h) *in which constant employment at good wages is available to all willing and able to work;*

- (i) *in which employer and employee have a sense of common interest and duty, and share as co-operators in all advances of prosperity, and in which living standards rise steadily as physical resources expand and ingenuity grows;*
- (j) *in which social provision is made for the aged, the invalid, the widowed, the sick, the unemployed and their children;*
- (k) *in which adequate medical services are within the reach of all;*
- (l) *in which a comprehensive system of child and adult education is designed to develop the spirit of true citizenship, and in which no consideration of wealth or privilege shall be a determining factor;*
- (m) *in which the youth of the nation is given every encouragement to develop its talent to the full, recognising that from its ranks will come the leaders of tomorrow;*
- (n) *in which family life is seen as fundamental to the well-being of society, and in which every family is enabled to live in and preferably to own a comfortable home at reasonable cost, and with adequate community amenities.*

**[END OF INSERT]**

## **PART III - POWERS**

### **Powers of the Division**

5 The Division has all the powers of a natural person as are necessary to:

- (a) give effect to the Mission of the Division;
- (b) ensure representation of the Organisation in Governments, both federally and in the Territory; and
- (c) ensure the continuing growth of the Division.

### **Prohibition on the making of Personal Profit**

6(1) The income and property of the Division shall only be applied for the purposes of promoting the Objectives of the Division.

6(2) Subject to subclause 6(3), no portion of the income or property of the Division shall be paid or transferred to another person or corporation for the purposes of profit.

6(3) Subclause (2) does not prevent payment for the purposes of profit to:

- (a) professional officers appointed pursuant to Part XII;
- (b) the Honorary General Secretary (as provided for in subclause 101(2));
- (c) a person or corporation engaged by the Division to provide goods and services to the Division; or
- (d) a person who, pursuant to a resolution of Council is to be paid an honorarium because of services rendered to the Division.

### **Crown Leases**

6A(1) The Crown Leases or any interest in the Crown Leases of the Division Headquarters shall not be assigned, sold, gifted, transferred or otherwise disposed of without the prior written consent of all the Relevant Members or a two-thirds majority vote at a meeting of Council for which 60 days' notice has been given of the intention to assign, sell, gift, transfer or otherwise dispose of Crown Leases or any interest in the Crown Leases of the Division Headquarters.

### **Relevant Members**

6A(2) A decision of the Relevant Members to withhold consent in subclause 6A(1) may be overridden by a vote of Council consistent with the provisions of 6A(1).

6A(3) In any of the following circumstances the term of a Relevant Member will automatically end and a replacement Relevant Member may be appointed at a meeting of Council where either:

- (a) a Relevant Member dies;
- (b) a Relevant Member advises Council in writing of the Member's resignation as a Relevant Member;
- (c) a Relevant Member fails, after 1 January 2001, to renew their membership;
- (d) Council determines after 1 January 2001, in accordance with the provisions of this Constitution, that a Relevant Member's party membership should be cancelled or suspended; or
- (e) Council determines after 1 January 2001, by unanimous resolution that the position of a Relevant Member should be vacated and a replacement Relevant Member appointed

provided that, Council first ascertains that a quorum is present at the time when a vote is to be taken to appoint or remove a Relevant Member and at least 75% of those persons present and voting are in favour of the appointment. In the event of there being no quorum, such a motion shall lie on the table until the next Council meeting. The name of a replacement Relevant Member shall be deemed to be added to 6A(4) effective from the end of the Council Meeting at which that Relevant Member has been validly elected. The name of a Relevant Member will be deemed to be deleted from 6A(4) when the term of that Relevant Member automatically ends in accordance with this provision.

6A(4) For the purpose of this clause:

- (a) "Divisional Headquarters" means units 1 and 2 in Units Plan Number 451 Block 84, Section 37, Deakin in the Australian Capital Territory and includes any property acquired in substitution for it;
- (b) "Relevant Members" means Howard Charles Grant, John Whitton Haslem, James Willoughby Leedman, Cecil John Louttit, Terrence Mark Snow and Laurus Vant Westende.

## **PART IV - MEMBERSHIP**

### **DIVISION 1 - CLASSES OF MEMBERSHIP**

7(1) There is established the following classes of membership:

- (a) Ordinary Member;
- (b) Interstate Member;
- (c) Norfolk Island;
- (d) Associate; and
- (e) Donor.

7(2) A donor may be an ordinary member simultaneously.

### **DIVISION 2 - MEMBERSHIP**

#### **Eligibility for Ordinary Membership**

8 Any:

- (a) Australian citizen over the age of 16 years;
- (b) person eligible to vote in an Australian Federal or Territory election; or
- (c) permanent resident over the age of 16 years who has a current application for Australian citizenship

and is ordinarily resident in the Territory, not being a person ineligible for membership pursuant to clause 13, may apply for ordinary membership of the Division.

#### **New Members to Receive Certain Documents**

9 Upon being accepted as a member, the member shall receive:

- (a) notification of acceptance of membership;
- (b) a copy of the Objectives of the Federal Party;
- (c) a copy of this Constitution;
- (d) the Party platform or a précis of the Party platform, as prepared by the Policy Committee;
- (e) such introductory material for new members as is prescribed from time to time by the Division or Organisation.

#### **Rights of Interstate Members, Associates or Donors**

10 Interstate Members, Associates and Donors (who are not also ordinary members) shall receive such publications of a general nature (other than notices of meetings) produced by the Division and shall receive notice of functions and events conducted by the Division, but cannot exercise the rights of an ordinary member or voting member.

#### **Method of Applying for, and Gaining, Membership**

11(1) Any person who is eligible for a class of membership proposing to apply for such membership shall lodge with the Honorary General Secretary:

- (a) an application in writing indicating a desire to join the Division; and
- (b) the subscription fee for the class of membership sought, or an authorisation of an interstate transfer.

11(1A) Where an applicant for membership is already a financial member of another Division of the Liberal Party or of the Country Liberal Party, and has subsequently moved to ordinarily reside in the ACT, that person may give written authority for the Honorary General Secretary to arrange an interstate transfer. The interstate transfer will allow the member to transfer their existing membership to the ACT Division, without a break in membership, and without a requirement to pay a membership fee twice in a twelve month period. Acting on the written authority from the applicant, the Honorary General Secretary will:

- (a) ascertain from the relevant interstate Division the financial status of the applicant and when a membership fee would have next been payable by that person to the relevant interstate Division;
- (b) set a renewal month for the applicant, to coincide with when a membership fee would have next been payable by that person to the relevant interstate Division; and
- (c) upon acceptance by Management Committee of the application to join the ACT Division, communicate to the relevant interstate Division that the applicant has resigned their membership of that Division.

11(1B) Where an applicant for membership is already a financial member of another Division of the Liberal Party or of the Country Liberal Party, and subsequently seeks to join the ACT Division, that person may be a member of both Divisions provided that the person remits subscription fees to both Divisions and is eligible under the rules of both Divisions for a form of membership.

However this constitution sets out that eligibility for Ordinary Membership in the ACT Division is limited to those ordinarily resident in the ACT and those who satisfy the other requirements at clause 8; voting status in the ACT Division is limited according to a minimum period of membership and a minimum record of branch attendance in the ACT Division; and preselection voting rights are limited according to whether a member appears on an electoral roll in the ACT.

11(2) Upon receipt by the Honorary General Secretary of a written application pursuant to subclause 11(1), the President shall list as an agenda item for the next practicable meeting of the Management Committee, following the receipt of the application and receipt of the fee or the authorisation of interstate transfer, the question of whether the person should be accepted as a member of the Division.

11(3) At that meeting of the Management Committee, the Committee shall consider the application, and shall either accept or reject or defer it until the next meeting of the Management Committee, at which point the application must be resolved in the affirmative or the negative.

- (a) Where the prescribed fee is paid and accepted for the class of membership determined by Management Committee, or where an interstate transfer is authorised, that person shall become a member of the appropriate membership class.

11(4) Where the Management Committee rejects an application for membership of the Division, the Honorary General Secretary shall, within 7 days of the meeting of the Committee when the decision was made, advise the person of the decision of the Committee and of their right to seek, within 14 days of the date of the letter informing that person of the decision of the Committee, a review of the Committee's decision by Council.

11(5) Any person who is rejected as a member by the Management Committee pursuant to subclause 11(3) may apply to Council to have that person's application for membership accepted.

11(6) A person seeking a review provided for in subclause 11(5) shall lodge a written application for a review with the Honorary General Secretary within 14 days from the date of the letter advising the person of the rejection of his application for membership.

11(7) A person rejected for membership may lodge written reasons as to why they should be considered to be a member, and may address Council on the matter.



11(8) Upon receipt by the Honorary General Secretary of a written application made pursuant to subclause 11(6) the President shall list as an agenda item for the next practicable meeting of the Council following the receipt of the application whether the person should be accepted as a member of the Division.

11(9) At that meeting of Council, that body shall consider the application, and either accept or reject it.

11(10) A decision made with respect to a person pursuant to subclause 11(9) is final, with such person ineligible to apply again for membership for a period of 12 months commencing the day after Council made its decision.

11(11) At that meeting Council may substitute the 12 month ineligibility period to apply again for membership in clause 11(10) with either a period of 6 months or 24 months commencing the day after Council made its decision.

11(12) Where a person rejected for membership by the Management Committee does not seek a review of the decision of the Committee, that person may not seek membership of the Division for a period of 6 months commencing the day after the decision of the Management Committee.

11(13) Where a person has:

- (a) had their application for membership rejected by the Management Committee pursuant to subclause 11(3) and has not sought a review of that decision by Council pursuant to subclause 11(5), within the time period prescribed by subclause 11(6); or
- (b) had their application for membership rejected by Council pursuant to subclause 11(9)

the Honorary General Secretary shall refund to the person any subscription fee tendered with the person's original application for membership.

11(14) If a member wishes to change their membership class, the member shall write to the Honorary General Secretary notifying of any changed circumstance and Management Committee may consider the application and shall either accept or reject it.

## **Expulsion and Suspension**

12(1) Where a member has in the opinion of Management Committee, by act or negligence:

- (a) impeded the achievement of the Mission of the Division; or
- (b) publicly dissented from the Objectives of the Liberal Party; or
- (c) brought into the public domain internal party matters or information in possession of the member by virtue of their position in the party, without authorisation to do so; or
- (d) been disruptive to a Liberal Party election campaign; or
- (e) failed to exhaust appropriate internal party processes before pursuing complaints against the party or its members with external complaints authorities, related to matters arising in the course of party affairs; or
- (f) behaved with gross impropriety or indecency while attending an official party event or undertaking tasks or activities on behalf of the party; or
- (g) otherwise brought the Liberal Party into disrepute; or
- (h) otherwise acted in a manner disloyal to the Liberal Party,

then the Management Committee may form a preliminary view that the member shall be disciplined.

12(2) Where the Management Committee forms a preliminary view that a member should be disciplined, the President shall cause a notice to be delivered to the member that contains:

- (a) a statement that the Management Committee has formed the preliminary view that the person should be disciplined;
- (b) the reasons why the Committee formed its preliminary view;
- (c) the place and date where the Committee will be meeting; and
- (d) that the member either
  - (i) attend that meeting of the Committee in person and provide oral reasons as to why the member should not be disciplined;
  - (ii) tend prior to, or at the meeting, written reasons as to why the member should not be disciplined;
  - (iii) or do both.

12(3) The date that is stated in the notice, sent pursuant to subclause 12(2) shall be at least 21 days after the day on which the Management Committee formed its preliminary view.

12(4) A member subject to a discipline proceeding shall be entitled to:

- (a) attend that meeting of the Management Committee in person and provide oral reasons as to why the person should not be disciplined;
- (b) tend, prior to or at the meeting, written reasons as to why the person should not be disciplined; or
- (c) do both.

12(5) The President shall ensure that the notice required to be given pursuant to subclause 12(2) is served on the person at least 14 days prior to the date on which it is intended to deal with the matter.

12(6) At the relevant meeting of the Management Committee considering whether a person should be disciplined the Committee shall:

- (a) consider all the evidence relevant to the matter that is before the Committee, together with any oral or written submission made by the member, and
- (b) following consideration of the evidence, decide whether or not the member under review deserves to be disciplined.

12(7) Should the Management Committee decide that the member deserves to be disciplined, the Committee may either:

- (a) reprimand the member,
- (b) suspend the rights and privileges of the member for a period not exceeding 12 calendar months commencing the day after the decision of the Committee was made; or
- (c) expel the member.

12(8) The Management Committee may make a decision to discipline a member even if the member is not present at the meeting where the Committee makes its decision to discipline the member, or if the member chooses not to make an oral or written submission.

12(9) Where the Management Committee has resolved to discipline a member, the Honorary General Secretary shall, within 7 days of the Committee making the decision, advise the member of the decision of the Committee and of the member's right to seek a review of the decision by Council.

12(10) Any person who is disciplined by the Management Committee pursuant to subclause 12(7) may apply to Divisional Council to have reversed the discipline imposed on the person within 14 days of the date of the letter advising the person of the decision of the Committee to impose the discipline.

12(11) Any person seeking such a review shall lodge a written application with the Honorary General Secretary.

12(12) The person may also lodge further written reasons as to why they should not be disciplined.

12(13) Upon receipt of a written application made pursuant to subclause 12(10), the President shall list as an agenda item for the next meeting of the Council following the receipt of the application whether the member should be disciplined.

12(14) Where:

- (a) At the relevant meeting of the Council the Council shall, when considering whether the person under review should be disciplined, consider all the evidence relevant to the matter that is before the Council, together with any of the submissions of the member under review, who may address Council on the matter.
- (b) Following consideration of the evidence, Council shall then decide whether or not the member deserves to be disciplined.
- (c) Should the Council decide that the member deserves to be disciplined, the Council may either-
  - (i) affirm the decision of the Management Committee;
  - (ii) reprimand the member,
  - (iii) suspend the rights and privileges of the member for a period not exceeding 12 calendar months commencing the day after decision of the Council was made; or
  - (iv) expel the member.

12(15) The Council may make a decision to discipline a member even if the person under review chooses not to make an additional submission pursuant to subclause 12(12), or did not originally address the Management Committee on the matter.

12(16) Where the Management Committee resolves to discipline a member, that decision takes effect immediately, notwithstanding any appeal to Council.

12(17) Where Council varies a decision of the Management Committee disciplining a member, the date of any expulsion or suspension will commence the day after the decision of the Council.

12(18) Where Council does not vary the decision of the Management Committee, the suspension or expulsion shall be deemed to have commenced the day after the decision of the Management Committee suspending or expelling the member.

12(19) Any person expelled from the Division may not reapply for membership for a period of 3 years commencing the day after the person's expulsion is taken to have commenced.

## **Persons Ineligible for Membership**

13(1) Any person (other than a member or a person subject to subclause 13(3)) who has either.

- (a) stood in any election to an Australian Parliament (including the Legislative Assembly) against candidates endorsed by the Division or Organisation; or
- (b) has been a member of a group registered as a political party for the purposes of the Commonwealth Electoral Act 1918 or the Electoral Act 1992 (ACT) other than as a member of another Division of the Organisation,

is ineligible to become a member of the Division for a period of 3 months after the day of the election in which the person stood, or ceased being a member of the political party, as the case requires.

