



**THE LIBERAL PARTY OF AUSTRALIA
(WESTERN AUSTRALIAN DIVISION)
INCORPORATED**

CONSTITUTION & RULES

2023

THE LIBERAL PARTY OF AUSTRALIA (WESTERN AUSTRALIAN DIVISION) INCORPORATED

INTRODUCTION

CONTENTS

This document consolidates in one volume the Party Constitution and the Rules governing subordinate Party bodies.

TABLE OF CONTENTS

A Table of Contents comprising the heading of each clause in each document appears at the beginning of this volume. Each Table of Contents notes the clause or rule number, the heading of the clause or rule, and the page of this volume where it may be found.

PRIORITY OF DOCUMENTS

The Constitution is the paramount Party document.

The Party Rules, Appeals & Disciplinary Committee Rules and the State Council Guidelines for Access to Reasons for [C&D & A&D] Decisions are subordinate to the Constitution.

In the case of any inconsistency the Constitution prevails.

AMENDMENTS AND REPRINTING

It is inevitable that the Constitution and Rules will require amendment from time to time.

THIS REVISION

This revised Constitution follows a comprehensive review of the Party Constitution and Rules, with the aim of modernising and refining certain aspects of the Party's operations and eliminating duplication and repetition.



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Simon Morgan
State Director

October 2023

TABLE OF CONTENTS

CONSTITUTION

PART I – GENERAL	2
1. NAME	2
2. DEFINITIONS	2
3. AFFIRMATION	6
4. OBJECTS	6
5. POWERS	7
6. RULES	8
PART II – MEMBERSHIP	9
7. CLASSES OF MEMBERSHIP	9
8. ORDINARY MEMBERS	9
9. QUALIFICATIONS OF ORDINARY MEMBERS	9
10. RIGHTS AND DUTIES OF ORDINARY MEMBERS	9
11. ASSOCIATE MEMBER	10
12. PARLIAMENTARY MEMBERS	11
13. LIFE MEMBERS	11
14. FURTHER CLASSES OF MEMBERSHIP	11
15. APPLICATION FOR ORDINARY MEMBERSHIP	11
16. TRANSFER OF BRANCH MEMBERSHIP	13
17. ANNUAL MEMBERSHIP SUBSCRIPTION	14
18. CESSATION OF MEMBERSHIP	14
19. DISCIPLINE	15
20. REGISTER OF MEMBERS	15
PART III – CONSTITUENT BODIES - GENERAL	17
21. CONSTITUENT BODIES	17
22. ANNUAL GENERAL MEETINGS	17
23. ELIGIBILITY	17
24. SUSPENSION	18
PART IV – BRANCHES	19
25. BRANCHES	19
26. POWERS AND AUTHORITY OF BRANCHES	19
27. CREATION OF NEW BRANCHES	19
28. ALTERATION OF BOUNDARIES	21
29. BRANCH OFFICE HOLDERS AND DELEGATES	21
30. BRANCH EXECUTIVE	22
31. DISSOLUTION	22
PART V – DIVISIONS	23
32. DIVISIONS	23
33. POWERS AND AUTHORITY OF DIVISIONS	23
34. DIVISIONAL CONFERENCE	23
35. DIVISIONAL COUNCIL	24
36. DIVISIONAL EXECUTIVE	24
PART VI – LIBERAL WOMEN’S COUNCIL (WA)	26
37. FUNCTION	26
38. MEMBERSHIP	26
39. LIBERAL WOMEN’S COUNCIL (WA) EXECUTIVE	26
40. DIVISIONAL WOMEN’S COMMITTEES	27

PART VII – YOUNG LIBERAL MOVEMENT OF AUSTRALIA (WA DIVISION)	28
41. FUNCTION	28
42. MEMBERSHIP	28
43. YOUNG LIBERAL MOVEMENT COUNCIL	28
44. YOUNG LIBERAL MOVEMENT EXECUTIVE	28
45. HONORARY LIFE MEMBERSHIP & PATRONS	29
46. DIVISIONAL YOUNG LIBERAL COMMITTEES	29
PART VIII – WESTERN AUSTRALIAN UNION OF LIBERAL STUDENTS	30
47. FUNCTION	30
48. MEMBERSHIP	30
49. WAULS EXECUTIVE	30
50. HONORARY LIFE MEMBERSHIP & PATRONS	30
51. AUSTRALIAN LIBERAL STUDENTS' FEDERATION	31
PART IX – STATE CONFERENCE	32
52. FUNCTION	32
53. MEMBERSHIP	32
54. SPECIAL STATE CONFERENCES	33
55. NOTICE OF STATE CONFERENCE	33
56. CHAIRMAN	33
57. CASTING VOTE	33
58. QUORUM	34
59. DELEGATION	34
60. BUSINESS	34
PART X – PARTY OFFICERS	35
61. PRESIDENT, VICE-PRESIDENTS AND TREASURER	35
62. <i>EX OFFICIO</i> MEMBERS OF COMMITTEES	36
PART XI – STATE COUNCIL	37
63. FUNCTION	37
64. MEMBERSHIP OF STATE COUNCIL	37
65. NOTICES	38
66. QUORUM	38
67. MEETINGS	38
68. SPECIAL MEETINGS	38
69. ATTENDANCE BOOK	38
70. CHAIRMAN	38
71. CASTING VOTE	38
72. STANDING COMMITTEES	38
73. RULES FOR STANDING COMMITTEES	39
74. OPERATION OF STANDING COMMITTEES	39
75. SUB-COMMITTEES	39
76. FEDERAL COUNCIL DELEGATES	39
PART XII – STATE EXECUTIVE	41
77. FUNCTION	41
78. MEMBERSHIP	41
79. PARLIAMENTARY MEMBERS	41
80. QUORUM	41
81. MEETINGS	41
82. RECORD OF ATTENDANCE	41
83. CHAIRMAN	42
84. CASTING VOTE	42
85. SUB-COMMITTEES	42
86. REPORTS TO STATE COUNCIL	42
87. TO COMPLY WITH DIRECTIONS	42
88. DISALLOWANCE OF DECISION	42

PART XIII – STATE MANAGEMENT EXECUTIVE	43
89. FUNCTION	43
90. MEMBERSHIP	43
91. QUALIFICATIONS	43
92. MEETINGS	43
93. QUORUM	43
94. CHAIRMAN	43
95. CASTING VOTE	43
96. REPORT TO STATE EXECUTIVE	44
97. TO COMPLY WITH DIRECTIONS	44
98. DISALLOWANCE OF DECISION	44
99. CO-OPTED MEMBERS	44
PART XIV – STATE DIRECTOR AND PARTY EMPLOYEES	45
100. APPOINTMENT AND RESPONSIBILITIES OF STATE DIRECTOR	45
101. DIRECTION AND CONTROL OF STATE DIRECTOR	45
102. LIMITATION ON EMPLOYEE PARTICIPATION IN PARTY BODIES	45
103. CONSTITUENT BODY EMPLOYEES	45
PART XV – FINANCE	46
104. INCOME AND PROPERTY OF THE PARTY	46
105. FINANCIAL GOVERNANCE	46
106. THE LIBERAL PARTY OF WESTERN AUSTRALIA PTY LTD	47
107. REAL PROPERTY	47
PART XVI – PARLIAMENTARY SECTIONS	48
108. COMPOSITION OF FEDERAL & STATE PARLIAMENTARY SECTIONS	48
PART XVII – SELECTION & ENDORSEMENT OF CANDIDATES	49
109. CALLING OF APPLICATIONS	49
110. PROCEDURES ON RECEIPT OF APPLICATIONS	49
111. ENQUIRY & VERIFICATION	49
112. INFORMATION FOR DELEGATES	50
113. COMPOSITION OF SELECTION COMMITTEES	50
113A. COMPOSITION OF LEGISLATIVE COUNCIL SELECTION COMMITTEES	53
113B. EXPIRY OF 113A	55
114. DELEGATE ELIGIBILITY & ACCREDITATION	55
115. CERTAIN PERSONS DISQUALIFIED FROM BEING DELEGATES	55
116. SELECTION COMMITTEE PROCEEDINGS	56
117. DUTIES OF CHAIRMAN	56
118. BALLOTING & QUORUM	56
119. PROCEEDINGS NOT INVALIDATED BY ABSENCE OF DELEGATE	57
120. RECOMMENDATION TO STATE COUNCIL	57
121. RECOMMENDATION BY SELECTION COMMITTEE	57
122. CONFIDENTIALITY OF CANDIDATE	57
123. ACTION ON RECOMMENDATION	57
124. STATE COUNCIL MAY DELEGATE AUTHORITY	58
125. CANCELLATION OF ENDORSEMENT	58
126. CANCELLATION OF CALL FOR APPLICATIONS	58
127. STATE COUNCIL MAY INVESTIGATE UNFAIR TREATMENT OR IRREGULARITY	58
128. SELECTION COMMITTEE APPEALS	58
129. SUBSTITUTE FOR ENDORSED CANDIDATE	59
130. EMERGENCY ENDORSEMENT	59
PART XVIII – MISCELLANEOUS	60
131. PROXIES	60
132. CONDUCT OF MEETINGS BY ELECTRONIC MEANS	61
133. COMMON SEAL	61
134. ALTERING THE CONSTITUTION	61