13(2)(a) Any member who:

- (i) stands in any election to an Australian Parliament (including the Legislative Assembly) against candidates endorsed by the Division or Organisation; or
- (ii) becomes a member of a group registered as a political party for the purposes of the Commonwealth Electoral Act 1918 or the Electoral Act 1992 (ACT); or
- (iii) accepts appointment in accordance with section 44(1) of the Commonwealth Electoral Act 1918 to fill a casual vacancy in the Senate, in circumstances where that member was not preselected by the Division or appointed by Management Committee to fill that casual vacancy;

shall be deemed to have resigned from membership of the Division.

13(2)(b) A person deemed to have resigned pursuant to subclause 13(2)(a) shall be ineligible to apply for membership of the Division for a period of 3 years after the day on which:

- (i) the relevant Electoral Commission publicly announces their candidacy in the election for which they stood; or
- (ii) the Management Committee passes a resolution noting that the Committee is aware of the membership of the person to that other political party and resolves that the person is deemed to have resigned; or
- (iii) the person agreed to be nominated to fill a casual Senate vacancy, in circumstances where that member was not preselected by the Division or appointed by Management Committee to fill that casual vacancy;

whichever is the earlier.

13(3) Any person who has resigned from the Division or has otherwise ceased to have been a member of the Division, and:

- (a) stands in any election to an Australian Parliament (including the Legislative Assembly) against candidates endorsed by the Division or Organisation; or
- (b) becomes a member of a group registered as a political party for the purposes of the Commonwealth Electoral Act 1918 or the Electoral Act 1992 (ACT) within 3 months of him ceasing to be a member of the Division

is ineligible to re-apply to become a member of the Division for a period of 3 years after the day on which :

- (i) the relevant Electoral Commission publicly announces their candidacy in the election for which they stood; or
- (ii) the Management Committee passes a resolution noting that the Committee is aware of the membership of the person in that other political party and resolves that the person is deemed to have resigned, whichever is the earlier.

13(4) Notwithstanding subclause 13(2) and (3), a person ineligible to apply for membership because of the effect of subclasses 13(2) or (3) may apply to Council by means of a request in writing lodged with the Honorary General Secretary to have their ineligibility to apply to become a member waived.

13(5) Upon receipt of a request made pursuant to subclause 13(4), the President shall cause to have placed on the agenda for the next practicable meeting of Council the question of whether the person's ineligibility should be waived.

13(6) At that meeting of Council, should two thirds of the voting members present and voting on the motion determine that the ineligibility should be waived to become a member of the Division, that person may become eligible to apply to become an ordinary member of the Division.

## Resignation

14(1) A person may resign their membership in writing addressed to the Honorary General Secretary.

14(2) If a person is suspended and then resigns, that person shall be ineligible to reapply for membership until after the period of suspension.

## Membership Subscriptions

15(1) Membership subscriptions are payable 12 months from the member's last renewal month. A member's renewal month is taken to be:

- (a) in the case of a member who joined after 7 November 2002, the month in which the member first joined the party and every annual anniversary of that month thereafter while that person remains a continuous financial member; or
- (b) in the case of a member who joined prior to 7 November 2002, the month in which the member last renewed prior to November 2002 and every annual anniversary of that month thereafter while that person remains a continuous financial member; or
- (c) in the case of a member who has joined through an interstate transfer, the month which the Honorary General Secretary has determined will coincide with when a membership fee would have been next payable by that person to the relevant interstate Division to which they previously belonged, and every annual anniversary of that month thereafter while that person remains a continuous financial member.

15(2) 11 months from the member's last renewal month the Honorary General Secretary shall cause to have served on each member a notice advising the member:

- (a) that subscriptions for the next financial year fall due 12 months from the member's last renewal month,
- (b) failure to pay the subscriptions by 14 months from the member's last renewal month will mean that the person will forfeit the rights and privileges of the class of membership of the Division they hold;
- (c) failure to pay the subscriptions by 15 months from the member's last renewal month will mean that the person must apply to rejoin the Division; and
- (d) the fee owed by that person for the class of membership held by that member.

15(3) Subject to subclause 15(4), should an ordinary member fail to pay subscriptions due for that financial year by 14 months from the member's last renewal month, that member's right to vote at any Council, Policy Convention, Preselection or Annual General Meeting of the Division, or any branch thereof will be suspended until such time as the member pays the subscription due.

15(4) Should a member fail to pay subscriptions due for that financial year by 15 months from the member's last renewal month, that person shall cease to be a member of the Division, and shall have to re-apply for membership.

## **PART V - BRANCHES**

### **Types of Branches**

16 The following types of Branches are established:

- (a) Electorate Branches;
- (b) Interest Branches.
- (c) Women's Council; and
- (d) Young Liberals

16A In fulfilling its function or in undertaking any activity in the name of Division, each Branch and each of its office-bearers (however described) must do everything necessary to ensure that they comply with:

- (a) this Constitution;
- (b) any Financial Regulations made pursuant to subclause 81(2) of this Constitution; and;
- (c) any other direction given by the Honorary General Secretary that is reasonably necessary to ensure that the Division complies with the Commonwealth Electoral Act 1918, the Electoral Act 1992 (ACT) or any other relevant Commonwealth or Territory law;
- (d) directions from the Management Committee in relation to ensuring proper governance and probity and upholding the effective stewardship and reputation of the Canberra Liberals.

## **DIVISION 1- ELECTORATE BRANCHES**

### **Establishment of Electorate Branches**

17 Council may decide that Electorate Branches are based on the division of the Territory into electorates for Federal elections, Territory elections, or some other arrangement, or may decide that there are no Electorate Branches.

17A The Honorary General Secretary is empowered to set the date of the inaugural Annual General Meeting of any new Electorate Branch established by Council and to determine any other transitional arrangements required to give effect to the establishment of new Electorate Branches

### **Function of the Electorate Branch**

18 The function of the Electorate Branch is to:

- (a) assist with any campaign to be conducted by the Division;
- (b) conduct activities designed to promote the Objectives and Platform of the Division; and
- (c) encourage membership of and participation in the Division by people resident in the Electorate.

### **Ordinary Members to be Members of the Electorate Branch for the Electorate In Which They are Ordinarily Resident**

19(1) An ordinary member shall be deemed to be a member of the Electorate Branch for the electorate in which the member is ordinarily resident unless the members has, in an instrument lodged with the Honorary General Secretary, elected to be a member of another Electorate Branch.

19(2) A member may only change the Electorate Branch of which they are a member once in any calendar year.

19(3) Notwithstanding subclauses 19(1) and 19(2), a member may not change their electoral branch, or be deemed to be a member of another Electorate Branch:

- (a) between the day on which the Management Committee opens nominations for selecting a candidate to represent the Division in that Electorate, until the day after the public announcement of the result of the preselection; or
- (b) during the months of June or July.

## **Annual General Meeting**

20(1)(a) Each Electorate Branch shall hold an Annual General Meeting during the month of July, on a day determined by the Executive Committee.

20(1)(b) When a Territory or Federal election occurs in the month of July, the executive of Management Committee, by a simple majority, may postpone the Electorate Branch AGM until the month of August.

20(2) The Electorate Branch Secretary shall cause to have served on each member of the Electorate Branch 14 days prior to the meeting a notice:

- (a) detailing the date, time and place of the meeting;
- (b) the positions to be elected;
- (c) inviting nominations for the positions to be elected; and
- (d) listing the other matters prescribed by this Constitution to be discussed at the meeting.

20(3) Nominations for the positions to be elected should be in writing, duly moved and seconded by members of the Electorate Branch and lodged with the Honorary General Secretary at least 7 days prior to the meeting.

20(4) The following Executive Committee office-bearers shall be elected at the Annual General Meeting (in order of seniority and election):

- (a) Chairman;
- (b) Deputy-Chairman;
- (c) Secretary;
- (d) Events Officer,

by means of the method prescribed in Appendix Two, Divisions I and II.

20(5) No member of the Parliamentary Party, or ordinary member of the Division representing the Territory as either a Senator or a Member of the House of Representatives may hold a position elected pursuant to subclause 20(4).

20(6)(a) Where no valid nomination is received within the prescribed time period for an elected position, nominations for that position may be accepted "from the floor".

20(6)(b) Where more than one nomination is received "from the floor", an election will be held between the candidates.

20(6A) Notwithstanding subclause (3), where a candidate is defeated in an election, he may be nominated "from the floor" to stand in a subsequent election to be conducted at the meeting.

20(7) The Annual General Meeting shall also consider:

- (a) a statement of monies received and expended that were caused to be prepared by the Electorate Events Officer for the period 1 July to 30 June (inclusive). The Annual General Meeting shall not proceed unless the statement of monies received and expended has been prepared; and
- (b) a report from each of the office-bearers of the Electorate Branch for the preceding year.

20(8) The members elected to positions as office-bearers at an Annual General Meeting shall take up their positions immediately after the close of the Annual General Meeting.

20(9) Only ordinary members who are members of the relevant Electorate Branch, pursuant to subclause 19(1), shall be entitled to vote at the meeting.

20(10) The meeting shall be chaired by the Chairman of the Electorate Branch, or such person appointed by the Chairman of the Electorate Branch, not being a candidate in the election.

## **Ordinary Meetings**

21(1) An Electorate Branch may otherwise hold meetings to discuss any motion in writing lodged with the Electorate Secretary, or for any purpose determined by the Executive Committee:

- (a) when required by the Chairman of the Electorate Branch;
- (b) when required by the Executive Committee; or
- (c) at the request of 20 members of the Electorate Branch who request in writing that a particular matter be discussed.

21(2) Notwithstanding subclause 21(1), the Electorate Chairman shall ensure that a meeting of the Electorate Branch is held at least four times per year.

21(3)(a) Where a meeting is called pursuant to subclause 21(1)(c), the Chairman may list other matters on the agenda but the meeting shall first resolve the matter proposed to be discussed in the request.

21(3)(b) Where the Executive Committee receives a request for a meeting the Committee shall call a meeting within 21 days of receiving the request.

21(4) All ordinary members who are members of the relevant Electorate Branch pursuant to subclause 19(1) may participate in an ordinary meeting.

21(5) All ordinary members who are members of the relevant Electorate Branch pursuant to subclause 19(1) shall in any instance receive 14 days notice of any Electorate Branch meeting held pursuant to this clause, that shall also include the agenda for that meeting.

## **Meeting Rules and Procedure**

22(1) A quorum for any Annual General Meeting or ordinary meeting of an Electorate Branch shall be calculated by the Honorary General Secretary based on the number of ordinary members deemed to be members of the relevant Electorate Branch on each 1st of July and will apply to all meetings held between that date and the following 30th June. The quorum will be the lesser of:

- (a) 20 ordinary members; or
- (b) 10% of the ordinary members rounded up to the next whole number.

22(2) All meetings shall be run pursuant to the Standing Orders prescribed in Appendix One.



22(3) Ordinary meetings shall be chaired by the Chairman of the Electorate Branch, or in his absence by the next most senior officer of the Executive Committee present at the meeting.

## **Executive Committee of the Electorate Branch**

23(1) The office-bearers elected pursuant to subclause 20(4) shall form the Executive Committee.

23(2) The function of the Executive Committee is to ensure the Electorate Branch operates smoothly and that its functions are executed.

23(3) A quorum of the Executive Committee shall be 3.

23(4) The Executive Committee shall meet at such time and place as determined by the Chairman.

23(5) The Chairman shall also convene a meeting, upon receipt of a request in writing from 2 members of the Executive Committee asking that a particular matter be discussed, within 7 days of the request being received.

23(6) Where a meeting is called pursuant to subclause 23(5), the meeting shall only discuss the matter proposed to be discussed in the request

23(7) Where a member of the Executive Committee

- (a) dies;
- (b) misses three consecutive Electorate Branch and Executive Committee meetings without apology;
- (c) resigns in writing addressed to the Honorary General Secretary; or
- (d) is removed pursuant to clause 29

there shall be a vacancy in the Executive Committee.

23(8) Where there is a vacancy in the Executive Committee, the Electorate Branch shall fill the vacancy "from the floor" as prescribed by subclause 20(6) at its next ordinary meeting as if there was a position to be filled at an Annual General Meeting for an Electorate Branch for which no valid nomination was received.

## **Responsibilities of the Electorate Chairman**

24 The Electorate Chairman shall:

- (a) ensure the Electorate Branch operates smoothly and that its functions are executed;
- (b) Chair Electorate Branch meetings;
- (c) encourage membership of and participation in the Division by people resident in the Electorate, and encourage membership development within the Electorate Branch;
- (d) ensure that the Electorate Branch meets all fundraising targets set by the Management Committee;
- (e) ensure the branch undertakes ongoing campaigning, and
- (f) coordinate branch campaign activities.

## **Responsibilities of the Electorate Secretary**

25 The Electorate Secretary shall:

- (a) liaise with the Honorary General Secretary to ensure that the Electorate Branch is regularly furnished with a list of members of the Division who are members of the Electorate Branch;
- (b) take charge of all books, records, documents, correspondence or other instruments, other than documents to be possessed by the Events Officer, and provide the inscribed lists of branch meeting attendees to the Honorary General Secretary in accordance with clause 41;
- (c) ensure that the minutes of any meeting held by the Electorate Branch or its Executive Committee are kept; and
- (d) after every properly constituted meeting of the Electorate Branch, send a signed copy of the attendance record to the Honorary General Secretary.

## **Responsibilities of a Deputy Chairman**

26 The responsibilities of a Deputy Chairman are to:

- (a) act as Chairman of the branch when the Chairman is absent or otherwise unable to fulfil their duties;
- (b) oversee and coordinate policy discussion within the branch and liaise with the Policy Committee Chair and Policy Committee;
- (c) assist the Chairman, Campaign Committee and Director in coordinating campaign activities.

## **Responsibilities of the Electorate Events Officer**

27 The responsibilities of the Events Officer are to:

- (a) organise any social, fundraising or other events to be held by the Electorate Branch.
- (b) ensure that the financial affairs of the Electorate Branch are effected in accordance with any Financial Regulations made pursuant to subclause 81(2);
- (c) receive all monies payable to the Electorate Branch and ensure that they are dealt with in accordance with any Financial Regulations made pursuant to subclause 81(2);
- (d) cause to have prepared a statement of monies received and expended for presentation to the Annual General Meeting of the Electorate Branch for the previous financial year of the Electorate Branch, that shall commence on 1 July each year; and
- (e) provide a copy of the statement of monies received and expended to the Honorary General Secretary within seven days of the statement being accepted at the AGM.

## **Relationship of Electorate Branches to the Division**

28(1) The Management Committee may at any time direct members of an Executive Committee to present the books and records of the Electorate Branch to the Honorary General Secretary, to be dealt with in the manner directed by the Management Committee.

28(2) The Events Officer shall transfer to a bank account under the control of the Finance Committee on behalf of the Division such funds as may be in bank accounts under the control of the Events Officer along with any other funds the Electorate Branch may have in its possession when directed to do so by the Management Committee.

28(3) Where the Management Committee forms the opinion that the Electorate Branch has ceased to function efficiently, the Management Committee may remove the Executive Committee of that Electorate Branch.

28(4) Where the Management Committee resolves that the Executive Committee be removed:

- (a) the Chairman of the Electorate Branch shall cause to have surrendered possession and control of all records of the Electorate Branch to the Honorary General Secretary, to be dealt with in the manner directed by the Management Committee;
- (b) the Events Officer and any other person holding funds and property for and on behalf of the Electorate Branch shall forward the funds and property of the Electorate Branch to the Honorary Treasurer, who shall place those funds in a bank account operated by the Finance Committee on behalf of the Division and deposit property and assets with the Division;
- (c) the Management Committee will ensure the Electorate Branch continues to function during the period; and
- (d) the Management Committee shall ensure that a fresh Annual General Meeting is held at the earliest practicable opportunity to elect a new Electorate Branch Executive Committee.

28(5) Where a new Annual General Meeting is held for the Electorate Branch pursuant to subclause 28(4)(d), members who are so elected as members of the Electorate Branch Executive Committee shall serve until the time that the Electorate Branch would ordinarily conduct an Annual General Meeting.

28(6) Any ordinary member eligible to be a member of an Electorate Branch shall receive at least 14 days notice of any meeting held pursuant to this clause.

## **Removal of a Member of an Electorate Branch Executive Committee**

29(1) A Member of an Electorate Branch Executive Committee may only be removed at a meeting called pursuant to subclause 21(1)(c).

29(2) At any meeting of an Electorate Branch discussing the removal of a member of an Electorate Branch Executive Committee the member shall not be removed unless a motion to such effect is carried by a two thirds majority of the persons voting.

## **DIVISION 2 - INTEREST BRANCHES**

### **Establishment of Interest Branches**

30(1) The Division shall encourage the creation of Interest Branches.

30(2) Interest Branches are not necessarily to be based on individual suburbs or region, but on communities of interest that binds those people together as a group.

30(3) A group of people, sharing a community of interest may seek to be recognised as an Interest Branch of the Division.

30(4) Where the Honorary General Secretary receives a memorandum signed by ten people claiming that:

- (a) the group represents a community of interest within the Territory community; and
- (b) the group wishes to promote Liberal ideals and values within that community of interest the President shall cause to have placed on the agenda for the next meeting of the Management Committee, after the memorandum is received by the Honorary General Secretary, the question of whether the group should be recognised as an Interest Branch of the Division.

30(5) The Management Committee will then at the relevant meeting consider the application, and if the Committee is satisfied that:

- (a) recognition of the group will assist the Division achieve its Objectives;
- (b) the group will be viable for a reasonable period of time;
- (c) the group has appropriate by-laws;
- (c) the rules of the Interest Branch permits any ordinary member to join the Branch

it will recognise the group as an Interest Branch, otherwise it will reject the application.

30(6) The Management Committee shall not continue to recognise an Interest Branch if the Committee becomes aware that the Interest Branch has Rules precluding any ordinary member from joining the Interest Branch.

### **Rules for Interest Branches**

31(1) An Interest Branch may (subject to clauses 32 and 40) have such Rules and charge such fees as the Interest Branch sees fit provided that:

- (a) the Interest Branch shall hold an Annual General Meeting;
- (b) the person who carries out the duties of a Secretary (by whatever title he may be known) shall provide a list of the Executive of the Branch and the membership of the Branch to the Honorary General Secretary within 30 days after the AGM;
- (c) where an Interest Branch operates accounts, the branch shall have a financial year from 1 July to 30 June (inclusive) and the person who carries out the duties of a Honorary Treasurer (by whatever title he may be known) shall forward a copy of a statement of monies received and expended provided to members at the AGM to the Honorary General Secretary within seven days of the AGM.

31(2) The Convenor or senior member (however described) of an Interest Branch shall be an ordinary member of the Division and all other members of the Interest Branch Executive shall be ordinary members of the Division.

31(3) Despite anything to the contrary in its Rules, an Interest Branch must only operate in accordance with the meeting notice and attendance requirements in subclauses 40(1) and 41(1).

31(4) Despite anything to the contrary in its Rules, an Interest Branch must only operate in accordance with any Financial Regulations made pursuant to subclause 83(2).

## **A Person may Join any Number of Interest Branches**

32(1) A member of the Division may join as many Interest Branches as the Member wishes.

## **Derecognition of Interest Branches**

33(1) Where the Management Committee forms the opinion that:

- (a) an Interest Branch operating under this part is no longer viable; or
- (b) continued recognition of the Interest Branch is not in the best interests of the Division,

it shall de-recognise the group as an Interest Branch of the Division.

33(2) Where, during any nine month period, an Interest Branch has failed to:

- (a) provide notice of at least one meeting in the manner prescribed by subclause 40(1); and
- (b) forward a list of attendees of at least one meeting so notified in the manner prescribed by subclause 41(2)

the Honorary General Secretary shall advise the last known Executive of the branch, to reconvene the branch.

33(3) Where, after a 12 month period, an Interest Branch has failed to:

- (a) provide a notice of at least one meeting in the manner prescribed by sub clause 40(1);  
and
- (b) forward a list of attendees of at least one meeting so notified, in the manner prescribed by sub clause 41(2)

it shall be automatically de-recognised.

## **DIVISION 3 - YOUNG LIBERALS**

### **Establishment**

34(1) There is established the Young Liberal Movement of Australia (ACT Division).

34(2) The Young Liberal Movement of Australia (ACT Division) so established forms a part of the Young Liberal Movement of Australia established by the Constitution of the Federal Party.

### **Young Liberals to Operate Pursuant to Their Own Rules**

35(1) The Young Liberal Movement (ACT Division) shall operate according to its own Constitution.

35(2) Any Constitution of the Young Liberal Movement of Australia (ACT Division), or any amendment thereto, shall be endorsed by the Management Committee prior to such a Constitution, or amendment thereto, commencing operation.

35(3) Despite anything to the contrary in its Constitution, the Young Liberal Movement of Australia (ACT Division) shall only operate in accordance with any Financial Regulations made pursuant to subclause 83(2)

## **DIVISION 4 - WOMEN'S COUNCIL**

### **Establishment**

36 There is established a Women's Council of the Division.

### **Eligibility to join the Women's Council**

37 All ordinary members of the Division shall be eligible to join the Women's Council.

### **Women's Council to Operate Pursuant to Their Own Rules**

38(1) The Women's Council shall operate according to its own Constitution.

38(2) Any Constitution of the Women's Council, or any amendment thereto, shall be endorsed by the Management Committee prior to such Constitution, or amendment thereto, commencing operation.

38(3) Despite anything to the contrary in its Constitution, the Women's Council of the Division shall only operate in accordance with any Financial Regulations made pursuant to subclause 83(2).

### **ACT Representation on Federal Women's Committee**

39 The President of the Women's Council shall be the representative of the Division on the Federal Women's Committee of the Organisation.

## **DIVISION 5 - PROCEDURES TO BE FOLLOWED BY ALL BRANCHES**

### **14 Days Notice of Meeting to be Given to Honorary General Secretary**

40(1) Each Branch shall ensure that the Honorary General Secretary is given at least fourteen days notice in writing of the proposed date of a meeting of the Branch.

40(2) Failure to give the notice prescribed in subclause 40(1) does not render void any decision made by the meeting however, a member may not be elected to the executive committee or may not use attendance at the meeting for fulfilling the requirements necessary to be regarded as a voting member, nor may the branch forward any Policy motion passed at the meeting to Policy Committee for consideration.

40(3) Where the Branch operates accounts, the person who carries out the duties of a Treasurer (by whatever title he may be known) shall cause to have prepared a statement of monies received and expended to the Annual General Meeting of the Branch for the previous financial year of the Branch, that shall commence on 1 July of each year. The Annual General Meeting shall not proceed unless a statement of monies received and expended has been prepared.

### **Branches are to Inform Honorary General Secretary of Attendees of Meeting**

41(1) Where a Branch has:

- (a) held a meeting; and
- (b) fulfilled the requirements of subclause 40(1) the Secretary or convenor of the Branch shall cause to have circulated at the meeting a list and invite interested people to record their names thereon.

41(2) The Secretary or convenor shall forward the inscribed list to the Honorary General Secretary within two business days of the close of the meeting. If not received within two business days, the Honorary General Secretary shall contact the Branch Secretary or convenor to obtain the list. If the list is not obtained within five business days of the close of the meeting, the Honorary General Secretary shall add the failure to the next Management Committee agenda for consideration as to whether the branch is still functioning efficiently, per clause 28(3). Once received, the Honorary General Secretary shall ensure the list is kept in a safe and accessible place. Failure to comply with the terms of this clause does not invalidate a member's voting status, subject to the restrictions of Clause 41(4).

41(3) The inscription of the name of a person on the list shall, in the absence of evidence to the contrary, be evidence of that person's attendance in the meeting.

41(4) Where the Honorary General Secretary is required to compile a list of Voting Members for:

- (a) an internal party ballot, the deadline for submitting an inscribed attendance list shall be the close of business of the working day prior to the internal party ballot; or
- (b) a preselection, the deadline for submitting an inscribed attendance list shall be the close of business of the date for the close of rolls (or where such day is not a business day, the deadline shall be the close of business of the prior working day).



## **Appeals**

41A Where a nominee is dissatisfied with the conduct of an Annual General Meeting they shall first raise their concern with the relevant outgoing Branch Executive. Where the relevant outgoing Branch Executive has either declined to investigate or take action, an appeal may be made to Management Committee within 24 hours of the count. The appeal shall be in writing, shall state clearly the ground(s) and must be lodged with the Honorary General Secretary. Management Committee shall consider whether grounds have been established to appoint an Appeals Subcommittee in accordance with Appendix 3.

## **Branches unable to meet in person**

41B(1) Where Management Committee determines by a special majority of 75% there are such circumstances that prevent a branch or branches meeting lawfully or safely Management Committee may freeze the voting status of members for a period of no greater than three months.

41B(2) Where Management Committee determines by a special majority of 75% there are such circumstances that prevent a branch or branches meeting lawfully or safely Management Committee may defer any constitutional requirement to hold a Council meeting, policy convention or annual general meetings for a period no greater than three months.

41B(3) Where Management Committee determines by a special majority of 75% there are such circumstances that would prevent the resumption of in person meetings of a branch or branches within a three month period, or where a delay in holding in person meetings would not be in the best interests of the Division, Management Committee may authorise the holding of meetings electronically with such meetings, notwithstanding any other provision in the constitution, being valid for all constitutional purposes.

41B(4) For meetings held electronically notice and quorum provisions will continue to apply.

41B(5) For meetings held electronically where a secret ballot is required the Divisional Director, in consultation with the Honorary General Secretary and President shall ensure processes are put in place to allow voting members to cast a secret ballot.

## **PART VI - COUNCIL**

### **Establishment**

42 The principal body of the Division is Council which is established accordingly.

### **Membership of Council**

43 All voting members are members of Council and are accordingly eligible to vote at Council meetings. Other members of the Division without voting rights may attend Council as observers.

### **Functions of Council**

44(1) The functions of Council are to:

- (a) elect the office-bearers of the Division;
- (b) review and guide the deliberations of the Management Committee;
- (c) amend this Constitution;
- (d) perform any other responsibility conferred on it by this Constitution; and
- (e) consider a report from the Leader of the Parliamentary Party.

44(2) Council may also review and rescind any decision of the Management Committee.

### **Annual General Meeting**

45(1) Council shall hold an Annual General Meeting once in each calendar year, within the period of 5 months beginning at the end of the Division's most recently ended financial year, on a day determined by the Management Committee.

45(2) The Honorary General Secretary shall cause to have served on each member of the Division 14 days prior to the meeting a notice:

- (a) detailing the date, time and place of the meeting;
- (b) the positions to be elected;
- (c) inviting nominations for the positions to be elected; and
- (d) listing the other matters prescribed by this Constitution to be discussed at the meeting.

45(3) Nominations for the positions to be elected should be in writing, duly moved and seconded by voting members of the Council and lodged with the Honorary General Secretary at least 7 days prior to the meeting.

45(4) Only voting members shall be entitled to vote.

45(5) The following positions shall be elected at the Annual General Meeting:

- (a) President;
- (b) Vice President (Membership and Branch Development);
- (c) Policy Committee Chair;
- (d) Honorary Treasurer;
- (e) Finance Committee Chair;
- (f) Members of the Division to represent the Division as delegates to the Federal Council of the Organisation elected by preferential ballot in accordance with the requirements of clause 47;
- (g) 4 members of the Policy Committee; and
- (h) a Federal Regional and Rural Committee representative.

45(6) No member of the Parliamentary Party or member of the Division sitting as either a Senator or a Member of the House of Representatives, or preselected candidate for the ACT Assembly, Senate or House of Representatives may nominate for a position on Management Committee, or proxy for an elected member of the Management Committee.

45(7) Elections for a single position shall be by the method prescribed by Appendix Two, Divisions I and II. Elections for multiple positions shall be by the method prescribed by Appendix Two, Divisions I and III.

45(8) No member may hold more than one of the following positions:

- (a) President;
- (b) Vice President (Membership and Branch Development);
- (c) Policy Committee Chair;
- (d) Honorary Treasurer;
- (e) Finance Committee Chair; or
- (f) Chairman of an Electorate Branch

45(9)

- (a) Where no valid nomination is received within the prescribed time period for a position to be elected pursuant to subclause 45(5), nominations for that position may be accepted "from the floor".
- (b) Where more than the required number of nominations are received "from the floor", an election will be held between the candidates.

45(10) The Annual General Meeting shall also consider

- (a) a set of audited accounts that were caused to be prepared by the Honorary Treasurer for the previous financial year; and
- (b) a report from the retiring President for the preceding year.

45(11) The members elected to positions at an Annual General Meeting shall take up their positions immediately after the close of the Annual General Meeting, or after the conclusion of any appeal, whichever is the latter.

45(12) Where a nominee is dissatisfied with the conduct of the Annual General Meeting, an appeal may be made to the outgoing Management Committee within 24 hours of the count. The appeal shall be in writing, shall state clearly the ground(s) and must be lodged with the Honorary General Secretary. The outgoing Management Committee members shall consider whether grounds have been established to appoint an Appeals Subcommittee in accordance with Appendix 3.

46 The Division shall send a delegation of fourteen (14) delegates to the Federal Council of the Organisation. The function of the delegation is to represent the Division at the Federal Council of the Organisation and to discharge the duties vested in the Federal Council in Part X of the Federal Constitution.

47 The members of the delegation shall be as follows:

- (a) the President;
- (b) the President of the Liberal Women's Council (ACT);
- (c) the President of the Young Liberal Movement of Australia (ACT Division);
- (d) the Leader of the Parliamentary Party;
- (e) the Vice President;
- (f) the Policy Committee Chair;
- (g) the Finance Committee Chair;
- (h) the Honorary Treasurer;

- (i) the Chairmen of the electorate branches;
- (j) the Federal Regional and Rural Committee representative; and,
- (k) such remaining delegate positions that are not filled under clause 47(a) to (i) shall be filled by ordinary members of the Division elected at the Annual General Meeting under section 45(5)(f).

48 No member shall hold more than one delegate position at the time of the Federal Council of the Organisation

49 (1) (a) Should a member of the delegation be unable to attend the Federal Council of the Organisation or be otherwise a member of the Federal Council by virtue of being one of the following:

- (i) Leader or Deputy Leader of the Federal Parliamentary Party;
  - (ii) Leader or Deputy Leader of the Parliamentary Party in the Senate;
  - (iii) The Federal President;
  - (iv) A Federal Vice-President;
  - (v) The Honorary Federal Treasurer;
  - (vi) The Immediate Past Federal President;
  - (vii) The Federal President or Federal Vice-President of the Young Liberal Movement of Australia;
  - (viii) The Chairman of the Federal Regional and Rural Committee;
  - (ix) President of the Federal Women's Committee;
- (b) Then that delegate must appoint a replacement delegate who must:
- (i) be an ordinary member of the Division;
  - (ii) not already be a member of the delegation; and,
  - (iii) only be a Member of Parliament if the original delegate is a Member of Parliament.