135.	DISSOLUTION	62
136.	COMMENCEMENT	62

TABLE OF CONTENTS

PARTY RULES

PARTY RULES	63
PART I – GENERAL	64
1. CITATION	64
2. REVOCATION, COMMENCEMENT AND SAVING	64
3. RULES SUBJECT TO THE CONSTITUTION	64
4. DEFINITIONS	64
PART II – MEETINGS	65
5. NOTICE – ANNUAL GENERAL MEETINGS	65
6. NOTICE – GENERAL MEETINGS	67
7. NOTICE – SPECIAL MEETINGS	67
8. NOMINATIONS FOR ELECTED POSITIONS	68
9. QUORUM	70
10. CHAIRMAN	70
11. RECORD OF MEETINGS	70
12. STANDING ORDERS FOR THE CONDUCT OF MEETINGS	71
13. VOTING	73
14. COMMUNICATIONS AND TIMING	76
15. VACANCIES: OFFICE BEARERS	77
16. CONDUCT OF STATE CONFERENCE	80
PART III – PUBLICATIONS & COMMENTS	83
17. PRESS AND PUBLIC STATEMENTS	83
18. ADVERTISEMENTS AND PUBLICATIONS TO BE APPROVED	83
19. ELECTIONEERING STATEMENTS AND PROMOTIONAL MATERIAL	83
20. DEFAMATORY STATEMENTS	83
PART IV – DIVISIONAL & BRANCH BOUNDARIES	85
21. RE-DISTRIBUTION OF ELECTORAL BOUNDARIES	85
PART V – STANDING COMMITTEES	87
22. COMPOSITION	87
23. ROLE AND FUNCTION	89
24. ELECTORATE CAMPAIGN COMMITTEES	93
PART VI – FINANCIAL GOVERNANCE	94
25. PARTY BANK ACCOUNTS	94
26. ACCOUNTING RECORDS	95
27. FINANCE	96
28. TAXATION	97
PART VII – MEMBERSHIP	98
29. FURTHER CLASSES OF MEMBERSHIP PURSUANT TO CLAUSE 14 OF THE CONSTITUTION	98
30. MEMBERSHIP REGISTER – PARLIAMENTARY SECTIONS	98
31. MEMBERSHIP REGISTER – OFFICE BEARERS	98
PART VIII – MISCELLANEOUS APPEALS PROCEDURES	100
32. APPEALS TO STATE COUNCIL FROM THE APPEALS AND DISCIPLINARY COMMITTEE	100
33. TIME LIMITATION ON LODGING APPEAL	100

CONSTITUTION

**1 September 2015, amended 13 August 2016, 2 September 2017, 17
February 2018, 12 August 2018, 1 February 2019, 29 May 2019, 30-31
July 2022, and 28 October 2023**

THE LIBERAL PARTY OF AUSTRALIA (WESTERN AUSTRALIAN DIVISION) INCORPORATED

CONSTITUTION

PART I – GENERAL

1. NAME

The name of the Party is “The Liberal Party of Australia (Western Australian Division) Incorporated”.

2. DEFINITIONS

- (a) In this Constitution, except to the extent that the context otherwise requires, the following expressions shall have the following meanings –

“Application Date” means the date upon which the State Council whether by itself or by its delegate shall appoint as the date for calling applications from Members seeking Party endorsement for an electorate pursuant to the provisions of clause 109(a).

“Annual General Meetings” means the meetings referred to in clause 22.

“Australia” means the Commonwealth of Australia.

“Australian Liberal Students’ Federation” means the national representative body of Liberal Students in Australia.

“Associate Member” means an Associate Member as provided in Clause 11.

“Annual Membership Subscription” means the minimum annual membership subscription set pursuant to clause 17.

“Branch” means a Branch of the Party referred to in clause 25 or formed in accordance with clause 27 and, unless otherwise provided, includes a University Club Branch.

“Branch Executive” means the executive of a Branch elected pursuant to clauses 29 & 30.

“Closure Date” means the date and time fixed by the State Council for the closure of applications for endorsement for any electorate as provided in clause 109(a).

“Constituent Body” has the meaning given in clause 21, and includes the Executive acting on behalf of the Constituent Body when authorised by this Constitution or Rules.

“Constitution” means the Constitution of the Party.

“Country Branch”	means a Branch which is geographically wholly or substantially within a Country Electorate or Electorates.
“Country Electorate”	means a Legislative Assembly electoral district in the Agricultural or Mining and Pastoral Regions as defined by the <i>Electoral Act 1907</i> (WA) (as amended from time to time).
“Division”	means a Division of the Party constituted under clause 32.
“Divisional Conference”	means the Divisional Conference referred to in clause 34.
“Divisional Council”	means the Divisional Council referred to in clause 35.
“Divisional Executive”	means the Divisional Executive referred to in clause 36.
“Divisional Women’s Committee”	means the Divisional Women’s Committee referred to in clause 40.
“Divisional Young Liberal Committee”	means the Divisional Young Liberal Committee referred to in clause 46.
“Electoral Acts”	means the <i>Electoral Act 1907</i> (WA) and <i>Commonwealth Electoral Act 1918</i> (Cth) (as amended from time to time).
“Electorate Campaign Committee”	means an Electorate Campaign Committee established pursuant to rule 24.
“Enrolled Address”	means, in respect of a person, the address recorded for that person as that person’s residential address on the Electoral Roll or, in the case of a Silent Elector, the electorate recorded for that person on the Electoral Roll, from time to time.
“Executive”	means the office bearers of a Constituent Body elected in accordance with the following clauses: (a) for a Branch, clause 30; (b) for a Division, clause 36; (c) for the Liberal Women’s Council, clause 39; (d) for a Divisional Women’s Committee, clause 40; (e) for the Young Liberal Movement, clause 44; (f) for a Divisional Young Liberal Committee, clause 46; and (g) for the WAULS, clause 49.
“Federal Electoral Boundaries”	means the boundaries of an Electoral Division for the election of a member of the House of Representatives as determined pursuant to the <i>Commonwealth Electoral Act 1918</i> (Cth) (as amended from time to time).
“Federal Electoral Division”	means an Electoral Division for the election of a Member of the House of Representative as determined pursuant to the <i>Commonwealth Electoral Act 1918</i> (Cth) (as amended from time to time).

“Finance Committee”	means the Finance Committee of the State Council referred to in clause 72.
“Financial Year”	means the period from 1 July to the next following 30 June.
“Immediate Past President”	means the President who held the position of President prior to the election of the current President.
“Liberal Women’s Council”	means the Liberal Women’s Council (WA) referred to in clause 38.
“Life Member”	means a Member elected as a Life Member in accordance with clause 13.
“Member”	means a Member of the Party of whatever class of membership.
“Metropolitan Electorate”	means a Legislative Assembly electoral district in the Metropolitan Region as defined by the <i>Electoral Act 1907</i> (WA) (as amended from time to time).
“New Branch”	means a branch that is created pursuant to clause 27.
“Objects”	means the objects of the Party as provided in clause 4.
“Ordinary Member”	means an ordinary Member as provided in clause 9.
“Ordinary Resolution”	means a resolution passed by a simple majority of the Members present and voting at the meeting at which the resolution is submitted.
“Parliamentary Member”	means an Ordinary Member of the Party who is a Member of a Parliament as provided in clause 12.
“Parliamentary Section”	means any one or more of the parliamentary sections referred to in clause 108 (as the context requires)
“Party”	means the Liberal Party of Australia (Western Australian Division) Incorporated.
“Party Headquarters”	means the principal office from time to time occupied by the Party.
“Policy Committee”	means the Policy Committee of the State Council referred to in clause 72.
“Prescribed Form”	means a form from time to time prescribed in accordance with the provisions of the Constitution or Rules.
“Related Person”	means a spouse, de facto spouse, parent, brother, sister, child, grandchild, brother-in-law, sister-in-law, grandparent, parent-in-law.
“Rules”	means the Rules from time to time prescribed by State Council in accordance with the provisions of the Constitution.
“Rural Constituent Body”	means any Division having a boundary coextensive with a Federal Electoral Division classified as “rural” by the Australian Electoral Commission and any

	Constituent Body located wholly within such a Division.
“Regional and Rural Committee”	means the Regional and Rural Committee (WA) referred to in clause 72(c).
“Register of Members”	means the register maintained in accordance with clause 20 and the requirements of the Associations Incorporation Act 2015(WA)
“Special State Conference”	means a specially convened State Conference referred to in clause 54.
“Special Resolution”	means a resolution of which not less than forty two (42) days’ (or such other period as is specified herein) notice of motion has been given and is subsequently passed by not less than two thirds of the Members present and voting at the meeting at which the resolution is submitted and at the time the resolution is voted upon at least one third of the persons entitled to be present and vote are actually present.
“Standing Committees”	means the Standing Committees appointed by State Council pursuant to clause 72.
“State”	means the State of Western Australia.
“State Conference”	means the annual general meeting referred to in clause 52.
“State Council”	means the State Council of the Party referred to in clause 63.
“State Director”	means the State Director appointed by the State Executive in accordance with the provisions of clause 100. All references to the State Director shall, unless the context requires otherwise, be to the State Director, or another employee of the Party nominated by the State Director.
“State Executive”	means the State Executive of the Party referred to in clause 77.
“State Management Executive”	means the State Management Executive referred to in clause 89.
“State Parliamentary Section”	means the State Parliamentary Section referred to in clause 108(b).
“State President”	means the President of the Party.
“University Club Branch”	means a branch nominated as a University Club Branch pursuant to clause 25(b).
“WAULS”	means the Western Australian Union of Liberal Students referred to in clause 48.
“Western Australian Federal Parliamentary Section”	means the Western Australian Federal Parliamentary Section referred to in clause 108(a).