50 Notice of a delegate replacement must be given in writing addressed to the Honorary General Secretary and be received at least fourteen (14) days prior to the Federal Council of the Organisation.

51 Should a delegate replacement be required under clause 49 and if clause 50 of this Constitution fails to be met, the President of the Division may, by writing under his hand addressed to the Federal President, appoint some other person being an ordinary member of the Division or the Federal Council to act as his proxy, and such person shall vote on his behalf accordingly.

52 Should a delegate position remain unfilled following notification of Federal Council, the President of the Division may, by writing under his hand addressed to the Federal President, appoint some other person being an ordinary member of the Division or the Federal Council.

## **Other Ordinary Meetings**

53(1) Council may otherwise hold meetings:

- (a) when required by the President;
- (b) when required by the Management Committee; or
- (c) at the request of 30 voting members of the Council who request in writing that a particular matter be discussed.

53(2) Notwithstanding subclause 53(1), the President shall hold at least two Council meetings annually, at a time and place specified by the President provided that at least one meeting will fall in each half of the calendar year. The meeting will consider business pertinent to the administration of the Division submitted by the President, the Management Committee, a voting member or as otherwise required by this Constitution..

53(3)(a) Where a meeting is called pursuant to subclause 53(1)(c), the Chairman may list other matters on the agenda but the meeting shall first resolve the matter proposed to be discussed in the application.

53(3)(b) Where the President receives a request for a meeting the President shall call a meeting within 21 days of receiving the request

53(3)(c) All Voting Members may participate in an ordinary meeting. Other members of the Division without voting rights may attend Council as observers.

53(4) In any circumstance, Voting Members shall receive 14 days notice of any meeting held pursuant to this clause, that shall include:

- (a) the agenda for that meeting; and
- (b) the date, time and place of the meeting.

## **Meeting Rules and Procedure**

54(1) A quorum for any Annual General Meeting or ordinary meeting shall be 30 voting members, or a quarter of voting members, whichever is the lesser.

54(2) All meetings shall be run pursuant to the Standing Orders appearing in Appendix One.

54(3) Meetings shall be chaired by the President, or in the absence of the President the next most senior member of the Management Committee present at the meeting.

## **Council unable to meet in person**

54A(1) Where Management Committee determines by a special majority of 75% there are such circumstances that prevent Council meeting lawfully or safely Management Committee may freeze the voting status of members for a period no greater than three months.

54A(2) Where Management Committee determines by a special majority of 75% there are such circumstances that Council meetings cannot lawfully or safely be held, Management Committee may defer any constitutional requirement to hold a Council meeting, policy convention or annual general meeting for a period no greater than three months.

54A(3) Where Management Committee determines by a special majority of 75% there are such circumstances that would prevent the resumption of in person meetings of Council within a three month period, or where a delay in holding in person meetings would not be in the best interests of the Division, Management Committee may authorise the holding of Council meetings electronically with such meetings, notwithstanding any other provision in the constitution, being valid for all constitutional purposes.

54A(4) For meetings held electronically notice and quorum provisions will continue to apply.

54A(5) For meetings held electronically where a secret ballot is required the Divisional Director, in consultation with the Honorary General Secretary and President shall ensure processes are put in place to allow voting members to cast a secret ballot.

## **PART VII - MANAGEMENT COMMITTEE**

### **Establishment**

55 A Management Committee for the Division is established that shall be considered to be the Executive of the Division for the purposes of the Constitution of the Federal Party.

### **Membership**

56(1) Membership of the Management Committee shall consist of the following in order of seniority:

- (a) President;
- (b) Vice President (Membership and Branch Development);
- (c) Policy Committee Chair,
- (d) Finance Committee Chair;
- (e) Honorary Treasurer;
- (f) The Leader of the Parliamentary Party, or the Leader's representative, who shall be a Member of the Parliamentary Party;
- (g) An ordinary member of the Division who has been elected to represent the Australian Capital Territory either as a Senator or as a Member of the House of Representatives, as nominated by the Federal Parliamentary Leader;
- (h) The Deputy Leader of the Parliamentary Party; and
- (i) The Chairmen of the Electorate Branches, the President of the Women's Council and President of the Young Liberals (seniority determined by length of service on Management Committee).

56(2) The previous President may attend Management Committee in an ex-officio capacity for a period of one year after the expiry of their last term, but shall not have voting rights.

56(3) Members of the Federal Executive of the Liberal Party of Australia who are also members of the ACT Division may attend Management Committee in an ex-officio capacity, but shall not have voting rights.

56(4) A quorum for the Management Committee shall be 8 except when matters pertaining to clause 13 are being discussed, when the quorum is 9.

56(5) The President, Vice President (Membership and Branch Development), Policy Committee Chair, Finance Committee Chair and Treasurer shall form the Executive of the Management Committee. The President shall chair meetings of the Management Committee Executive.

56(6) The role of the Management Committee Executive is:

- (a) to make any necessary arrangements for progressing matters approved by Management Committee
- (b) to determine the priorities of the Divisions senior professional officers and oversee their work on behalf of the Division
- (c) appoint junior professional officers
- (d) undertake any other activities or functions determined by Management Committee.

### **Functions of the Management Committee**

57 The functions of the Management Committee are:

- (a) to do all things necessary and essential to the efficient running of the Division;
- (b) appoint all senior professional officers of the Division and fix their remuneration and terms of employment
- (c) perform all functions conferred on it by this Constitution;

- (d) report to each ordinary meeting of Council its doing since the last ordinary meeting of Council; and
- (e) ensure the efficient conduct of election campaigns conducted by the Division.

## **Meetings of the Management Committee**

58(1) The Management Committee shall meet at least monthly during the months of February to December inclusive, or otherwise at such time and place as determined by the President to discuss such matters as are placed on the agenda by the President, or are required to be put on the agenda by this Constitution.

58(2) The President shall also convene a meeting within 7 days of a request being received in writing from 4 members of the Management Committee requesting that a particular matter be discussed.

58(3) Any meeting held pursuant to subclause 58(2) shall only discuss the matter for which the meeting was called.

58(4)(a) The President shall chair meetings of the Management Committee.

58(4)(b) In the absence of the President the next most senior member of the Management Committee shall chair the Committee.

## **Vacancies In the Management Committee**

59(1) Where a member of the Management Committee elected by Council:

- (a) dies;
- (b) misses three consecutive Council and Management Committee meetings without apology;
- (c) is removed pursuant to clause 60; or
- (d) resigns

then the position by virtue of which the person sits on Management Committee shall be deemed vacant.

59(2) Where there is a vacancy in a position elected by Council to the Management Committee, the Council shall, subject to clause 53(4), fill the vacancy "from the floor" as prescribed by subclause 45(9) at its next ordinary meeting as if there was a position to be filled at an Annual General Meeting for the Council for which no valid nomination was received.

59(3) Where any member of Management Committee - other than a parliamentary representative on Management Committee – becomes a nominee for preselection, that nominee shall be precluded from Management Committee deliberations on any part of the preselection process until that process has concluded.

59(4) Where a member of Management Committee - other than a parliamentary representative on Management Committee - wins preselection as a candidate for a public election, the office-bearer position by virtue of which the person sits on Management Committee shall be deemed to be vacant as at the time of the final notice of the count.

59(5) Where as a result of 59(4), there is a vacancy in the office of an Electorate Branch Chairman, the President of the Women's Council or the President of the Young Liberals, the respective branch shall fill the vacancy according to their own constitution as if the vacancy had occurred through resignation.

## **Removal of a Member of the Management Committee**

60(1) An elected member of the Management Committee may only be removed at a meeting called pursuant to subclause 53(1)(c).

60(2) At any meeting discussing the removal of a member of Management Committee, the member shall not be removed unless a motion to such effect is carried by a two thirds majority of the persons voting.

## **Management Committee Not to Determine Policy**

61 Management Committee does not decide or determine the policy of, nor the direction of the Parliamentary Party.

## **Management Committee may Form Subcommittees**

62 The Management Committee may establish subcommittees for a particular purpose or function. Each subcommittee shall have an uneven number of members and be chaired by a member of Management Committee. The membership of such subcommittees may otherwise be prescribed by the Management Committee.

62A The Management Committee shall establish the following subcommittees:

- (i) a campaign subcommittee or subcommittees;
- (ii) a complaints subcommittee; and
- (iii) other subcommittees as required.

## **Pecuniary Interests in Contracts**

62B Any member of Management Committee or a sub-committee thereof with a direct or indirect pecuniary interest in a contract or proposed contract to which the Division is or may be a party:

- (a) must disclose the interest to the relevant committee;
- (b) must disclose the interest to the next AGM of the Division; and
- (c) is permitted to partake in deliberations regarding the contract or proposed contract, but may not take part in any vote or similar decision-making process with respect to the contract or proposed contract.



## **PART VIII - FORMATION OF POLICY OF THE DIVISION**

### **Responsibility of the Ordinary Members of the Division**

63 It is the responsibility of each of the voting members of the Division to participate in the policy development process of the Division.

### **Establishment of Policy Convention**

64 The supreme policy making body of the Division shall be the Policy Convention.

### **Function of Policy Convention**

65 The function of a Policy Convention shall be to formulate policy for the Division.

### **Eligibility to Attend Policy Convention**

66 All Voting Members are entitled to vote at a Policy Convention. Other members of the Division without voting rights may attend Policy Convention as observers.

### **Meetings of Policy Convention**

67(1) Policy Convention shall hold at least two ordinary meetings annually, at a time and place specified by the Policy Committee Chair provided that at least one meeting will fall in each half of the calendar year.

67(2) The Policy Committee Chair shall also convene an extraordinary meeting of the Policy Convention when requested to do so in writing by:

- (a) the Management Committee;
- (b) the Policy Committee;
- (c) the Leader of the Parliamentary Party;
- (d) a member of the Division representing the Territory either in the House of Representatives or the Senate; or
- (e) by 30 voting members who request, in writing, such meeting to discuss a particular matter.

67(3)(a) Where a meeting is called pursuant to subclause 67(2)(e) the meeting shall only discuss the matter proposed to be discussed in the application.

67(3)(b) Where the Policy Committee Chair receives a request for a meeting the Committee Chair shall call a meeting within 21 days of receiving the request

67(4) The Policy Committee Chair shall ensure that members of the Division are served with a notice at least 14 days prior any meeting proposed to be convened, that details:

- (a) the date, time and place of the meeting; and
- (b) the matters to be discussed.

67(5) The quorum for a Policy Convention is 30 Voting Members.

67(6) All Policy Conventions shall be conducted pursuant to the Standing Orders contained in Appendix One.

67(7) All Policy Conventions shall be chaired by the Policy Committee Chair or, in the absence of the Committee Chair or should the Policy Committee Chair wish to participate in debate, the most senior member of the Management Committee present shall chair the Convention.

## **Method of Formulating the Policy of the Division**

68(1) Territory policy matters may either amend the ACT Platform or be freestanding motions which are consistent with the Platform.

68(2) Where the Policy Committee Chair receives from:

- (a) a Branch;
- (b) the Policy Committee;
- (c) a Member of the Division representing the Territory either in the House of Representatives or the Senate;
- (d) a Member of the ACT Parliamentary Party; or
- (e) a subcommittee established by a Policy Convention,

a motion relating to a Federal Policy matter or a Territory policy matter the Policy Committee Chair shall place those matters on the agenda for the next Policy Convention.

68(3) Motions received from a Branch must comply with the provisions of subclause 40(1), standing orders and all agenda, notice and quorum requirements applicable to that Branch.

68(4) Where a submitted motion is inconsistent with existing policy, the Policy Committee shall provide a motion which, if the submitted motion is passed, will amend or delete the previous policy to the extent of the inconsistency.

68(5)(a) The relevant meeting of Policy Convention shall then consider the motion and then either:

- (i) accept the motion;
- (ii) reject the motion; or
- (iii) amend the motion.

68(5)(b) Any motion, as amended or passed pursuant to subclause 68(5)(a), then becomes the policy of the Division.

## **Policy Committee**

69(1) There is established a Policy Committee of the Division.

69(2) The Policy Committee shall consist of

- (a) the 'Policy Committee Chair', and
- (b) the members of the Committee elected at the Annual General Meeting of the Division pursuant to subclause 45(5).

69(3) The quorum for Policy Committee shall be 3.

69(4) Policy Committee may invite other relevant persons to attend meetings or offer expert advice.

## **Meeting of the Policy Committee**

70(1) The Policy Committee shall meet at such times and places nominated by the Policy Committee or as otherwise determined by the Policy Committee Chair.

70(2) The Policy Committee Chair shall also convene a meeting when requested to do so by either:

- (a) two other members of the Committee;
- (b) the Leader of the parliamentary Party; or

- (c) an ordinary member of the Division representing the Territory in the House of Representatives or the Senate.

70(3) In addition to any other responsibilities conferred on the Policy Committee by this Constitution, the Committee shall:

- (a) ensure that the party policy is kept up to date, including where necessary by dividing the policy of the Division formulated by the Division into broad subject areas of public policy;
- (b) communicate to the Leader of the Parliamentary Party any amendments to the Party platform dealing with Territory Policy matters;
- (c) ensure that the relevant Minister (or shadow Minister as the case may be) dealing with a federal policy matter in the Federal Parliament is made aware of a resolution of a Policy Convention; and
- (d) ensure that the Parliamentary Party has sufficient support to allow for the implementation of the Policy of the Division.

### **Policy Convention may Appoint Subcommittees to Assist In the Work of Policy Formulation or the Parliamentary Party**

71(1) Where a Policy Convention forms the opinion that it is desirable to establish a subcommittee to either assist with the formulation of policy in a particular area, or is necessary to assist the Parliamentary Party in the implementation of Territory Policy, Policy Convention may appoint a subcommittee for that purpose.

71(2) People forming the subcommittee may be appointed or elected in the manner determined by the resolution of the Convention.

71(3) Members of any subcommittee need not necessarily be voting members.

### **Submissions to Public Inquiries**

71A Submissions to public inquiries in the name of the Party, or a section thereof, shall not be submitted unless cleared by the Divisional President.

### **Motions to be moved by, or on behalf of the Division, at the Federal Council of the Organisation.**

72(1) No motion shall be listed for the agenda of a meeting of Federal Council by the Division unless it is a motion on party policy which has been passed by Policy Convention or is a motion on other matters which has been passed by the ACT Divisional Council.

72(2) A delegate to Federal Council shall not move a policy motion at Federal Council unless it meets the terms of, or is directly consistent with, sub-section (1) or is a motion proposed by the Federal Executive or other Federal Committee of which the delegate is a member.

72(3) Nothing in this section shall preclude a delegate to Federal Council seconding a motion, amending a motion or speaking for or against a motion, or moving a motion which is procedural in nature.

## **PART IX - THE PARLIAMENTARY PARTY**

### **Establishment**

73 The Parliamentary Party shall, subject to 74(2), comprise those members of the Division who are elected or appointed to the Assembly as Liberals, and any other Member of the Assembly who agrees to accept the Liberal Whip.

### **Parliamentary Party Shall Elect Its own Leader and Operate According to Its own Rules**

74(1) Parliamentary Party shall elect its own Leader.

74(2) The Parliamentary Party shall operate by its own Rules, which may include the rules providing for the suspension or expulsion of a Member from the Parliamentary Party.

### **Responsibility of the Parliamentary Party is to implement the Policy of the Division**

75(1) It is the paramount responsibility of all members of the Parliamentary Party to implement and advocate Territory policy resolved by the Policy Convention.

75(2) The Parliamentary Party shall do such things as are necessary to ensure that the Platform and other Territory policy resolved by the Policy Convention are implemented.

75(3) The Leader of the Parliamentary Party, or a member of the Parliamentary Party delegated by the Leader of the Parliamentary Party shall report orally at each meeting of Policy Convention as to the progress of the implementation of the Policy of the Division.

75(4) The Parliamentary Party may, in accordance with its own rules, develop policy to deal with issues for which the Policy Convention has made no policy resolutions, or add detail to the resolutions of the Policy Convention. In so doing, the Parliamentary Party shall ensure that its policy is consistent with the ACT Platform and the other Territory policy resolutions of the Policy Convention. The existence of a policy developed by the Parliamentary Party shall not infringe on the right of the Policy Convention to develop policy for the Division on any issue.

# **PART X - THE FINANCES OF THE DIVISION**

## **DIVISION 1 - FINANCE COMMITTEE**

### **Establishment of a Finance Committee**

76 A Finance Committee of the Division is established.

### **Membership**

77(1) Membership of the Finance Committee shall consist of:-

- (a) the Finance Committee Chair (who shall chair the Committee);
- (b) the Honorary Treasurer (who shall chair and/or convene the Committee in the absence of the Finance Committee Chair);
- (c) the President; and
- (d) such other people as may be appointed from time to time by the Management Committee.

### **Meeting of the Finance Committee**

78(1) The Finance Committee shall meet at such times and places nominated by the Finance Committee or as otherwise determined by the Finance Committee Chair or President.

78(2) The Finance Committee Chair shall also convene a meeting when requested to do so by either-  
:

- (a) the Honorary Treasurer;
- (b) the President; or
- (c) the Management Committee.

### **Establishment of, and Operation of, a Divisional Administrative Account**

79(1) The members of the Finance Committee shall establish and administer one or more administrative accounts for the benefit of the Division.

79(2) The Finance Committee shall make such disbursements from an administrative account as are authorised from time to time by Council, Management Committee or that fall within the line items amounts approved by Management Committee for administration, campaigning or staffing in the Division's annual budget or in a Campaign budget.

### **Establishment of, and Operation of, a Divisional Campaign Account**

80(1) The members of the Finance Committee shall establish and administer one or more campaign accounts for the benefit of the Division.

80(2) The Finance Committee shall make such disbursements from a campaign account as are authorised from time to time by the Management Committee.

## **Responsibility to Solicit and Donate Funds**

81(1) It shall be the responsibility of the Finance Committee to solicit and receive donations for and on behalf of the Division.

81(2) Any money received by the Honorary General Secretary or members of the Finance Committee for the benefit of the Division shall be lodged in the account that is nominated by the Donor, to the extent possible under any laws, otherwise into the account considered by Finance Committee to be the most suitable.

## **Finance Committee also to Perform Other Functions as Directed by Management Committee or Council**

82 The Finance Committee shall also perform such other activities or operate such other accounts or funds as the Management Committee or Council may from time to time authorise.

## **DIVISION 2 - MISCELLANEOUS POWERS REGARDING FINANCE**

### **Powers of the Management Committee in relation to Finance**

83(1) The Management Committee may from time to time appoint a person or corporation to hold property (other than money held in the Administrative Account or the Campaign Account) as Trustees of the Division.

83(2) The Management Committee may from time to time make Financial Regulations in relation to the management and operation of financial and related matters within the Division, including, but not limited to, the operation of bank accounts (however described), the solicitation and receipt of funds, donations and other gifts (including non-financial gifts), the expenditure and disposition of funds, donations and other gifts, and other administrative processes and procedures.

83(3) Any Financial Regulation made by the Management Committee shall operate as though they are part of this Constitution. However, the Management Committee may at any time amend, add to or delete any Financial Regulation without requiring a formal amendment to the Constitution in accordance with Part XIII.

83(4) Any Financial Regulations made by the Management Committee shall be binding on the Finance Committee, all Branches and their office bearers, and all Members.

83(5) A decision of the Management Committee in relation to the making, amendment, addition to, or deletion of, any Financial regulations shall only be rescinded in accordance with clause 44(2) if approved.

*Explanatory Note: The Power to make binding Financial Regulations was inserted in response to changes to the Electoral Act 1992 (ACT) introduced in 2012 and are designed to ensure that the Division can continue to comply with Act, both as amended in 2012, and as may be amended in the future. The power to make binding Financial Regulations will also assist the long-term management and efficiency of the Division'*

## **Accounts of the Division**

84(1) The financial year of the Division shall commence on 1 July each year.

84(2) The Honorary Treasurer shall cause to have prepared for each meeting of the Management Committee and Council a statement of accounts for consideration by the relevant body.

84(3) The Honorary Treasurer shall also cause to have prepared for the Annual General Meeting an audited set of accounts for the previous financial year.

84(4) An office-bearer of any Branch must provide any information and assistance reasonably required in relation to the Division's statement of accounts, and any audit of those accounts, or in relation to the Division's compliance with a law of the Commonwealth or Territory, whenever requested by the Honorary Treasurer.

84(5) Where, at an Annual General Meeting, or because of the effect of subclasses 59(1)(b) or (c) a new eligible ordinary member commences to perform the functions of the Honorary Treasurer, the outgoing Honorary Treasurer shall:

- (a) forward all books to the incoming Honorary Treasurer, records and other documents in his possession that are relevant to the financial affairs of the Division and any other documents that are necessary for the member to perform the duties of Honorary Treasurer prescribed by this Constitution within 14 days of the new Honorary Treasurer commencing to perform the duties of Honorary Treasurer; and
- (b) cause to have prepared an audited statement of accounts detailing the financial state of the Division as at the day the outgoing Honorary Treasurer ceased performing the duties of Honorary Treasurer.

## **Finance Committee Chair to Ensure that Donors are Aware of Their Obligations Under Electoral Disclosure Laws**

85 The Finance Committee Chair or their nominee shall ensure that any Donor prepared to donate to the Division is made aware of the Division's obligation to reveal the source of certain categories of funds under the Commonwealth Electoral Act 1918 or the Electoral Act 1992 (ACT).

## **Management Committee to Prescribe Certain Fees and Charges**

86(1) The Management Committee shall prescribe:

- (a) Membership fees payable for the various classes of members for the next year, prior to 30 November in the preceding year; and
- (b) such fees as may be payable by candidates seeking to offer themselves for preselection to participate in a preselection.

86(2) The power to prescribe fees includes the power to prescribe concessional fees for specific classes of membership.

## **Management Committee May Organise Fund-raising Events**

87(1) The Management Committee may organise functions to raise money for the Division.

87(2) Any monies collected by the Honorary General Secretary, a member of the Management Committee or an organiser of a function organised for the purposes of subclause 87(1) shall be forwarded to the Honorary Treasurer at the earliest opportunity for banking in an appropriate Division account.

## PART XI - PRESELECTION OF CANDIDATES

88 In this part:

- (a) "relevant electoral law" means, in addition to the Australian Constitution, the legislation concerning electoral matters in the Commonwealth or Territory as the case requires;
- (b) for elections where the Territory votes as one electorate, a reference to an "electorate" shall mean the Territory as a whole;
- (c) "Preselector" means a person on the roll of preselectors in accordance with clause 90(2);
- (d) "Nominee" means a person who has submitted a nomination for preselection.

### Initiation and Supervision of the Preselection Process

89(1) The Management Committee shall determine:

- (a) the number of candidates to be preselected in each electorate before the relevant public election;
- (b) if an order of selection is required;
- (c) the date(s) and format(s) for advertising the preselection;
- (d) the content of the prescribed nomination form and the manner that nominations shall be lodged. The prescribed form shall include an area for:
  - (i) nominees to provide biographical material which may be released to preselectors;
  - (ii) a statement in support of the nomination written by the nominee, no longer than 250 words which may be released to preselectors; and
  - (iii) the endorsements of *at least* 10 voting members from the relevant electorate which may be released to preselectors;
- (e) the amount of the fee, if any, to nominate for preselection
- (f) the closing time and date for nominations to be received at the Divisional Headquarters;
- (g) the date on which the Honorary General Secretary shall announce the final list of nominees, which shall be no less than three days and no more than fourteen days after the close of nominations;
- (h) the content of the notice to be dispatched to all ordinary members at least 21 days prior to the closing date for nominations. The notice shall advise of the details of the preselection process, including the availability of nomination forms;
- (i) the date, time, and venue of the Preselection Meeting for each electorate;
- (j) the appointment of a member of Management Committee to preside at each Preselection Meeting which may be conducted at a venue within the relevant electorate;
- (k) the content of additional information, what information should be released to preselectors and the timing of its release to preselectors;
- (l) the days and hours for absentee voting which shall be not less than two days or exceed seven days, and shall include provision for absentee voting on a Saturday prior to the preselection meeting; and
- (m) the appointment of a Returning Officer for each electorate to manage the preselection process, who shall not be a nominee, endorsed candidate, or elected representative of the Liberal Party of Australia (or an employee or relative of a nominee, endorsed candidate, or elected representative).

89(2) A Returning Officer in any preselection may appoint assistants who shall not be a nominee, endorsed candidate, or elected representative of the Liberal Party of Australia (or an employee or relative of a nominee, endorsed candidate, or elected representative). Any assistant so appointed shall be subject to the general direction of the Returning Officer, and may with his authorisation, issue or arrange custody of ballot papers.



89(3) Any decision relating to the preselection process (including the conduct of any ballot) made by the Returning Officer shall, subject to the appeal process, be final.

## **Eligibility of Members to Stand and Vote**

90(1) All voting members who satisfy the eligibility criteria set out in the relevant electoral law may offer themselves as candidates for preselection. If Management Committee determines there are exceptional circumstances justifying abridging the minimum length of required membership, Management Committee may, by a vote of not less than two-thirds of those present and voting, waive the foregoing requirement for such specific ordinary member(s) as it deems qualified, on the proviso that the ordinary member(s) shall have attended a branch meeting prior to close of nominations for preselection.

*Explanatory note (inserted by Divisional Council 18 Oct 2006): For example Management Committee may waive the minimum length of required membership in the Division where a member has joined through an interstate transfer from another Division, provided that the transferring member has held continuous membership in the Liberal Party of Australia for a period preceding the preselection at least equivalent to the minimum length of required membership.*

90(2) At the time set for the close of nominations, noting subclause 19(3), the roll of preselectors for each electorate shall include all voting members who:

- (a) were qualified as voting members at the time set for the close of nominations; and
- (b) appear on the relevant electoral roll and remain qualified under the relevant electoral law.
- (c) or, if under the age of 18, is ordinarily resident in the that electorate.

90(3) A preselector shall be eligible to cast only one vote in the preselection for the electorate in which that member appears on the relevant electoral roll or, if they are under the age of 18, shall be eligible to cast only one vote in the pre-selection for the electorate in which they are ordinarily resident.

## **Method of Applying for Preselection**

91(1) A nominee seeking to stand for preselection shall lodge with the Honorary General Secretary no later than on the day set for nominations to close:

- (a) a nomination form completed in the prescribed manner; and
- (b) the fee for the relevant preselection, if one has been prescribed.

91(2) A nominee may nominate for preselection for more than one electorate, but can only be preselected for one.

91(3) A nominee may appoint a member of the Division, verbally or in writing at any time prior to the commencement of the count, as a scrutineer to observe any part of the preselection process other than meetings of the Nominee Review Committee and of the Management Committee (whether in joint or single session). Nominees may not appoint themselves, or be appointed, as scrutineers.

## **Receipt and Validation of Nominations**

92(1) Upon receiving the prescribed nomination form and fee, the Honorary General Secretary shall immediately:

- (a) issue an official receipt to the nominated person for any moneys received;
- (b) mark the form with the time and date it was received and the number of the receipt issued for the moneys received;

- (c) affix the postmarked envelope to that form, where the form is received by post; and
- (d) affix the email to that form, where the form is received via email.

92(2) After the close of nominations the Returning Officer shall examine each nomination for preselection received and satisfy himself (or herself) that:

- (a) the person is eligible to stand for preselection;
- (b) at least 10 voting members in the relevant electorate have endorsed the nomination;
- (c) the prescribed form has been substantially completed; and
- (d) if a fee has been prescribed, the fee for the preselection has been paid.

92(3) As soon as practical and no later than 72 hours after the close of nominations, when the Returning Officer or an assistant appointed by the Returning Officer for the purpose is satisfied that the conditions prescribed in clause 92(2) have been complied with, the Returning Officer shall declare the nomination for preselection valid, otherwise the Returning Officer shall declare the nomination invalid.

92(4) Where a nomination is declared invalid:

- (a) the Returning Officer shall notify the person seeking to stand for preselection, as soon as practical in writing, of the reasons for the rejection of the nomination; and
- (b) the Honorary General Secretary shall ensure that any moneys received with the rejected nomination are refunded to the person seeking to stand for preselection.

## **Nominee Review Process**

93(1) Management Committee shall appoint a Nomination Review Subcommittee from among its number prior to the close of nominations.

93(2) No more than three days after the close of nominations, the Nomination Review Subcommittee shall begin to review the nomination forms, interview such of the nominees and/or their referees as it thinks fit, and make other such inquiries as the sub-committee considers appropriate into the biographical record, reputation and qualifications of nominees.

93(3) Prior to the date for the announcement of the final list of nominees, Management Committee shall consider the findings of the Nomination Review Sub-Committee and may by a resolution of at least two-thirds of those entitled to attend and vote, resolve that in its opinion, it would not be in the best interests of the party for a nominee to represent the Division. Such decision shall not be appellable. If a nomination is declined in accordance with this provision, it shall not be put to the preselectors for consideration at any round of preselections before the relevant public election.

93(4) Where the Management Committee has declined a nomination, the Honorary General Secretary shall inform the Returning Officer and the nominee concerned of that decision as soon as possible and ensure that any moneys received with the nomination form are refunded to that candidate. On the date set for announcement of the final list of nominees the Honorary General Secretary shall advise the Returning Officer and all the nominees of the names to be put to the preselectors for consideration.

## **Hare Clark Preselection Rounds**

94(1) The party may conduct more than one round of preselections for a ACT Legislative Assembly electorate, or may fill all candidate positions in a single preselection round.

94(2) Following the close of nominations and prior to the announcement of the final list of nominees, Management Committee shall meet in joint session with the Executive of the relevant Electorate Branch (or if no corresponding electorate Branch exists the electorate branch or branches that most closely correspond to the relevant electorate) to examine the relevant nominations and decide an

appropriate number of candidates to be preselected in that round. All members of the joint session shall be entitled to vote on the number of candidates to be preselected in that round for the relevant electorate. Regardless of the number of candidates to be preselected in that round, preselectors may choose among any of the relevant nominees, excluding only those who lodged an invalid form or whose nomination has been declined by the Nominee Review process.