- “Year” means the period of twelve (12) calendar months commencing on 1 January.
- “Young Liberal Movement” means the Young Liberal Movement of Australia (WA Division) referred to in clause 41.

- (b) References to the masculine shall be deemed to include a reference to the feminine.

3. **AFFIRMATION**

The Party affirms its belief in God in Whose wisdom and divine guidance it places its hopes for the future of the Australian Nation and pledges itself at all times to uphold the sacredness of the individual conscience.

4. **OBJECTS**

The objects of the Party are to conduct and maintain a viable Party structure capable of delivering the following objects of the Party through government:

- (a) To maintain our allegiance to the Crown.
- (b) To promote and maintain honour and integrity in public and private life.
- (c) To promote justice and equality of opportunity among all people.
- (d) To maintain the rule of law.
- (e) To uphold the right of private property as the basis of economic freedom and personal liberty.
- (f) To encourage a community of free individuals prepared to take responsibility for their own lives and actions.
- (g) To protect the family as the basic unit of society through which the individual develops.
- (h) To promote genuine free enterprise as the alternative to socialism and state corporatism.
- (i) To resolutely oppose Marxism and all other totalitarian philosophies.
- (j) To preserve liberal democracy, with an Executive responsible to a representative two-chamber Parliament.
- (k) To maintain the Federal system of Government, preserving and safeguarding the sovereign rights and responsibilities of the States.
- (l) To ensure the defence of Australia in co-operation with free and democratic nations.
- (m) To keep Australia safe from external aggression maintaining the necessary force to defend the peace.
- (n) To safeguard Australia against any form of internal subversion or aggression.
- (o) To continue Australian membership of the Commonwealth of Nations thus maintaining links with our cultural heritage.
- (p) To ensure retention of and respect for the Australian national flag.

- (q) To foster political and industrial co-operation amongst those engaged in all forms of productive enterprise.
- (r) To recognise the interdependence of employer and employee, so as to uphold the right to work and produce.
- (s) To develop our country to its full potential so as to create a better way of life for all.

5. **POWERS**

The Party shall have all the powers of an association granted under the *Associations Incorporation Act 1987* (WA) as amended and all the powers of a natural person and without limiting the generality of the foregoing shall have the following powers:

- (a) To establish Divisions of the Party in any place within the State.
- (b) To establish Branches of the Party in any geographic area within the State.
- (c) To provide, maintain, manage and carry on principal Divisional and Branch offices, clubs, social centers, and places of meeting or recreation or instruction within the State as may be required and to furnish equip and provide supplies therefor.
- (d) To purchase, take on, lease or in exchange hire or otherwise acquire any real or personal estate which may be deemed necessary or convenient for any of the purposes of the Party.
- (e) To construct, maintain and alter any houses buildings or works necessary or convenient for the purposes of the Party.
- (f) To take such steps by personal or written appeals, public meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Party whether by way of donations, annual subscriptions or otherwise howsoever.
- (g) To invest any moneys of the Party not immediately required for any of its objects in such manner as may from time to time be determined.
- (h) To enter into any arrangement for joint working or co-operation or affiliation with any party, association, society or body of persons, whether incorporated or not, carrying on work or having objects similar to the works and objects of the Party, and to assist and support by pecuniary contributions or otherwise the operations of any such party, association or body and to take over upon any terms all or any of the property, undertakings and liabilities of any such party, association, society or body.
- (i) To produce, publish and to author, edit (or procure the authorship or editorship) and to distribute gratuitously or otherwise such books, newspapers, pamphlets, periodicals and other literature as may seem calculated to promote the objects of the Party.
- (j) To receive and accept donations, subscriptions and endowments of money or of any form of property.
- (k) To borrow or raise money with or without security for the purpose of carrying out and exercising any of the objects or powers of the Party and also to lend money to such persons, companies or bodies on such terms as may seem expedient and to guarantee the performance of contracts by any person, company or body (including the payment or repayment to any bank or other lender on demand or otherwise of any moneys, loans, advances or

banking accommodation and interest and charges) and to mortgage charge or otherwise encumber the whole or any part of the assets of the Party in support of any such guarantee.

- (l) To improve, manage, develop, sell, exchange, lease, mortgage or otherwise deal with or turn to account (but subject to any such consent or approval as may by law be required) all or any of the property of the Party.
- (m) To engage and dismiss paid employees of the Party and fix their remuneration and terms of employment.
- (n) To establish and maintain any superannuation scheme for the benefit of employees of the Party.
- (o) To grant and pay such pensions, salaries, gratuities or other sums or benefits to any person in recognition of services rendered to the Party.
- (p) To make Rules or by-laws for the purpose of regulating all or any of the powers of the Party.
- (q) To select and endorse candidates who will represent the Party in State and Federal Parliamentary elections.
- (r) To invest in shares in any company and to exercise all voting and other rights in relation to those shares or units and to appoint proxies in respect thereof.
- (s) To enter into negotiations, contracts and engagements in relation to the conduct and management of the affairs of the Party and to rescind and vary and to execute and do such acts, deeds and things as may be considered expedient for the purposes of the Party.
- (t) To apply for, obtain and renew from time to time any licence or licences necessary or convenient in connection with the discharge of its powers and functions.
- (u) To appoint a trustee or trustees personal or corporate to receive and hold any property on behalf of the Party and to allow any such property to remain outstanding in such trustee or trustees.
- (v) To do all such acts and things as are or may be incidental or conducive to the attainment or furtherance of any of the objects or the exercise of any of the powers of the Party.
- (w) To affiliate with the Liberal Party of Australia upon such terms and conditions as may be agreed to by a State Conference of the Party.

6. **RULES**

The State Council may from time to time by Special Resolution make rules not inconsistent with the Constitution for all or any of the purposes specified in the Constitution or for such other purposes as the State Council may from time to time consider appropriate for the purpose of conducting the affairs of the Party and its Constituent Bodies and the Council may from time to time by Special Resolution amend, vary or repeal such rules.

PART II – MEMBERSHIP

7. CLASSES OF MEMBERSHIP

The Party shall consist of the following classes of Membership:

- (a) Ordinary Members;
- (b) Associate Members;
- (c) Parliamentary Members;
- (d) Life Members; and
- (e) Such other classes as the State Council shall from time to time by Special Resolution establish in accordance with clause 14.

8. ORDINARY MEMBERS

- (a) “Ordinary Members” shall be those persons who have the prescribed qualifications in clause 9 and who have become an Ordinary Member in accordance with clause 15.
- (b) An Ordinary Member shall be both a Member of the Party and a Member of a Branch and if a person ceases to be a Member of a Branch that person shall simultaneously cease to be a Member of the Party and if a person ceases to be a Member of the Party that person shall simultaneously cease to be a Member of the Branch.
- (c) An Ordinary Member shall not be an Ordinary Member of more than one (1) Branch at any one time.

9. QUALIFICATIONS OF ORDINARY MEMBERS

A person shall be qualified to become and remain an Ordinary Member if the person:

- (a) has attained the age of sixteen (16) years;
- (b) is in accord with the objects of the Party;
- (c) has agreed to be bound by the Constitution and Rules of the Party;
- (d) has completed an application for membership which has not been refused under clause 15; and;
- (e) has paid the Annual Membership Subscription.

10. RIGHTS AND DUTIES OF ORDINARY MEMBERS

Ordinary members shall, subject to the Constitution, and so long as the person remains an Ordinary Member:

- (a) be an Ordinary Member of the Branch nominated in their application form or such other Branch as the person may from time to time transfer to in accordance with the Constitution and Rules;

- (b) be entitled to attend and vote at meetings of the Branch of which the person is an Ordinary Member;
- (c) be entitled to be elected to any office or to any committee in the Party subject to the qualifications provided for within the Constitution and Rules;
- (d) be entitled to apply for selection as an endorsed Party Parliamentary candidate;
- (e) adhere to and comply with the Constitution and Rules;
- (f) ensure that any change to the Ordinary Member's Enrolled Address is notified to the Party within 14 days of any such change.
- (g) use their best endeavours to actively promote the objects of the Party; and

11. **ASSOCIATE MEMBER**

- (a) An Associate Member is a person who is an Ordinary Member of one Branch and who is Associate Member of one or more other Branches.
- (b) An Associate Member of a Branch may be an Associate Member of more than one Branch at any one time.
- (c) Any Ordinary Member who shall desire to become an Associate Member of any Branch shall make an application in writing to that Branch setting out such information as the Branch Executive shall require. Upon receipt of such application and payment of a donation to that Branch equal to that of the Annual Membership Subscription, the Branch Executive may in its absolute discretion approve or reject the application.
- (d) An Associate Member must pay an annual donation to the Branch equal to that of the Annual Membership Subscription.
- (e) An Associate Membership will commence on the date of acceptance by the Branch of an application made in accordance with **clause 11(c)** above and will expire unless an annual donation equal to that of the Annual Membership Subscription is paid prior to the anniversary of the acceptance of their application
- (f) Except as otherwise provided in the Constitution and Rules, an Associate Member of a Branch shall:
 - (i) not be entitled to vote at any meeting of a Branch or be elected to or hold office in the Branch of which that person is an Associate Member; and
 - (ii) otherwise be entitled to all the rights and privileges and be subject to the obligations of an Ordinary Member of a Branch.
- (g) If an Ordinary Member who is also an Associate Member shall for any reason cease to be an Ordinary Member, that person shall also cease to be an Associate Member.
- (h) If an Associate Membership expires in accordance with clause 11(e), he or she shall not be entitled to exercise any of the rights which that Member would otherwise be entitled to exercise as an Associate Member of that Branch.