94(3) Where the joint session has decided that the number of candidates to be preselected shall be less than the number of seats in the relevant electorate, the Management Committee shall decide in a closed session immediately following the joint session whether it shall subsequently open a new preselection round to choose remaining candidates for that electorate. Any nominee who was not successful in a first round of preselections for an ACT Legislative Assembly seat may nominate for a subsequent round, but shall not be liable to pay a further nomination fee.

## **Preparation of Material for Preselectors**

95(1) The Returning Officer shall ensure that:

- (a) there are sufficient ballot papers for each preselection ballot;
- (b) there are empty and secure ballot boxes available for votes to be deposited for each preselection;
- (c) for absentee voting, there is a voting area in which preselectors may mark their ballot paper in private; and
- (d) there is safe custody for the ballot boxes from the inspection of the boxes to the close of counting.

95(2) After the Returning Officer has completed the task of validating, or otherwise, all nominations for preselection, the Returning Officer shall:

- (a) determine by single lot the sequence in which both the nominees' names for a particular electorate will appear on the preselection ballot paper(s) and in which they shall speak at the Preselection Meeting;
- (b) arrange for all preselectors in the relevant preselection to receive, not less than 7 days before the scheduled date of the Preselection Meeting:
  - i) the notice of the Preselection Meeting;
  - ii) the names of the nominee(s);
  - iii) the biographical information and statements in support of the nomination (if any) as supplied by each nominee on the nomination forms as determined by Management Committee in accordance with s89(1)(d) and (k); and
  - iv) prescribed office hours and days when the Divisional Headquarters will be open for absentee voting (excepting Senate preselections, for which there will be no absentee voting).

95(3) Preselectors shall be advised that they may vote in one of two ways:

- (a) by voting, in person, at the Preselection Meeting(s); or
- (b) by voting in person, at the Divisional Headquarters during the prescribed hours for absentee voting (excepting Senate preselections, for which there will be no absentee voting).

95(4) The ballot paper shall advise preselectors that:

- (a) they may vote for only one, or as many, of the nominees listed on the ballot paper as the preselector wishes;
- (b) where more than one nominee is listed preferential votes must be cast in descending order of preference starting with the number "1" beside the most preferred nominee, followed by "2" and "3" and so on in sequence; and
- (c) one of their choices may be "None of the Above";

- (d) if there is only one candidate, each preselector shall write "yes" or "no" on that ballot paper to indicate whether that candidate shall be declared elected.

95(5) Preselectors may only use the ballot paper issued by the Returning Officer or his assistant(s). If a preselector incorrectly marks, or otherwise spoils, the ballot paper, the preselector may personally hand it to the Returning Officer and request that he re-issue the preselector with a new ballot paper. In the presence of the preselector the Returning Officer shall mark the back of any returned ballot paper as "void" and seal it in an envelope. The Returning Officer shall then issue a new ballot paper.

95(6) Disabled preselectors may seek assistance in marking the ballot paper, providing the Returning Officer or his assistant(s) are advised.

## **Process for Absentee Ballots**

96 The Returning Officer, or his assistant(s), shall verify against the roll that each voting preselector is eligible to vote and has not already been issued with a ballot paper, shall mark off each voting preselector's name prior to issuing a ballot paper validated with a distinguishing mark.

## **Process for Voting at Preselection Meetings**

97(1) A Preselection Meeting shall be conducted on the day and at the time and venue determined by the Management Committee.

97(2) The venue for the meeting must include a separate area to allow preselectors the option of privately marking their ballot paper.

97(3) The format for the meeting shall be determined by the Returning Officer. Notwithstanding the above, each nominee shall individually address the meeting for up to 7 minutes, and then may answer questions during the remainder of their 15 minute maximum allocation.

97(4) The Returning Officer shall as soon as possible after the commencement of the meeting permit scrutineers to inspect the ballot box(es). After the inspection, votes may be deposited in the box(es). The Returning Officer must then advise preselectors of the times for voting.

97(5) The Returning Officer, or his assistant(s), shall verify against the roll that each voting preselector is eligible to vote and has not already been issued with a ballot paper, and shall mark off each voting preselector's name prior to issuing a ballot paper validated with a distinguishing mark.

## **Counting of Ballot Papers**

98(1) At no time during the preselection process shall any person other than the Returning Officer, or an assistant previously appointed by the Returning Officer, have access to any record used by the Returning Officer to determine a member's eligibility to vote and whether or not they have done so.

98(2) The Returning Officer shall fill the number of vacancies determined by the Management Committee using the following methods:

- (a) for single member electorate preselections - the method for conducting ballots prescribed in Appendix Two, Division II; or
- (b) for multi-member electorate preselections - the method for conducting ballots prescribed in Appendix Two, Division III; or
- (c) for Senate preselections – the method for conducting ballots prescribed in Appendix Two, Division IV.

98(3) Unless the Returning Officer determines that the count can be concluded on the day of the Preselection Meeting(s) the Returning Officer shall arrange for a time and place for the count, which shall be within 48 hours of the close of voting.

98(4) The provisional notice of the count shall specify the name(s) of the candidate(s) who have been duly endorsed (including the order of preselection, if it was determined that an order is required). The Returning Officer shall announce the provisional notice:

- (a) if the count is concluded at the Preselection Meeting, to the party members and candidates in attendance; or
- (b) if the count occurs subsequent to the Preselection Meeting, to the candidates and Honorary General Secretary within 24 hours of the conclusion of the count.

98(5) The Returning Officer in any preselection shall:

- (a) make a report to the Management Committee on the preselection process conducted by him;
- (b) present a summary to the next General Meeting of Council on the preselection process conducted by him; and
- (c) arrange for the result to be published in the official publication of the Division.

### **Management Committee May Endorse or Disendorse Candidates in Certain Circumstances**

99(1) Where:

- (a) at the conclusion of the final preselection round, there are fewer candidates preselected than the number specified by Management Committee to be preselected before the public election; or
- (b) less than 30 per cent of the eligible preselectors for the preselection cast formal votes; or
- (c) because of the issue of writs for an election, there is insufficient time to complete the preselection process; or
- (d) a candidate dies or resigns, or Management Committee declines a nomination or disendorses a candidate pursuant to this constitution;

the Management Committee may endorse an ordinary member(s) to be an endorsed candidate(s) in that election.

99(2) If the Management Committee chooses to endorse further candidates pursuant to this constitution, persons so endorsed may not be ranked on the “ticket” (if any) higher than those candidates endorsed by the original preselection ballot.

99(3) Where in the opinion of the Management Committee it would not be in the best interests of the party for an endorsed candidate to represent the Division, the Management Committee may at any time disendorse that candidate, on a resolution of at least two-thirds of those entitled to attend and vote. A candidate whose nomination is rejected or who is disendorsed under this section may not be selected to be a candidate for the party at the election for which the candidate has sought preselection. Where the Management Committee disendorses a candidate, the Honorary General Secretary shall ensure that any moneys received with the nomination form are refunded to that candidate.

99(4) If Management Committee takes action under either clause 95(1) or 95(3), a written report shall be provided to the next Ordinary Meeting of Council.

## **Appeals**

100(1) Where a nominee is dissatisfied with the conduct of the preselection, an appeal may be made to Management Committee, within 24 hours of the provisional notice of the count. The appeal shall be in writing, shall state clearly the ground(s) and must be lodged with the Honorary General Secretary.

100(2) A public announcement may not be made of the result of a preselection, where:

- (a) any nominee lodges an appeal in accordance with the constitution; and
- (b) any appeal has not yet been dealt with by the Appeals Sub-Committee of Management Committee in accordance with Appendix 3.

100(3) Once an appeal is concluded, Management Committee shall arrange a public announcement of the result of each preselection and shall advise the candidates of the announcement, and shall as soon as reasonably practical, arrange the destruction of the ballot papers.

## **Preselection unable to be conducted in person**

100A(1) Where Management Committee determines by a special majority of 75% there are such circumstances that prevent an in person preselection occurring lawfully or safely and that the holding of such a preselection is necessary or in the best interests of Division prior to a circumstance in which it could reasonably be expected in person meetings can resume Management Committee may authorise a preselection to be held electronically.

100(A)(2) The Divisional Director, in consultation with the Honorary General Secretary and the returning officer shall ensure processes are put in place to allow voting members to cast a secret ballot.

100A(3) As far as is practicable all other constitutional provisions relating to preselections must be adhered to.

## **PART XII - PROFESSIONAL AND HONORARY OFFICERS**

### **Appointment of Honorary General Secretary**

101(1) The Management Committee will appoint a person to act as the Honorary General Secretary.

101(2) Management Committee may approve a stipend and/or the payment of any expenses incurred by the Honorary General Secretary.

101(3) The Honorary General Secretary may appoint a professional officer of the Division as their nominee to fulfil any of the functions or role assigned to them in this constitution with the exception of the roles and functions assigned to them at 89(1)(g), 92(4)(b), 93(4), 98(4)(b) and 103(1).

### **Appointment of Senior Professional Officers**

102 The Management Committee may appoint senior professional officers as the Committee sees fit. A senior professional officer is a person who has the title of or otherwise substantially fulfils the role of Director, Administrative Director, Campaign Director or Office Manager.

### **Appointment of positions under Electoral and other Acts**

103(1) The Honorary General Secretary shall be the “Secretary” for the purposes of the Commonwealth Electoral Act 1918 and “Secretary” for the purposes of the Electoral Act 1992 (ACT).

103(2) The Honorary General Secretary shall, with the approval of Management Committee, appoint an ordinary member or a professional officer of the Division to the following roles:

- (a) “agent” for the purposes of the Commonwealth Electoral Act 1918
- (b) “registered officer” for the purposes of the Commonwealth Electoral Act 1918
- (c) “agent” for the purposes of the Electoral Act 1992 (ACT)
- (d) “registered officer” for the purposes of the Electoral Act 1992 (ACT)
- (e) any other similar position contained in relevant electoral legislation.

103(3) Where there is a vacancy or absence of the persons fulfilling the roles in 103(2) the Honorary General Secretary will fulfill the roles listed in 103(2)(a-e).

103(4) The “registered officer” for the purposes of the Commonwealth Electoral Act 1918 shall also be appointed as the public officer for the Division for all applicable legislation unless that legislation requires another office bearer or professional officer of the division to be appointed.

### **Persons to Act as Honorary General Secretary In Certain Circumstances**

104(1) Where:

- (a) there is a vacancy in the position of Honorary General Secretary; or
- (b) the Honorary General Secretary is on leave or otherwise absent,

the President shall appoint a person or specific persons to act as Honorary General Secretary.

104(2) The person or persons appointed to act as Honorary General Secretary pursuant to subclause 104(1) shall discharge the responsibilities conferred on the Honorary General Secretary by this Constitution.

### **Professional Officers not to be eligible Voting Members**

104(A) Professional officers of the Division may not be voting members or vote at meetings of Branches, Interest Branches, Young Liberals or Women’s Council.

## **PART XIII - MISCELLANEOUS**

### **Amendment of This Constitution**

105(1) Any voting member wishing to amend this Constitution may lodge such an amendment with the Honorary General Secretary.

105(2) Any amendment proposed to this Constitution pursuant to subclause 101(1) shall not be inconsistent with the Constitution of the Federal Party. The President shall examine each proposed amendment against the Constitution of the Federal Party. If the President is not satisfied that the proposed amendment is consistent with that Constitution, he shall return it to the proposer, together with extracts of the relevant sections of that Constitution, and his reasons for believing that there may be an inconsistency between the proposal and that Constitution. The proposer may appeal to Management Committee against the decision. The decision of Management Committee shall be final.

105(3) Where the President is satisfied that a proposed amendment to this Constitution is not inconsistent with the Constitution of the Federal Party, he shall cause the proposed amendment to appear on the agenda for the next practicable meeting of Council with at least 21 days notice provided to members of the proposed amendment.

105(4) The relevant Council meeting shall consider the amendment, and may amend the amendment contained on the agenda in such a fashion that neither offends the spirit and intent of the original motion nor is inconsistent with the Constitution of the Federal Party.

105(5) Any amendment made to the circulated amendment shall be made if the proposed amendment is approved by a simple majority of those present and voting on the amendment

105(6) After all amendments to the circulated amendment have been considered by the meeting, the President (or other person chairing the meeting) shall put the amendment (as itself amended).

105(7) Where three-quarters of voting members present approve of the final amendment, that amendment to the Constitution shall be deemed to have been made, effective from the time the meeting of Council that made the amendment is declared closed.

105(8) Council shall review the operation of this Constitution after 12 months of its operation and after each 12 months thereafter.

### **Honorary General Secretary to Ensure that Decisions are Available to Ordinary Members**

106 The Honorary General Secretary shall ensure that decisions of

- (a) Council;
- (b) Policy Convention; and
- (c) Management Committee,

are available to ordinary members of the Division for inspection at all reasonable times.



## **Standing Orders**

107 All meetings of:

- (a) Electorate Branches;
- (b) Council;
- (c) Policy Convention; and
- (d) Management Committee

shall be conducted according to the Standing Orders appearing in Appendix One.

## **Winding-up of the Division**

108 (1) The Division may be wound up if three quarters of voting members present at an ordinary meeting of Council support a motion to wind-up the Division for which 21 days notice has been given to all voting members. Such motion shall stipulate another society, group or corporation (or a selection of such groups) having similar Objectives to the Division, among which Council may vote to distribute any surplus funds or assets after satisfaction of all the Division's debts and liabilities.

108(2) If upon winding-up the Division there remains property of the Division after satisfaction of all the Division's debts and liabilities, Council shall not distribute that surplus amongst the ordinary members of the Division, but shall instead transfer the surplus to another society, group or corporation having, in the opinion of Council, similar Objectives to the Division.

108(3) Should Council fail to nominate a group or society to which the surplus may be paid before or at the time of the dissolution, then that surplus shall be settled on a group determined by the Federal Council of the Organisation, or, in default by a Judge of the Supreme Court of the Territory as may have or acquire jurisdiction in the matter.

## **Indemnity**

109 The Division shall indemnify any Professional Officer or elected member of the Management Committee, member of the Finance Committee or Trustee for any costs, charges, losses, damages and expenses incurred in the performance of their duties as a Professional Officer or office-bearer of the Division (as the case may be), except for such losses as may occur through their own neglect or default respectively.

## **Prohibition on Proxies**

110 Proxies may only be appointed for the following purposes:

- (a) where either an Electorate Branch Chairman, the Women's Council President, or Young Liberal President is unable to attend Management Committee, the next most senior office bearer who is available from their respective Executive may represent their members at Management Committee;
- (b) where the Leader of the Parliamentary Party appoints a fellow parliamentarian to represent the Parliamentary Party at a meeting of Management Committee;
- (c) where the Policy Committee Chair appoints a Policy Committee member to represent the committee at a meeting of Management Committee;
- (d) where an ACT representative to Federal Council or Federal Convention appoints a member of the Division to represent the ACT at a Federal forum of the Party, in accordance with the Constitution of the Federal Party.

Otherwise no ordinary member, voting member or member of any body established by this Constitution may appoint a proxy empowering another person to act on his behalf at any meeting in which the member, voting member or committee member (as the case may be) is entitled to vote.

# **APPENDIX ONE**

## **STANDING ORDERS**

### **DIVISION 1 – PRINCIPLES FOR CONDUCT OF MEETINGS**

The Chairman shall endeavour to conduct the meeting in a free-flowing fashion, giving all members an equitable opportunity to speak. The members shall endeavour to be courteous to each other. The meeting may agree to structure discussion in a way appropriate to the issues, however the meeting may invoke Standing Orders where necessary to ensure procedural fairness. These general principles do not affect the interpretation of any of the subsequent standing orders.

### **DIVISION 2 – STANDING ORDERS**

#### **Commencement of Meeting**

1. If a quorum is not present half an hour after the commencement time of the meeting appearing in the notice of the meeting sent to members, the meeting shall be terminated.
2. Meetings shall commence promptly at the time set out on the notice paper, or when a quorum is present, and shall continue until all business shown on the agenda has been dealt with or the meeting adjourns, or is otherwise closed pursuant to other provisions in the Standing Orders.

#### **Application of Standing Orders**

3. The Chairman of each meeting shall arrange the provision of a current copy of the Standing Orders and the Divisional Constitution at each meeting.
4. Standing Orders pertaining to quorum, 'out of order' amendments and vacation of the Chair in the event of a conflict of interest, cannot be suspended. A member may move, at any time when another member does not have the floor, a motion to suspend any other Standing Orders on grounds of necessity. The member proposing to move such a motion shall first state the ambit of the suspension and move that it is a matter of necessity that such motion be forthwith considered. He shall be allowed 3 minutes to explain the necessity. The question shall then be put by the Chairman forthwith.

#### **Order of Business**

5. The agenda shall be gone through in the order in which it is set out, unless altered by resolution of the meeting.
6. (a) Subject to any provisions contained in this Constitution that requires notice to be given prior to its consideration or precludes the consideration of any other business, the agenda for any meeting shall include, or shall be deemed to include, the item "any other business". However, under such an agenda item no motion proposing an amendment, addition or deletion to the party platform at a Policy Convention shall be permitted.  
(b) Any motion dealing with matter for which notice is required may not be moved in "any other business".

## **Motions to be Moved & Seconded**

7. All motions (other than procedural motions) and amendments to motions shall be submitted to the Chairman in writing.
8. When a listed motion is reached and there is no person present prepared to propose the motion, the motion shall be deferred until after all other motions on the agenda. At the end of the meeting, the Chairman will then call for a proposer of any deferred motions. If there is no such proposer, the motion shall be deemed to have lapsed.
9. All motions shall be duly proposed and seconded. A motion lacking a seconder shall immediately lapse.
10. A member seconding a motion may reserve his right to speak later in the debate.

## **Objections**

11. The Chairman, after calling the motion, shall then ask if there is any objection to the motion and, if no member objects, the motion shall be declared carried. If there is an objection, the Chairman shall call on the mover and the seconder to speak to the motion.

## **Speaking Time Limits**

12. The proposer of the original motion shall be allowed 8 minutes to introduce the motion and 5 minutes to reply to the debate. Other speakers shall be limited to 5 minutes. The meeting may, by resolution, extend the time during which any speaker may be allowed to continue.
13. Where, on a written agenda, a report to the meeting is to be considered, a period not exceeding 15 minutes shall be allowed for the asking of questions.
14. Unless otherwise resolved, each member shall have the right to speak:
  - (a) once on any motion before the Chair,
  - (b) once on any amendment
  - (c) if the proposer of the motion, in reply to wind up the debate.
15. Not more than 30 minutes shall be allowed for the discussion of any subject (unless extended by the consent of the meeting) and, when such time has expired, the motion shall be put.

## **Questions**

16. No questions may be asked of any speaker who has participated in a debate, except for the mover and seconder of the motion being debated. Such questions shall only be asked immediately after the mover and seconder have first spoken. Questions will be limited to clarification of the motion and will not be used to make debating points. Question time for each shall be limited to 5 minutes.

## **Minimum Debate Requirements**

17. When a motion or amendment has been moved and seconded, no further speech in support of such motion or amendment shall be heard until after someone has spoken in opposition.

## **Amendments to Motions**

18. Any member may move to amend a motion before the Chair. A proposed amendment shall be consistent with the subject matter of the original motion and will be deemed “out-of-order” if

it negates the general intent of the original motion or materially increases the benefit payable to a person. Such amendment shall be seconded and, if not seconded, shall lapse.

19. When an amendment is before the Chair, no further amendments shall be decided until the first amendment has been disposed of.
20. Debate on all amendments shall take place during the discussion on the original motion and before the mover of a motion replies.

## **Powers and Responsibilities of the Chairman**

21. The Chairman may conduct the meeting in an informal fashion, subject to the concurrence of the meeting.
22. When the Chairman rises to speak, any member on his feet shall resume his seat.
23. A member desiring to speak shall raise one arm to indicate the intention to address the Chair. If two or more members indicate this intention at the same time, the Chairman shall call upon the member who, in his opinion, was the first to indicate this intention.
24. The Chairman shall vacate the Chair if he has a conflict of interest. The Chairman shall vacate the Chair to participate in the debate on any particular subject, and shall appoint a Chairman pro temp who shall be:
  - (a) for Council, the next most senior member of Management Committee;
  - (b) for Policy Convention, a member of Policy Committee;
  - (c) for Branches, the next most senior branch office-bearer as appropriate.
25. The Chairman may call upon any person who is responsible for noise or disturbance to withdraw from the meeting. In the event of intractable noise or disturbance, the Chairman may adjourn the meeting.

## **Personal Explanation**

26. Any member may at any time make a personal explanation, although there may be no question before the Chair or if he has already spoken to a motion before the Chair, to explain himself within 2 minutes in regard to some matter in which he has been quoted or misunderstood but in such case, he shall not introduce any new matter nor interrupt any member addressing the Chair.

## **Point of Order**

27. Any member during a debate may raise a point of order and the speaker called to order shall sit down. The member rising to order shall state concisely, within two minutes, the point of order. The Chairman shall give his ruling without further discussion and, subject to that ruling, the person speaking when the point of order was raised shall be allowed to proceed.

## **Dissent in the Chairman's Ruling**

28. A member may move a motion of dissent in the ruling of the Chairman. Should the motion be seconded, the member moving the motion shall have 2 minutes to state the reasons for dissent. The Chairman shall then state within 2 minutes the reason why he made the ruling. The motion shall then be put without further debate. If a motion of dissent in a ruling is passed, then the ruling of the Chairman is overturned.

## **Moving “The Motion Now Be Put”**

29. A member of the meeting may move at any stage that "the motion now be put". However, it shall not be in order to move that "the motion now be put" until at least two people, in addition to the proposer and seconder, shall have had an opportunity to speak on the question.
30. It shall not be in order to move that "the motion be not put".

## **Withdrawing or Adjourning Motions**

31. Once accepted by the Chairman, a motion shall be withdrawn only by leave of the meeting, but may be adjourned to lie on the table for a future meeting or committee.
32. A member may at any stage of the debate, unless some other member has the floor, move the adjournment of the debate. The Chairman shall, if the motion is seconded, put the motion to adjourn debate with discussion.

## **Counting the Votes**

33. In submitting the motion before the Chair to the meeting, the Chairman shall state the motion in clear and audible tones. The motion shall be decided by showing of hands. The Chairman shall declare the motion carried or lost and in the absence of a demand for a recount, the Chairman's declaration shall be final and conclusive and shall be recorded in the minutes.
34. Unless otherwise provided for in this Constitution, a motion shall be deemed carried if a majority of those voting vote in favour of it.
35. On an equality of votes for any motion, the Chairman shall have a casting vote. The Chairman shall only make a casting vote, and not have a deliberative vote.

## **Recounts and Divisions**

36. Any member may require a recount. The Chairman shall then again call for showing of hands for and against the motion. The Chairman shall then declare the result of the further vote and such a declaration shall be final and conclusive and shall be recorded by the Secretary of the meeting, along with the number of ayes and noes, in the minutes, unless a division is considered desirable by the Chairman or is demanded by 10 members present
37. If a division is validly called for, the meeting shall appoint tellers for the ayes and the noes as well as a Returning Officer, and the meeting shall then divide. On the report of the Returning Officer, the Chairman shall declare the result which shall be final and conclusive and recorded in the minutes, along with the number of ayes and noes.

## **Close of Meeting**

38. Any member may at any time, when another member does not have the floor, move the adjournment of the meeting. Such motion shall thereupon supersede the business before the Chairman and shall immediately be put to the meeting. If it be carried, the meeting shall stand adjourned to a time and place to be decided at the meeting. If the motion be lost the meeting shall continue with the business before the Chairman at the time the motion for adjournment was proposed.
39. If, while no other member is still speaking to a motion, at least three members call for a quorum count, the Chairman shall arrange an immediate count. A call for quorum shall take precedence over all members seeking the call to speak. If the count ascertains that the quorum has been lost, then the meeting shall be deemed to close upon the announcement of the count.

40. The closing time of a meeting will be as specified on the meeting agenda, or at 10pm for evening meetings, unless the meeting expressly resolves otherwise prior to the specified closing time.

### **Agenda Items Carried Over to Subsequent Meetings**

41. Where, at an ordinary meeting or Policy Convention, there remain agenda items not dealt with by the meeting, those agenda items shall be placed on the agenda of the next ordinary meeting or Policy Convention, as the case may be.
42. No resolution dealt with at a meeting shall be again debated at the same meeting. If it is desired that any motion carried by a meeting be rescinded, notice of motion for such rescission shall be given with the notice of meeting and agenda for the meeting at which it is proposed to introduce such motion pursuant to the provision of this Constitution.

## APPENDIX TWO

### PROCEDURES FOR CONDUCTING BALLOTS

#### DIVISION 1 - MEETING PROCEDURE FOR ELECTION OF ELECTORATE BRANCH AND COUNCIL OFFICE BEARERS

1. The Meeting Procedure for the election of Electorate Branch and Council officer-bearers shall include the following steps.
  - (a) The meeting shall elect a Returning Officer to conduct the election. In the case of any dispute as to the conduct or scrutiny of the ballot, the decision of the Returning Officer shall be final.
  - (b) The Returning Officer shall then determine by lot the order in which the candidates will be heard by the meeting. No other candidate shall be present while a candidate is being heard.
  - (c) Where the number of candidates is the same as the number of vacant positions, or is less than the number of positions, the Returning Officer shall ask “are there any objections to the candidate(s) declared as elected.”
    - (i) If there are no objections the Returning Officer shall declare the candidate(s) as elected.
    - (ii) If a member entitled to vote objects to the candidate(s) being declared as elected the returning officer shall ask “are there any other members who object to the candidates being declared as elected?”
    - (iii) If at least five members entitled to vote then call for a formal vote, the candidate(s) shall be entitled to address the meeting and answer questions, and then ballot papers shall be issued for a yes/no vote on each candidate.
    - (iv) The question shall be resolved on the voices.
    - (v) Each candidate who receives a majority of formal yes votes shall be declared ‘elected’.
  - (d) Where there are more candidates than the number of vacant positions, or where the meeting still proceeds to a formal vote, each candidate shall individually address the meeting for up to 5 minutes, and then may answer questions during the remainder of their 10 minute maximum allocation.
  - (e) The meeting shall then proceed to a secret ballot if required.
  - (f) A candidate may appoint a member of the meeting to act as his scrutineer for the purposes of the election.
  - (g) The Returning Officer shall see that a ballot paper validated with a distinguishing mark is received by each voting member participating in the election.
  - (h) After each occasion a vote is conducted, the result will be announced to the meeting.
  - (i) Any unfilled positions may be filled by an ordinary meeting of the subsequent Council or Electorate Branch (as the case may be) as if it was a casual vacancy.

## DIVISION 2 - METHOD FOR CONDUCTING PREFERENTIAL BALLOTS

1. *Definition:* the word “candidate” shall be taken to include any nominee for preselection.
2. If there are two or more candidates, then, in each of the compartments provided on the ballot paper for the purpose of voting, the voter shall place the number " 1 " in the square opposite the name of the candidate for whom he votes as a first preference and may give contingent votes for as many of the remaining candidates by placing figures in the square opposite their names respectively so as to indicate in numerical sequence the order of preference.
3.
  - (a) Notwithstanding the foregoing rules, a voter may at any time mark his paper with the words "none of the above", or vote for such a proposition on any pre-published ballot paper prepared by the Returning Officer.
  - (b) Where, after counting the votes, more than half of the votes cast are marked "none of the above", then the position will be declared “not filled” and shall be filled by an ordinary meeting of the subsequent Council or Electorate Branch (as the case may be) as if it were a casual vacancy.
4. Each voter shall be responsible for placing his ballot paper in the ballot box. When all eligible voting members have had a reasonable opportunity to vote, the votes shall then be counted by the Returning Officer and his assistants.
5. On completion of the time allowed for voting, the Returning Officer shall examine the ballot papers and sort them into parcels according to the first preferences recorded for each candidate, rejecting any that are informal. A ballot paper is informal on which:
  - (a) the figure 1 standing alone indicating a first preference is not placed against the name of a candidate or is placed against the name of more than one candidate; or
  - (b) the figure 1 together with another figure is placed against the name of a candidate; or
  - (c) it cannot be determined for which candidate the first preference is recorded.
6. If any candidate receives an absolute majority of first preferences, he shall be declared the selected candidate. Where the number of formal votes cast is an even number, an absolute majority shall be half the number plus one; where the number of formal votes cast is an odd number, an absolute majority shall be half the number, plus one half.
7. If no candidate has an absolute majority of formal votes cast the Returning Officer shall make a second count. On the second count all candidates with no first preference votes shall be excluded.
8. In addition, the candidate who has the lowest number of first preference votes, other than zero, shall be excluded and each ballot paper counted to him shall be transferred to the continuing candidate next in order of preference indicated by number on each such ballot paper.
9. If any candidate has an absolute majority of votes after the second count he shall be declared elected, but if no candidate has an absolute majority of votes the process of excluding the candidate who has the fewest votes and transferring each of his ballot papers to the continuing candidate next in order of the voting members' preference shall be repeated until one candidate has received an absolute majority of votes.
10. If on any count, two or more candidates have an equal number of votes and one of them has to be excluded, that one amongst them who had the least number of votes at the last count at which they had not an equal number of votes shall be excluded. If such candidates had an equal number of votes at all preceding counts or there was no preceding count, the Returning Officer shall determine by lot which of them shall be excluded.



11. Any scrutineer may, at the end of any count, request the Returning Officer to re-examine and recount all or any of the papers dealt with during that count, and the Returning Officer shall forthwith re-examine and recount such papers. However, the Returning Officer is not obliged to recount the same papers more than once. No alteration of the dispositions of the papers shall be made at the end of a recount except to correct errors discovered in the recount.
12. The Returning Officer may at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous counting of the vote.

# DIVISION 3 - METHOD FOR CONDUCTING PROPORTIONAL BALLOTS

## 1. Definitions

**Candidate** – shall be taken to include any nominee for preselection

**Continuing candidate** - any candidate not elected or excluded at any given time.

**Count** -all the operations involved in counting the first preferences recorded for candidates, *or*, all the operations involved in the transfer of the surplus of an elected candidate, *or* all the operations involved in the transfer of votes of an excluded candidate.