- (i) The Branch accepting an Associate Member shall within 14 days of such acceptance notify the State Director of the identity of the Associate Member and the date of commencement and expiry of their Associate Membership and any other information reasonably required by the State Director.
- (j) Subject to clause 25(b)(ii), a University Club Branch may not reject an Ordinary Member's application to be an Associate Member.

12. **PARLIAMENTARY MEMBERS**

- (a) Parliamentary Members are Ordinary Members who are also elected Members of any one of the House of Representatives, the Senate, the Legislative Assembly, or the Legislative Council.
- (b) A Parliamentary Member shall have all the rights and privileges of an Ordinary Member but shall not:
 - (i) be eligible to be elected as the President of the Party or of any Constituent Body; or
 - (ii) serve on the Executive of a Divisional Women's Committee or Divisional Young Liberals Committee; or
 - (iii) be entitled to vote at Divisional Conferences and Divisional Council meetings.

13. **LIFE MEMBERS**

- (a) Life Members are those Members who have rendered distinguished service to the Party and who on the recommendation of State Executive have been elected as a Life Member by a Special Resolution of State Council.
- (b) A Life Member shall during the lifetime of the Life Member or until his or her resignation:
 - (i) enjoy all the privileges and rights of an Ordinary Member;
 - (ii) shall not be liable for the payment of any annual subscription other than that required by statute; and
 - (iii) shall otherwise be subject to the provisions of this Constitution.

14. **FURTHER CLASSES OF MEMBERSHIP**

State Council may from time to time by Special Resolution establish such class or classes of membership as it thinks fit and shall define the functions and rights of that class and the members of that class but any such class shall not be entitled to any representation on any organisation of the Party and members of such class shall not by virtue only of that membership of that class be entitled to vote or hold office in any organisation of the Party other than that class.

15. **APPLICATION FOR ORDINARY MEMBERSHIP**

- (a) An applicant wishing to be an Ordinary Member ("applicant") shall complete such membership application form as is from time to time prescribed by State Executive.
- (b) The application form together with all subscription monies shall be delivered to the State Director.

- (c) If an applicant does not indicate a preference as to which Branch the applicant wishes to join, the State Director shall assign the applicant to the Branch nearest to the applicant's residential address.
- (d) If the application is incomplete or defective in any material particular, the State Director shall return it to the applicant for completion or amendment.
- (e) If an applicant has been previously expelled from the Party, or the State Executive has directed that the applicant, or any class of applicant of which the applicant is a member, shall not be accepted as a Member of the Party, the State Director shall refer the application directly to the State Executive for its decision on the application. If the State Executive decides that the applicant should not be refused membership of the Party, the State Executive shall refer the application back to the State Director and clauses 15(f), (g) and (h) shall apply to the application as if the application was a fresh application for membership.
- (f) Subject to any decision of State Executive pursuant to clause 15(e), within fourteen (14) days of receiving a properly completed application form and the subscription monies the State Director shall:
 - (i) assign to the applicant a membership number and enter the applicant's details in the Register of Members kept pursuant to clause 20(a); and
 - (ii) send notice of the application, including a copy of the application form and applicant's membership number, to the Secretary of the Branch nominated by the applicant or assigned by the State Director and to Secretary of the Division in which the Branch is situated.
- (g) Should a Branch not wish to have the applicant as a member of that Branch, the Branch must return the application to the State Director who shall refer the application to State Executive for a decision on the application. To reject the applicant, the returned application must be accompanied by a resolution of the Branch setting out its reasons for rejecting the applicant, and must be delivered to the State Director within 30 days of the notice of the application being sent in accordance with clause 15(f)(ii).
- (h) If the application is not returned within the time specified in clause 15(g), or is not accompanied by the resolution provided for in that clause, the applicant shall become an Ordinary Member and, subject to any other provision of this Constitution concerning Members, be entitled to all the rights and privileges thereof.
- (i) If after having been referred an application pursuant to clause 15(g) State Executive decides that the applicant should be admitted to a Branch other than the Branch originally nominated by the applicant or to which the State Director assigned the applicant, State Executive shall deliver the application nominating a new Branch to the State Director and clauses 15(f), (g) and (h) shall apply to the application as if the application were a fresh application for membership.
- (j) If a person whose membership has ceased due to a failure to pay the Annual Membership Subscription pays such amount within six (6) months of it falling due then:

- (i) that person shall be reinstated as an Ordinary Member on and from the date on which the State Director records the receipt of payment of that person's Annual Membership Subscription; and
- (ii) that person will not be required to comply with any other requirements of this clause 15.

16. **TRANSFER OF BRANCH MEMBERSHIP**

- (a) Any Member wishing to transfer his or her membership from one Branch to another Branch ("the Transferring Member") shall complete and sign such membership transfer form as is from time to time prescribed by State Executive, specifying the Branch of which he or she is currently a Member ("old Branch") and the Branch into which he or she wishes to transfer ("new Branch").
- (b) The transfer form shall be delivered to the State Director who shall, if the form is incomplete, defective in any material particular or invalid, return it to the Transferring Member for completion or amendment.
- (c) Within fourteen (14) days of the receipt of a properly completed and valid transfer form, the State Director shall:
 - (i) note in the Register of Members the Branch into which the Transferring Member wishes to transfer;
 - (ii) send notice of the wish to transfer, including a copy of the transfer form and Transferring Member's membership number, to:
 - (A) the Secretary of the Branch into which the Member wishes to transfer and the Secretary of the Division in which the Branch is situated; and
 - (B) the Secretary of the Branch from which the Member wishes to transfer and the Secretary of the Division in which the Branch is situated.
- (d) Should a Branch not wish to have the Transferring Member as a Member of that Branch, the Branch must return the transfer form to the State Director who shall refer the transfer form to State Executive for a decision on the transfer. To reject the Transferring Member, the returned transfer form must be accompanied by a resolution of the Branch setting out its reasons for rejecting the Transferring Member, and must be delivered to the State Director within 30 days of the notice of the transfer form being sent in accordance with clause 16(c)(ii).
- (e) If the transfer form is not returned within the time specified in clause 16(d), or is not accompanied by the resolution provided for in that clause, the transfer of membership shall take effect and the Transferring Member shall become a Member of the new Branch and cease to be a Member of the old Branch. .
- (f) If, after having been referred an application pursuant to clause 16(d), State Executive decides that the transfer should take effect, the Transferring Member shall become a Member of the new Branch and cease to be a Member of the old Branch.
- (g) Except where a Transferring Member is transferring their membership into the Branch of their local residence, a transfer form will be invalid and of no further force and effect if:

- (i) the Transferring Member has been a Member of their current Branch for less than 90 days; or
- (ii) the Transferring Member has already transferred their membership from one Branch to another Branch in the previous 12 month period.

17. **ANNUAL MEMBERSHIP SUBSCRIPTION**

- (a) State Conference shall from time to time prescribe the Annual Membership Subscription applicable to:
 - (i) Ordinary Members who are enrolled students or in receipt of aged, invalid, service or widows' pension or similar grants (to be known as a concessional membership fee);
 - (ii) all other Ordinary Members ; and
 - (iii) all other classes of membership,provided that State Conference may differentiate between the Annual Membership Subscription payable by each class of membership. Such prescribed Annual Membership Subscription shall come into effect on 1 July next following the passing of the resolution prescribing that Annual Membership Subscription.
- (b) Annual Membership Subscriptions shall be due and payable on 1 July in each year save for a Member who has given the Party a financial authorisation for continual payment in full of the membership subscription in which case the membership will be renewable on the date of payment.
- (c) Any person whose application for membership has been processed after 1 January in any year and who pays his or her first Annual Membership Subscription after that date shall be deemed to have paid his or her Annual Membership Subscription for the then current year and also for the next ensuing financial year.
- (d) A Member wishing to renew his or her membership from year to year must pay the Annual Membership Subscription to the State Director and the Member's renewal will commence as at the date the State Director records the receipt of the Annual Membership Subscription pursuant to clause 17(e).
- (e) Within seven (7) days of the receipt of the Annual Membership Subscription the State Director shall record the receipt of the subscription in the Register of Members
- (f) A Member's Annual Membership Subscription may only be paid for either personally by that Member, by a Related Person of that Member or by a corporation or business that the Member controls or owns.

18. **CESSATION OF MEMBERSHIP**

A Member shall cease to be a Member of the Party if the Member:

- (a) is expelled from the Party;
- (b) fails to pay their Annual Membership Subscription within six (6) months of the date on which it falls due in accordance with clause 17(b);

- (c) resigns from the Party by written notice to the State Director;
- (d) being a Parliamentary Member resigns from a Parliamentary Section; or
- (e) without the consent of the State Council stands for election to any Parliament in opposition to any candidate endorsed by the Party.

19. **DISCIPLINE**

- (a) The Appeals and Disciplinary Committee may on the complaint of any Constituent Body, State Executive, State Management Executive, State Council or any Member of the Party recommend the censure, suspension, or expulsion of any member who in the opinion of the Appeals and Disciplinary Committee is guilty of:
 - (i) any conduct or act detrimental or prejudicial to the Party; or
 - (ii) payment of another person's annual subscription in contravention of the Constitution or Party Rules.
- (b) The recommendation of the Appeals and Disciplinary Committee shall be referred to State Council, whose decision shall be final. All parties to the complaint shall have the right to address and be represented at the meeting of the State Council.
- (c) The State Council may from time to time make rules for the conduct of disciplinary matters including appeals to State Council from the Appeals and Disciplinary Committee.

20. **REGISTER OF MEMBERS**

- (a) Subject to clause 20(c), The Party shall keep and maintain in an up to date condition a Register of Members, along with details provided by the Member and verified by the Party including the email address of each member (if the member has provided an email address) and the postal and residential addresses of each Member or that Member's principal place of business or employment.
- (b) If the Party identifies any inconsistency between a Member's Enrolled Address and the address detailed in the Register of Members, the Party may vary the Register of Members to reflect the Member's Enrolled Address and give notice of such change to the Member. This power of adjustment does not vary the Member's responsibility to ensure any changes to his or her Enrolled Address is communicated to the Party in accordance with clause 10(f).
- (c) The membership details recorded by the State Director in the Register of Members shall be the records to determine a Member's membership of the Party and all details required for the purposes of determining that Member's entitlements including, but not limited to, that Member's address for the purpose of a Branch or Division's Selection Committee's entitlements.
- (d) A Member may give written notice to the State Director requesting to view or receive a copy of the Register of Members.
- (e) If a Member is requesting a copy of the Register of Members then the written notice must include a statutory declaration setting out the purpose for which the Register of Members is required and a declaration that the purpose is connect with the affairs of the Party.

- (f) In respect of any request to view or receive a copy of the Register of Members, State Management Executive may impose a reasonable charge for the cost of complying with the cost of the request.
- (g) Upon the request of a Member to view or receive a copy of the Register of Members the following provisions shall apply:
 - (i) The written notice (and in the case of a request for a copy, the statutory declaration required under Clause 20(e) must be provided to all members of State Council within 7 days of the written request being made;
 - (ii) the name of the Member making such request shall be made known to the next meeting of State Council following such request;
 - (iii) the copy of the Register of Members made available to the Member shall be in alphabetical order and have no reference to any Constituent Body and only contain the minimum amount of information required to be disclosed under the law;
 - (iv) the State Director shall advise the Member of the Party of the possible harmful consequences to the Party in making details of the Register of Members public; and
 - (v) before making the Register of Members available to the Member requesting inspections, the State Director shall satisfy himself that the Member making such request is a Member of the Party.

PART III – CONSTITUENT BODIES - GENERAL

21. CONSTITUENT BODIES

- (a) Constituent Body means:
 - (i) any Division;
 - (ii) any Branch;
 - (iii) the Young Liberal Movement;
 - (iv) WAULS;
 - (v) the Liberal Women’s Council;
 - (vi) any Divisional Young Liberal Committee; or
 - (vii) any Divisional Women’s Committee.
- (b) No Constituent Body shall affiliate with any entity external to the Party without the consent of the State Executive.

22. ANNUAL GENERAL MEETINGS

- (a) Each Constituent Body shall hold an Annual General Meeting no later than the end of each calendar year.
- (b) An Annual General Meeting shall be constituted by:
 - (i) for a Division, a meeting of the Divisional Conference;
 - (ii) for a Branch, a meeting of the Ordinary Members of that Branch;
 - (iii) for the Young Liberal Movement, a meeting of the Young Liberal Movement Council;
 - (iv) for WAULS, a meeting of WAULS;
 - (v) for the Liberal Women’s Council, a meeting of the Liberal Women’s Council;
 - (vi) for a Divisional Young Liberal Committee, a meeting of the Divisional Young Liberal Committee; and
 - (vii) for a Divisional Women’s Committee, a meeting of the Divisional Women’s Committee.

23. ELIGIBILITY

- (a) All persons elected as an Office Bearer or a delegate of or for a Constituent Body shall hold that position until death, retirement, resignation, disqualification, cessation of membership or until a successor has been elected to fill the office.
- (b) Unless otherwise provided in the Constitution, no person shall be elected to hold any position as an Office Bearer or delegate for any Constituent Body unless that person is an Ordinary Member of that Constituent Body.

- (c) No President or Vice-President of a Constituent Body (except for a Branch) shall be eligible for nomination or election to the same position if he or she has held that position for four (4) terms in succession provided that after the interval of one (1) term, he or she may again be elected to the same position.

24. **SUSPENSION**

- (a) If the number of Ordinary Members of any:
 - (i) Branch shall at any time fall below the number of Ordinary Members specified in **clause 27(a)(i)(A) & (B)** the Branch shall thereupon be suspended until seven (7) days after the Ordinary Membership of the Branch has been increased to the minimum of the required numbers;
 - (ii) Divisional Women's Committee or Divisional Young Liberals Committee shall at any time fall below thirty [30] Ordinary Members that Constituent Body shall thereupon be suspended until seven (7) days after its Ordinary Membership has been increased to at least thirty (30) Ordinary Members.
- (b) If a Constituent Body shall in any year fail to hold its annual general meeting as provided in clause 22 the Constituent Body shall thereupon be suspended until seven (7) days after the Constituent Body holds its annual general meeting.
- (c) While a Constituent Body is under suspension it shall not be entitled to representation at any meeting or sub-committee of a Constituent Body, State Council, State Executive or State Conference or on any Standing Committee or Selection Committee held under this Constitution but in all other respects the Constituent Body under suspension shall continue to exist.
- (d) Any Constituent Body which fails without reasonable cause to provide to the State Director, upon written request, any records or monies required to be kept pursuant to this Constitution or by any statute within thirty (30) days of the date stipulated in that request shall thereupon be suspended until such time as the information or monies sought has been received.

PART IV – BRANCHES

25. BRANCHES

- (a) The Branches of the Party currently in existence at the date of adoption of this Constitution are confirmed as Branches of the Party.
- (b) In respect of University Club Branches:
 - (i) State Executive may nominate a Branch as a University Club Branch and the campus at which the Branch is deemed to be situated.
 - (ii) There may only be one University Club Branch for each university, the membership of which is limited to enrolled students at that university.
 - (iii) Unless otherwise provided by this Constitution, a University Club Branch shall have the status, rights and obligations of a Branch, but shall not participate in a Division of the Party.

26. POWERS AND AUTHORITY OF BRANCHES

Subject to this Constitution, the Rules of the Branch and to any direction of the State Council or of the Divisional Council in which the Branch is situate each Branch shall manage its own internal affairs. The Branch Executive shall have the conduct and management of the affairs of the Branch and, except where otherwise provided by this Constitution, shall have and exercise all powers and authorities of the Branch and act for it in all matters. Without limiting the generality of the foregoing, the functions of a Branch shall be:

- (a) to promote and contribute to the objects, policy and platform of the Party;
- (b) to work for the election to Parliament of the selected and endorsed candidates of the Party and for that purpose to co-operate with all the other Branches within the electorate and with committees in organising the electorate to that end;
- (c) to enlist supporters of the Party as Ordinary Members of the Branch;
- (d) to raise funds for the purpose of the Party and for the furtherance of its objects;
- (e) to secure the enrolment of every person eligible as an elector and the removal from the Electoral Roll of the names of all unqualified persons;
- (f) to encourage within the Branch and the Party all educational work of a political, social and economic character;
- (g) to make and submit resolutions for submission to the Divisional Council or to such other committees in the Divisions as may be provided for in the Rules.