**Exhausted paper** - a formal ballot paper on which no second or subsequent preference is recorded for a continuing candidate, and any paper on which it is not possible to determine for which of the continuing candidates the next available preference of the voter is recorded.

**None of the above** - the expression is to be treated as if this represents the name of one or more candidates.

**First Preference** - in regards to any candidate means a formal vote on a ballot paper where the number “1” is marked against the name of that candidate.

**Surplus** - the value of votes credited to any candidate (including original and transferred vote values), minus the quota.

**Transferable paper** - a formal ballot paper remaining in the count, on which further preferences are shown, which may be transferred to a continuing candidate.

**Transferred vote** - in regard to any candidate means a vote derived from a ballot paper on which a second or subsequent preference is recorded for that candidate.

## Calculation of the Quota

2. On completion of the time allowed for voting, the Returning Officer shall examine the ballot papers and sort them into parcels according to the first preferences recorded for each candidate, rejecting any that are informal. A ballot paper is informal on which:
  - (a) the figure 1 standing alone indicating a first preference is not placed against the name of a candidate or is placed against the name of more than one candidate; or
  - (b) the figure 1 together with another figure is placed against the name of a candidate; or
  - (c) it cannot be determined for which candidate the first preference is recorded.
3. The Returning Officer shall sort formal ballot papers into parcels according to the first preference recorded for each candidate then count and record the number of first preference votes for each candidate. Each first preference shall be deemed to have a value of one.
4. The Returning Officer shall then divide the total value of formal ballot papers (including those marked “None of the Above”) by a number exceeding by one the number of vacancies to be filled. The result, increased by 1 (any fractional remainder being disregarded), shall be the value of votes sufficient to secure the election of a candidate. This value is herein called the ‘quota’.

### Illustration:

$$\text{Quota} = \frac{\text{Total formal votes}}{\text{Number to be elected} + 1} + 1 \text{ (excluding any remainder)}$$

## Election of Candidates

5. If at the end of any count, or at the end of the transfer of a parcel or sub-parcel of an excluded candidate's votes, the value of votes credited to a candidate is greater than or equal to the quota, that candidate shall thereon be elected. Where the votes of a candidate are exactly equal to the quota, those votes shall be set aside as finally dealt with. Elected candidates shall not receive further transfers of preferences.
6. The order of priority of election shall be that of the order in which they are elected, and if at the end of any count two or more candidates are elected, the order of priority shall be the order of magnitude of the value of votes then credited to such candidates, commencing with the greatest.

## Transfer of Surpluses

7. If at the end of any count the value of votes credited to a candidate is greater than the quota, only those votes in the parcel or sub-parcel last received by the elected candidate shall be distributed, at a reduced value, to the continuing candidates for whom the next available preferences have been recorded on the ballot papers.
8. If more than one candidate has a surplus, the larger surplus shall be dealt with first. Where two or more surpluses are equal, the surplus of the candidate with the highest value of votes at the most recent count at which the candidates have an unequal value of votes shall be dealt with first, and if they have the same value at all counts the Returning Officer shall determine by lot which one he shall deal with first.
9. If the votes credited to an elected candidate consist solely of first preferences only, the Returning Officer shall identify transferable papers by examining all the papers contained in the parcel of the elected candidate whose surplus is to be transferred.
10. If the votes credited to an elected candidate consist of transferred and first preferences, or transferred votes only, the Returning Officer shall identify transferable papers by examining only the papers contained in the last sub-parcel received by the elected candidate whose surplus is to be transferred.
11. A surplus shall be transferred as a single count in the distribution of preferences, and be calculated in the following manner and recorded in a form substantially similar to Table 1.
  - (a) The Returning Officer shall:
    - (i) sort the transferable papers into sub-parcels according to the next available preferences recorded thereon;
    - (ii) make a separate sub-parcel of the exhausted papers; and
  - (b) To calculate the transfer value, the surplus shall be divided by the total number of transferable papers obtained in the last parcel or sub-parcel received by that candidate, and the resulting fraction is the 'transfer value'. The transfer value shall not increase as votes exhaust.
  - (c) Each sub-parcel of ballot papers to be transferred, whether to a continuing candidate, or to the sub-parcel of exhausted votes, shall be transferred at a value equal to the transfer value multiplied by the number of transferable papers in that sub-parcel.
  - (d) Each continuing candidate shall be credited with the value of the votes so transferred to him.
  - (e) The surplus value should be calculated to at least four decimal places but the Returning Officer may calculate this value to further places where he deems this is necessary.

## **Exclusion of Candidates**

12. If vacancies remain to be filled after all surpluses from elected candidates have been distributed, the process of excluding the lowest-scoring candidate begins. If at the end of any count, no candidate has a surplus and one or more vacancies exist to be filled, the Returning Officer shall exclude the candidate lowest on the poll.
13. If, when a candidate is to be excluded, two or more candidates have the same value of votes and are lowest on the poll, the candidate with the lowest value of votes at the earliest count at which the candidates have an unequal value of votes, shall be excluded, and if they have the same value at all counts, the Returning Officer shall determine by lot which is to be excluded.
14. On the exclusion of any candidate, the Returning Officer shall, except as provided below, examine all the papers credited to that candidate, shall sort the transferable papers into sub-parcels according to the next available preference recorded thereon, and shall transfer each sub-parcel to the candidates for whom that preference is recorded, and shall set aside the exhausted papers.
15. When the votes of an excluded candidate are transferred, the parcel containing first preferences, if any, shall be transferred first, at the full value of 1.0000, followed by the transfer of sub-parcels of transferred votes in the order in which and at the value at which they were received. All transfers of votes from excluded candidates shall be recorded in a form substantially similar to Table 1.
16. Each parcel of ballot papers distributed from an excluded candidate is distributed as a new count. After each such distribution, every continuing candidate's total number of votes is recalculated to determine whether any candidate has reached quota and is to be declared elected before the next count resumes. Only after all parcels from an excluded candidate have been distributed, shall the Returning Officer then distribute the surplus of any candidates elected during the exclusion (in order of election).
17. If at the end of any count, or at the end of the transfer of a parcel or sub-parcel of an excluded candidates' votes, the number of elected candidates is equal to the number of vacancies to be filled, no further transfer of votes shall be made.
18. If on the exclusion of a candidate or candidates the number of the then continuing candidates is equal to the number of vacancies remaining unfilled, the continuing candidates shall be elected, and no further transfer of votes shall be made.

## **Sorting of Vote Parcels**

19. When a transfer is made, each sub-parcel of papers transferred shall be placed on the top of the parcel, if any, of the papers of the candidate to whom the transfer is made, and that candidate shall be credited with the value of the papers transferred to him.
20. Exhausted papers at the end of any count shall be set aside as a separate sub-parcel together with all parcels of exhausted papers already set aside.
21. Papers bearing a preference for 'None of the above' shall be treated as if 'None of the above' were a continuing candidate. For each quota received by 'None of the above' the total number of candidates to be elected by this method shall be reduced by one, but the quota shall not be reduced.

## Recounts

22. Any scrutineer may, at the end of any count, request the Returning Officer to re-examine and recount all or any of the papers dealt with during that count, and the Returning Officer shall forthwith re-examine and recount such papers. However, the Returning Officer is not obliged to recount the same papers more than once. The Returning Officer shall, if necessary, recalculate the values of all, or any, of the papers dealt with during the recount. No alteration of the dispositions of the papers shall be made at the end of a recount except to correct errors discovered in the recount.
23. The Returning Officer may at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous counting of the vote.

enter figures to at least four decimal places

TABLE 1

Count:	Quota:	Candidate A	Candidate B	Candidate C	Candidate D	Candidate E	None of the Above	Exhausted formal ballot papers	Total formal ballot papers	Description (eg: A elected; transfer of A's surplus; elimination of B; etc)	
1	First Preferences										
2	Transferred ballot papers Value (TV = ) Cumulative Tally										
3	Transferred ballot papers Value (TV = ) Cumulative Tally										
4	Transferred ballot papers Value (TV = ) Cumulative Tally										
5	Transferred ballot papers Value (TV = ) Cumulative Tally										
6	Transferred ballot papers Value (TV = ) Cumulative Tally										
7	Transferred ballot papers Value (TV = ) Cumulative Tally										
8	Transferred ballot papers Value (TV = ) Cumulative Tally										
9	Transferred ballot papers Value (TV = ) Cumulative Tally										
10	Transferred ballot papers Value (TV = ) Cumulative Tally										
Quota =	$\frac{\text{Total formal votes}}{\text{Number to be elected}} + 1$ (excluding any remainder)									$\frac{\text{Surplus Transferable papers in last parcel received}}{\text{Transfer Value (TV) = of Surplus}}$	$\frac{\text{Value of Distribution=}}{\text{TV x Transferable papers}}$

If more candidates are running, then join extra sheets after column E. If more than 10 distributions of preferences occur, then join sheets at bottom. Do not include informal votes in table.

## **DIVISION 4 - PROCEDURES FOR CONDUCTING EXHAUSTIVE BALLOTS (SENATE PRESELECTIONS)**

1. The Returning Officer shall see that a ballot paper bearing the number of the ballot is received by each preselector participating in the preselection.
2. Each preselector voting shall then write on that ballot paper a single preference against the name of the one Candidate for whom he wishes to vote. If there is only one candidate, each preselector shall write "yes" or "no" on that ballot paper to indicate whether that candidate shall be declared elected.
3. Each preselector voting shall be responsible for seeing that his ballot paper is in the ballot box. When all the papers are in the ballot box or when the time for voting has expired, the votes shall then be counted by the Returning Officer and the scrutineers.
4. A ballot paper is informal on which:
  - (a) a preference is not placed against the name of a candidate or is placed against the name of more than one candidate; or
  - (b) it cannot be determined for which candidate the preference is recorded.
5. If any candidate receives an absolute majority of formal votes cast, he shall be declared the selected candidate. Where the number of formal votes cast is an even number, an absolute majority shall be half the number plus one; where the number of formal votes cast is an odd number, an absolute majority shall be half the number, plus one half.
6. A scrutineer may, at the end of any ballot, request the Returning Officer to re-examine and recount all or any of the papers dealt with during that ballot, and the Returning Officer shall forthwith re-examine and recount such papers. However, the Returning Officer is not obliged to recount the same ballot papers more than once. No alteration of the dispositions of the papers shall be made at the end of a recount except to correct errors discovered in the recount.
- 6A The Returning Officer may at his discretion recount papers either once or more often in any case in which he is not satisfied as to the accuracy of any previous counting of the vote.
7. After each occasion a vote is conducted the number of votes received by each candidate or which were cast in the affirmative or the negative (as the case requires) will be announced to the meeting.
8. If there is only one candidate, and a majority of formal votes are cast in the negative, then the position will be declared not filled and the candidate shall be selected by the Management Committee pursuant to clause 89.
9. If no candidate has an absolute majority of formal votes cast any candidate receiving less than, or equal to, 10% of the number of formal votes cast shall be eliminated.
10. Where no candidate is eliminated by force of clause 9, the candidate with the fewest number of votes shall be eliminated.
11. After the elimination of a candidate or candidates in accordance with clause 9 and 10 inclusive, the Returning Officer shall distribute a ballot paper bearing the number of the next ballot to each preselector participating in the preselection. The Returning Officer shall then instruct all preselectors to strike out the names of all candidates eliminated in previous rounds. The selection shall proceed in accordance with the foregoing Rules.
- 12 (a) where two or more candidates not covered by Rules 9 and 10 receive an equal number of votes and each such candidate receives fewer votes than any other remaining candidate, then

each preselector voting shall write on a fresh ballot paper a single preference against the name of the one tying Candidate he prefers.

(b) the tying candidate who receives least votes shall be eliminated.

(c) where an equality of elimination votes prevents such elimination, the procedures described in rules 1 to 10 inclusive shall be repeated with all candidates remaining in the ballot (including the tying candidates) other than previously eliminated candidates.

13. If three failures to break the same "tie" occur, the names of the tying candidates shall be placed in a container and one shall be withdrawn by the Chairman. The candidate whose name is withdrawn shall be eliminated.
14. The procedures described in the foregoing Rules shall be continued as necessary until one candidate has received an absolute majority, in which event he shall be declared the selected candidate.
15. Where more than one candidate is to be elected, the meeting will choose the candidate for each position in separate rounds of voting, commencing with the voting for the candidate to be ranked highest on the party ticket.
16. The voting will cease where:
  - (a) The Preselection Meeting has selected all the candidates required to be chosen; or
  - (b) More than half the votes cast are marked "none of the above"; or
  - (c) At any time a preselector moves "that voting cease". When such a motion is moved, and duly seconded, the Returning Officer shall immediately put the question, without debate. A question that the Preselection cease shall be determined by a show of hands. Where more than half the preselectors present vote in favour of the proposition, the voting shall cease.
17. If the voting is ceased before the Preselection Meeting has selected all the candidates required to be chosen, then the remaining candidate(s) shall be selected by the Management Committee pursuant to clause 89.



# APPENDIX THREE

## APPEALS

1. The decision of the Returning Officer is final unless objection is made in writing by an excluded person or a nominee. In that event, the decision of the Returning Officer may be reversed on appeal. A member may appeal against the administration of a preselection ballot or an internal party ballot on one of the following grounds;
  - (a) there has been evidence presented of vote tampering or other fraud relating to the ballot;
  - (b) the terms of this Constitution (or the relevant Branch Constitution) were not adhered to in either the choice of a vote counting method, or an exclusion of a nomination, or a transfer of votes;
  - (c) either the date, time or place of the actual voting was other than the details advertised by notice, or any such details were not notified under the terms of this Constitution (or the relevant Branch Constitution);
  - (d) an entry fee or service fee was levied for attendance, or an entry fee or service fee was notified together with the notice of the meeting; or
  - (e) qualified members were prevented from voting, or the notice of meeting specified the exclusion of members who should not have been excluded.
2. The Returning Officer shall advise any excluded person(s), nominee(s) and scrutineer(s), that any appeal must be lodged with the Honorary General Secretary, in accordance with this constitution.
3. If an appeal is lodged, a sub-committee of Management Committee shall adjudge the appeal. The Appeals Sub-Committee shall comprise the Electorate Branch Chairs, the Divisional President and Vice President (Membership and Development). Where any of these office-bearers is an excluded person, nominee, endorsed candidate, scrutineer, or elected representative of the Liberal Party of Australia (or an employee or relative of any of these), or is unavailable, then the next most senior person shall be appointed in their place. The Sub-Committee shall elect a Convenor at its first meeting.
4. The Returning Officer shall deliver to the Appeals Sub-Committee:
  - (a) all documents on which he based his decision to exclude any person from preselection or internal party ballot;
  - (b) all ballot papers, including such as were set aside as informal, and all unused ballot papers;
  - (c) working documents or other materials used in making the decision that is subject of the appeal; and
  - (d) a written report, if requested.
5. So far as possible, decisions of the Appeals Sub-Committee shall be by consensus, but where agreement cannot be reached a vote may be taken. Where votes are equal, the Convenor shall have a casting vote.
6. The Appeals Sub-Committee may:
  - (a) request persons to answer questions before it;
  - (b) seek expert opinions; or
  - (c) examine all relevant documents and materials.
7. The Appeals Sub-Committee may make a final decision regarding the exclusion or endorsement of a person from the preselection or internal party ballot, based on the information before it.