27. CREATION OF NEW BRANCHES

- (a) Subject to the provisions of clause 25(b), the State Executive may, at the request of a Branch or of its own motion, create a new Branch under such

name and in such geographic area and subject to such directions as the State Executive by resolution prescribes provided that:

- (i) the State Director has first received:
 - (A) in the case of a New Branch outside a Metropolitan Electorate valid transfer forms from at least ten (10) Ordinary Members; and
 - (B) in case of a New Branch within a Metropolitan Electorate valid transfer forms from at least thirty (30) Ordinary Members;
 - (ii) the State Director has provided to the State Executive a copy of the transfer forms referred to in sub-clause (i) above;
 - (iii) any Branch which has within its boundaries an area which is to be included in the proposed new Branch may object to the creation of the new Branch in which case the matter shall be referred to State Council. State Executive's proposal for a new Branch shall stand unless State Council by a resolution, passed with a two-thirds majority of those entitled to be present, otherwise directs; and
 - (iv) where State Executive has rejected a Branch's request for the creation of a new Branch the matter shall be referred to State Council. The Branch's proposal for a new Branch shall prevail unless State Council by a resolution passed by a two-thirds majority of those entitled to be present otherwise directs.
- (b) For the purposes of clause 27(a)(i), an Ordinary Member applying to join a New Branch must complete and sign the prescribed transfer form pursuant to clause 16(a).
- (c) If it is resolved pursuant to **clause 27(a)** to create a New Branch, the State Director shall within thirty (30) days of the passing of that resolution give notice convening the first **Annual General Meeting** of the proposed New Branch to ...
- (i) all Ordinary Members whose transfer forms were provided to the State Executive by the State Director pursuant to sub-clause (a)(i) above;
 - (ii) the President and Secretary of the Division in which the New Branch is situated; and
 - (iii) the Parliamentary Members whose electorates are wholly or partly within the area of the New Branch,
- (d) At the first **Annual General Meeting** of a New Branch, the Divisional President or his or her nominee shall be chairman of the meeting and shall conduct the election of office bearers of the New Branch.
- (e) The Ordinary Members referred to in **sub-clause (a)(i)** of the New Branch shall be entitled to attend, vote and be elected to **office holder and delegate positions** of the New Branch at its first **Annual General Meeting**.
- (f) Upon the closure of the first **Annual General Meeting** of the New Branch, the Ordinary Members referred to in **sub-clause (a)(i)** cease to be a Member of the Branch of which they were previously a Member and become a Member of the New Branch.

28. ALTERATION OF BOUNDARIES

- (a)
 - (i) State Executive may from time to time prescribe geographic boundaries for Branches.
 - (ii) The State Executive may from time to time by its own motion or at the request of a Branch or Branches change the geographic boundaries of a Branch provided that no such change shall be effected until thirty (30) days following notice of such proposed change has been given to the Branch or Branches whose boundaries are to be changed. Within that period of thirty (30) days a Branch may notify the State Director that it objects to the change and the matter shall be referred to State Council. State Executive's proposal shall stand unless State Council by a Special Resolution otherwise directs.
- (b) The State Council may, with the approval of general meetings of the Branches affected, by resolution amalgamate two (2) or more Branches into one (1) Branch upon such terms and conditions as the State Council may direct.
- (c) Geographic boundaries do not apply to University Club Branches.

29. BRANCH OFFICE HOLDERS AND DELEGATES

- (a) Subject to subclause (b), at the first **Annual General Meeting** of a Branch and at all subsequent **Annual General Meetings**, the Members of the Branch shall elect ...
 - (i) the President of the Branch;
 - (ii) Vice-Presidents of such number not exceeding four (4) and such ranking as the Branch determines;
 - (iii) the Secretary of the Branch;
 - (iv) the Treasurer of the Branch;
 - (v) Other Members of the Branch Executive **not exceeding ten (10);**
 - (vi) Branch delegates to Divisional Conference;
 - (vii) Branch delegates to Divisional Council;
 - (viii) Branch delegates to State Conference;
 - (ix) Members to serve on any Selection Committee constituted during the period until the next Branch Annual General Meeting;
- (b) A University Club Branch shall not be entitled to delegates to Divisional Conference or Divisional Council but may elect delegates to the WAULS.
- (c) An Associate Member of a University Club Branch shall be entitled to be an office bearer of that Branch but not a delegate to State Council.
- (d) An Associate Member of a Country Branch may be a delegate for that Branch.

30. BRANCH EXECUTIVE

- (a) The President, the Immediate Past President, Vice-Presidents, Secretary and Treasurer of the Branch and any other Members elected pursuant to clause 29(a) (v) shall constitute the Branch Executive.
- (b) A member of the Branch Executive shall be disqualified and their position vacated if they fail to attend three (3) consecutive meetings of the Branch Executive without leave of the Branch Executive.

31. DISSOLUTION

- (a)
 - (i) A Branch may only be dissolved by a resolution of State Conference;
 - (ii) A Branch shall have the right to be heard at State Conference on any motion for the dissolution of such Branch;
- (b) Upon the dissolution of a Branch, the State Management Executive shall:
 - (i) close the Branch accounts and pay any credit balances to the Division in which the Branch was situate or, in the case of a University Club Branch, to the WAULS;
 - (ii) pay or cause to be paid any creditors of the Branch;
 - (iii) give directions as to the transfer of Members of a dissolved Branch to other Branches; and
 - (iv) do all things necessary to wind up the affairs of the Branch.

PART V – DIVISIONS

32. DIVISIONS

- (a) There shall be a Division of the Party in each Federal Electoral Division and each Division of the Party shall consist of the Branches whose boundaries are wholly or partly situate within the Federal Electoral Division other than University Club Branches.
- (b) Except where a determination has been made in accordance with the Rules following a redistribution of federal electoral boundaries, if a geographic area of a Branch comprises two or more Divisions, State Council shall have the power by Special Resolution to deem that Branch to be a Branch of one of those Divisions.
- (c) Each Division shall bear the name of the Federal Electoral Division (in which the Division is situated and each Division shall be styled “Liberal Party of Australia (Western Australian Division) Incorporated [name of Division] Division”.

33. POWERS AND AUTHORITY OF DIVISIONS

Subject to the Constitution and Rules of the Party, and the direction and control of the State Council, each Division shall:

- (a) carry out, conduct and manage the affairs of the Party within the Division;
- (b) act on behalf of any Branch within the Division if within a reasonable time such Branch fails to act upon any lawful direction given to the Branch by the Divisional Council, or State Council;
- (c) co-ordinate the activities of its Branches and generally promote and stimulate the progress and development of the Party within the Division including procuring the utmost financial support to the Party;
- (d) assist in the formation of Branches within its Division, promote the strength and usefulness of each Branch, and use its best endeavours to ensure that all Branches within its Division shall remain in good standing and not suffer suspension or dissolution;
- (e) promote an increase in Members within the Division and use its best endeavours to ensure that all Members remain in good standing and do not become unfinancial or lapse;
- (f) co-operate with other Divisions in promoting the aims and objects of the Party;
- (g) carry out its activities in a lawful and ethical manner and not permit sharp practices or unethical conduct; and
- (h) assist in the organisation and conduct of election campaigns being conducted in all or any part of the Division.

34. DIVISIONAL CONFERENCE

There shall be a Divisional Conference. The Members entitled to attend, speak and vote at Divisional Conferences shall comprise the delegates and other Members as follows:

- (a) Each Branch within a Division not under suspension shall be entitled to appoint delegates based on membership of the that Branch as at fourteen (14) clear days prior to the Divisional Conference as follows:
 - (i) for up to 100 Ordinary Members of a Branch, five (5) delegates, and
 - (ii) for each fifty (50) Ordinary Members, or part thereof, in excess of 100 Ordinary Members of a Branch, one (1) delegate with a maximum delegation of ten (10) delegates for each Branch, unless a Divisional Conference determines that a lesser number of Branch delegates shall be entitled to attend Divisional Conferences.
- (b) All Members of the Divisional Council, the Executive of the Division and the representatives of the Division on State Council, or such of them as shall not otherwise be delegates to a Divisional Conference.
- (c) A delegate must be at least eighteen (18) years of age.
- (d) All Parliamentary Members whose electorates in whole or in part fall within the area of the Division shall have the right to attend and speak at Divisional Conferences and Divisional Council meetings.
- (e) A Member of a Branch within a Division who is not a delegate or duly appointed proxy may attend a Divisional Conference as an observer but shall not be entitled to vote and shall have only such right to speak as the Divisional Conference shall determine.

35. **DIVISIONAL COUNCIL**

There shall be a Divisional Council which subject to the Divisional Conferences shall be responsible for the management and conduct of the affairs of the Division.

The Divisional Council shall consist of:

- (a) the Executive of the Division; and
- (b) two (2) delegates elected by each Branch within a Division.

36. **DIVISIONAL EXECUTIVE**

- (a) The Executive of the Division is subject to the Divisional Council, but shall be responsible for the management and control of the affairs of the Division within the authority of the Divisional Council between Council meetings.
- (b) The Executive of the Division shall comprise:
 - (i) the President of the Division;
 - (ii) Vice-Presidents of such number not exceeding four (4) and in such ranking as the Division determines;
 - (iii) the Secretary of the Division;
 - (iv) the Treasurer of the Division;
 - (v) the President of the Divisional Women's Committee;
 - (vi) Divisional delegates to State Council;

- (vii) the President of the Divisional Young Liberal Committee; and
 - (viii) the Immediate Past President.
- (c) A member of the Executive shall be disqualified and their position vacated if they fail to attend four (4) consecutive meetings of Divisional Council without leave of the Divisional Executive or the Divisional Council.
- (d) The President of the Division shall be *ex officio* a member of all Committees and sub-Committees of the Divisional Conference, Divisional Council and Divisional Executive.

PART VI – LIBERAL WOMEN’S COUNCIL (WA)

37. FUNCTION

The functions of the Liberal Women's Council shall be:

- (a) to actively seek to promote the Objects of the Party;
- (b) to advise on policy matters consistent with those Objects;
- (c) to encourage women in all aspects of the Party;
- (d) to act as a co-ordinating body for Divisional Women's Committees; and
- (e) to interact with other women's organisations to promote the Party.

38. MEMBERSHIP

There shall be a Liberal Women’s Council which shall consist of:

- (a)
 - (i) each Divisional Women’s Committee President;
 - (ii) five (5) women delegates from each Division, such delegates to be elected at the Annual General Meeting of the Divisional Women’s Committee;
 - (iii) two (2) women delegates from the Young Liberal Movement elected at the Annual General Meeting of the Young Liberal Movement;
 - (iv) the Immediate Past President of the Liberal Women’s Council; and
 - (v) two (2) women delegates from the Western Australian Union of Liberal Students be elected at the Annual General Meeting of the Western Australian Union of Liberal Students.
- (b) Each woman Parliamentary Member and each woman member of State Executive, not otherwise being a delegate to Liberal Women’s Council shall be entitled to attend and speak, but shall not be entitled to vote at any meeting of Liberal Women’s Council.
- (c) A President, four (4) Vice Presidents in order of election, Secretary and Treasurer.

39. LIBERAL WOMEN’S COUNCIL (WA) EXECUTIVE

The Executive of the Liberal Women’s Council (WA) shall consist of:

- (a) the President;
- (b) Four (4) Vice Presidents;
- (c) Secretary;
- (d) Treasurer;
- (e) the President of each Divisional Women’s Committee; and
- (f) the Immediate Past President of the Liberal Women’s Council.

40. DIVISIONAL WOMEN'S COMMITTEES

- (a) Each Division shall have a Divisional Women's Committee comprised of all women members of Branches within the Division and which shall be responsible for representing the interests of women in that Division.
- (b) The Divisional Women's Committee shall have an Executive consisting of:
 - (i) a President;
 - (ii) the Immediate Past President;
 - (iii) two (2) Vice-Presidents;
 - (iv) a Secretary;
 - (v) a Treasurer; and
 - (vi) five (5) delegates to Liberal Women's Council.
- (c) The Executive shall be responsible for managing the activities of the Divisional Women's Committee.
- (d) A member of the Executive shall be disqualified and their position vacated if they fail to attend three (3) consecutive meetings of the Executive without leave of the Executive.

PART VII – YOUNG LIBERAL MOVEMENT OF AUSTRALIA (WA DIVISION)

41. FUNCTION

The functions of the Young Liberal Movement shall be:

- (a) to promote and foster the Objects of the Party;
- (b) to formulate policy consistent with those Objects;
- (c) to act as a co-ordinating body for Divisional Young Liberal Committees;
and
- (d) to encourage the greater involvement of young people in all aspects of the Party.

42. MEMBERSHIP

There shall be a Young Liberal Movement which shall consist of all Ordinary Members of the Party under the age of thirty (30) years.

43. YOUNG LIBERAL MOVEMENT COUNCIL

- (a) There shall be a Council of the Young Liberal Movement which shall consist of:
 - (i) the delegates elected at the Annual General Meeting of each Divisional Young Liberal Committee;
 - (ii) the Young Liberal Movement Executive; and
 - (iii) Life Members of the Young Liberal Movement under the age of thirty (30) years.
- (b) Each Parliamentary Member and member of State Executive under the age of 30 years, not otherwise being a delegate to Young Liberal Movement Council shall be entitled to attend and speak, but shall not be entitled to vote at any meeting of the Young Liberal Movement Council.

44. YOUNG LIBERAL MOVEMENT EXECUTIVE

- (a) There shall be an Executive of the Young Liberal Movement, which shall consist of the following office bearers:
 - (i) a President;
 - (ii) two (2) Vice-Presidents;
 - (iii) a Secretary;
 - (iv) a Treasurer;
 - (v) a Policy Director;
 - (vi) a Social Director;
 - (vii) a Campaign Director;
 - (viii) a Communications Director;

- (ix) a Membership and Marketing Director;
 - (x) the President of each Divisional Young Liberal Committee; and
 - (xi) the Immediate Past President.
- (b) A member of the Executive shall be disqualified and their position vacated if they fail to attend three (3) consecutive meetings of the Executive without leave of the Executive.

45. **HONORARY LIFE MEMBERSHIP & PATRONS**

- (a) The Young Liberal Movement Council may upon recommendation of the Young Liberal Movement Executive and in a vote conducted by secret ballot achieving the support of two-thirds of the Young Liberal Movement Council present and entitled to vote, award Honorary Life Membership of the Young Liberal Movement to the following classes of person:
- (i) Members who have served the Young Liberal Movement for a continuous period of not less than four (4) years;
 - (ii) Members or non-Members who have made an unusually distinctive contribution to the Movement; or
 - (iii) Leaders of the Parliamentary Liberal Party of Australia or Western Australia.
- (b) The Council of the Young Liberal Movement may from time to time upon recommendation of the Executive of the Young Liberal Movement elect one or more Patrons and Vice-Patrons of the Young Liberal Movement who shall hold office for such time as the Council of the Young Liberal Movement shall determine.

46. **DIVISIONAL YOUNG LIBERAL COMMITTEES**

- (a) Each Division shall have a Divisional Young Liberal Committee comprised of all Ordinary Members under the age of thirty (30) years within the Division.
- (b) The Divisional Young Liberal Committee shall have an Executive consisting of:
- (i) a President;
 - (ii) the Immediate Past President;
 - (iii) two (2) Vice-President;
 - (iv) a Secretary;
 - (v) a Treasurer; and
 - (vi) delegates to the Young Liberal Movement Council, calculated on the basis of one (1) delegate for every **ten (10)** Ordinary Members of the Divisional Young Liberal Committee as of the date of the Annual General Meeting at which they are elected.
- (c) The Executive shall be responsible for managing the activities of the Divisional Young Liberal Committee.

PART VIII – WESTERN AUSTRALIAN UNION OF LIBERAL STUDENTS

47. FUNCTION

The functions of the WAULS shall be:

- (a) to promote and foster the objects of the Party;
- (b) to formulate policy consistent with those objects ;
- (c) to act as a co-ordinating body for University Club Branches on tertiary campuses in Western Australia; and
- (d) to act as the regional body of the Australian Liberal Students' Federation.

48. MEMBERSHIP

- (a) There shall be a Western Australian Union of Liberal Students which shall consist of all Ordinary Members of University Club Branches.
- (b) Delegates to the Annual General Meeting of the WAULS shall consist of:
 - (i) the Executive of the WAULS; and
 - (ii) delegates elected by University Club Branches at their Annual General Meeting, being four (4) delegates from each Branch, with one additional delegate for each Branch, if the Branch's membership exceeds fifty (50) Ordinary Members, for each additional fifty (50) Ordinary Members or part thereof, determined by the State Director as at a date fourteen (14) days prior to the meeting.

49. WAULS EXECUTIVE

The Executive of the WAULS shall consist of:

- (a) a President;
- (b) a Vice-President;
- (c) a Secretary;
- (d) a Treasurer;
- (e) the President of each University Club Branch; and
- (f) the Immediate Past President of the WAULS.

50. HONORARY LIFE MEMBERSHIP & PATRONS

- (a) The WAULS may upon recommendation of the WAULS Executive, and in a vote conducted by secret ballot achieving the support of two-thirds of the Annual General Meeting present and entitled to vote, award Honorary Life Membership of the WAULS to the following classes of person:
 - (i) Members who have served the WAULS for a continuous period of not less than 3 years;

- (ii) Members or non-Members who have made an unusually distinctive contribution to the WAULS; or
 - (iii) Leaders of the Parliamentary Liberal Party of Australia or Western Australia.
- (b) The WAULS may from time to time upon recommendation of the WAULS Executive elect one or more Patrons and Vice-Patrons who shall hold office for such time as the WAULS shall determine.

51. **AUSTRALIAN LIBERAL STUDENTS' FEDERATION**

An Associate Member of a University Club Branch shall be an Ordinary Member for the purposes of the Australian Liberal Students' Federation.

PART IX – STATE CONFERENCE

52. FUNCTION

- (a) A general meeting of delegates and other persons entitled to attend in accordance with the Constitution shall, subject to the provisions of this clause, be held within four (4) months after the end of the Party's financial year or such other period as may be allowed by the *Associations Incorporation Act 1987* (WA) and such meeting shall be known as State Conference.
- (b) State Conference is the principal governing body of the Party and it shall provide direction to the Party, review the actions and decisions of all sections of the Party and shall consider, and if thought fit, pass resolutions submitted by Constituent Bodies, State Council or State Executive.
- (c) Notwithstanding clause 52(a), State Council may by a resolution of two-thirds of those delegates present and voting postpone holding the State Conference to a date or dates within nine (9) months of the end of the Party's financial year or such other extended periods as may be allowed upon application to the Commissioner appointed to administer the *Associations Incorporation Act 1987* (WA), for any of the following reasons, namely:
 - (i) to facilitate the Party's ability to properly contest any election or by-election to be held in that calendar year; or
 - (ii) on the recommendation of the Federal or State Parliamentary leader, to accommodate a political imperative that would make it inopportune to hold a State Conference within the time limit prescribed by clause 52(a).

53. MEMBERSHIP

- (a) The Members entitled to attend, speak and vote at State Conference shall comprise the delegates and other Members as follows:
 - (i) Branches of the Party shall be entitled to appoint one (1) delegate to the State Conference for the first fifty (50) or part thereof of its Ordinary Members and one (1) additional delegate for each fifty (50) or part thereof of its Ordinary Members in excess of fifty (50) provided that the minimum age of any delegate shall be eighteen (18) years;
 - (ii) Each Divisional President and the delegates of each Division to State Council;
 - (iii) The President of the Young Liberal Movement, the Immediate Past President of the Young Liberal Movement and the President of each Divisional Young Liberal Committee;
 - (iv) The chairmen of all Standing Committees of State Council;
 - (v) All past Presidents of the Party;
 - (vi) All Life Members of the Party;

- (vii) The President of the Liberal Women's Council, the Immediate Past President of the Liberal Women's Council and the Presidents of each of the Divisional Women's Committees;
 - (viii) The President, Vice-Presidents and Treasurer of the Party;
 - (ix) Members of the State Executive;
 - (x) The Leader of the Western Australian Federal Parliamentary Section;
 - (xi) Six (6) delegates elected by the Parliamentary Members of the Western Australian Federal Parliamentary Section;
 - (xii) The Leader of the State Parliamentary Section; and
 - (xiii) Six (6) delegates elected by the State Parliamentary Section.
- (b) Any person who shall be entitled to attend State Conference in one or more capacities shall not be entitled to cast more votes than one (1) vote plus such other votes as provided in clause 131(g).
 - (c) All Parliamentary Members not otherwise entitled to attend, speak or vote at State Conference shall be entitled to attend and speak but not vote at State Conference.

54. **SPECIAL STATE CONFERENCES**

- (a) The State Director shall whenever required by the State Executive or at the written request of not less than twenty (20) Branches stating the objects for which the Conference is desired convene a Special State Conference. Such meeting shall be convened not less than fourteen (14) days nor more than fifty six (56) days after receipt by the State Director of such request. For the purposes of this sub-clause, the term Branch shall refer to a meeting of the Branch.
- (b) At least fourteen (14) days' notice of the Special State Conference shall be given to all Constituent Bodies and all other persons and delegates entitled to attend.

55. **NOTICE OF STATE CONFERENCE**

At least forty two (42) days' notice of all State Conferences (other than a Special State Conference) shall be given by written notice to the Constituent Bodies and all other persons and delegates entitled to attend.

56. **CHAIRMAN**

The State President shall be chairman of the State Conference and in the President's absence the senior Vice-President and so on in order of precedence shall be chairman. In the absence of all such persons a chairman shall be elected from the Members present and entitled to vote, if one is willing to act.

57. **CASTING VOTE**

At all State Conferences the Chairman shall have a casting vote as well as a deliberative vote.

58. QUORUM

A quorum for State Conferences shall be fifty (50) delegates, provided that in respect of that part of any conference whereat a special resolution for constitutional amendment is to be moved the quorum shall be not less than one third of the persons entitled to be present and to vote.

59. DELEGATION

The State Conference may delegate to the State Council authority to deal with all or any matters other than amendments to the Constitution of the Party.

60. BUSINESS

The business of State Conference shall include:

- (a) confirmation of Minutes of the previous State Conference;
- (b) Reports of the activities and operations of the Party during the preceding twelve (12) months;
- (c) motions from Divisions, Liberal Women's Council, Young Liberal Movement, WAULS, Policy Committee and Regional and Rural Committee;
- (d) any special business of which notice has been given or which is brought forward by State Council;
- (e) the election of the State President, four (4) Vice-Presidents and the Treasurer; and
- (f) such other business as the Conference shall permit.

PART X – PARTY OFFICERS**61. PRESIDENT, VICE-PRESIDENTS AND TREASURER**

- (a) The State President, four (4) Vice-Presidents and the Treasurer of the Party shall be elected annually by ballot of all delegates to State Conference.
- (b) The State President, four (4) Vice-Presidents and the Treasurer shall hold office until death, retirement or expulsion or until the conclusion of the State Conference next following the Conference at which they are elected, whichever shall be the earlier.
- (c) No State President or Vice-President shall hold office as such for more than four (4) terms in succession but after the interval of one (1) term may be elected to the same office.
- (d) No Parliamentary Member shall hold the office of State President or Treasurer and not more than one Parliamentary Member shall be a Vice-President of the Party.
- (e) If within thirty (30) days before the State Conference a candidate for the office of State President, Vice-President or Treasurer dies or withdraws his or her nomination before the election at the State Conference the nominations for the Presidency, Vice-Presidency or Treasurer as the case may be shall be re-opened for a period of fourteen (14) days from the death or withdrawal or for the period remaining before the election, whichever is the shorter and the ballot for such position shall be conducted in such manner as the State Council shall direct.
- (f) Save as hereinafter provided nominations for the office of the State President, Vice-Presidents and the Treasurer shall be lodged in writing with the State Director of the Party at least forty two (42) days before the date of the State Conference.
- (g) There shall be a separate ballot for the following:
 - (i) the State President of the Party; and
 - (ii) the Treasurer of the Party.
- (h) The four (4) Vice-Presidents of the Party shall be elected in one (1) ballot.
- (i) The Vice-Presidents shall rank in seniority in the order of their election and if any two (2) or more shall secure an equal number of votes their order of seniority shall be determined by lot.
- (j) If the office of State President, a Vice-President or Treasurer shall become vacant from any cause whatsoever the State Council shall appoint some person to act until the next State Conference and if such Conference shall not be the annual State Conference the vacancy shall be filled for the balance of the term aforesaid.
- (k) A Vice-President who has served four (4) consecutive years shall be a member of State Council for a further twelve (12) months.
- (l) The State Director shall be the returning officer for all elections at State Conference.

62. EX OFFICIO MEMBERS OF COMMITTEES

- (a) The State President shall be *ex officio* a member of all committees, meetings and councils of the Party but not an *ex officio* member of any Selection Committee.
- (b) Clause 62(a) shall not be construed to prevent the person holding the office of the State President from being a member of any Selection Committee if he or she is otherwise elected, appointed or entitled to be a member of that Selection Committee.

PART XI – STATE COUNCIL

63. FUNCTION

Subject to this Constitution and the directions of any State Conference the affairs of the Party shall be conducted by the State Council, which may delegate all or any of its powers to the State Executive except in respect of any matter which requires a Special Resolution of the State Council.

64. MEMBERSHIP OF STATE COUNCIL

The State Council shall consist of:

- (a) The State President;
- (b) All past Presidents of the Party;
- (c) Four (4) Vice-Presidents of the Party;
- (d) The Treasurer of the Party;
- (e) The President of the Liberal Party of Australia;
- (f) The Leader of the Western Australian Federal Parliamentary Section or the Leader's nominee;
- (g) Six (6) Members elected by and from the Western Australian Federal Parliamentary Section;
- (h) The Leader of the State Parliamentary Section or the Leader's nominee;
- (i) Six (6) Members elected by and from the State Parliamentary Section;
- (j) All Divisional Presidents;
- (k) The President and Immediate Past President of the Liberal Women's Council;
- (l) The President and Immediate Past President of the Young Liberal Movement;
- (m) The President of the WAULS;
- (n) Divisional delegates comprising of four (4) delegates from each Division for the first 1,000 or part of 1,000 of the aggregate Ordinary Members of the Branches in each Division and one (1) additional delegate for each 500 or part of 500 after the first 1,000 Ordinary Members as aforesaid;
- (o) the President of each Divisional Women's Committee or her proxy; and
- (p) the President of each Divisional Young Liberal Committee or his or her proxy;
- (q) One (1) delegate elected annually by and from each University Club Branch;
- (r) The chairman of each Standing Committee elected or appointed by State Council; and

- (s) A former Vice-President who shall be entitled to be a member of State Council pursuant to clause 61(k).

The Members of State Council shall hold office until their successors take office.

65. **NOTICES**

Subject to clause 68 seven (7) days' notice of meetings shall be sent to each member of State Council.

66. **QUORUM**

Thirty (30) Members entitled to be present at any meeting of the State Council shall constitute a quorum.

67. **MEETINGS**

The State Council shall:

- (a) meet within two (2) months after the State Conference in each year;
- (b) at its last meeting each calendar year, determine its ordinary meeting dates for the following calendar year; and
- (c) State Council shall not have less than four (4) meetings each calendar year.

68. **SPECIAL MEETINGS**

The State President may convene a special meeting of the State Council at anytime on not less than seventy two (72) hours' notice.

69. **ATTENDANCE BOOK**

Every Member of the State Council present at any meeting thereof shall sign the attendance book which shall for all purposes be the official record of attendance.

70. **CHAIRMAN**

The State President shall be Chairman of meetings of the State Council and in the President's absence the senior Vice-President and so on in order of precedence shall be chairman. In the absence of all such persons a chairman shall be elected from the Members present and entitled to vote, if one is willing to act.

71. **CASTING VOTE**

At meetings of the State Council the chairman shall have a casting vote as well as a deliberative vote.

72. **STANDING COMMITTEES**

There shall be nine (9) Standing Committees of the State Council comprising:

- (a) the Finance Committee;
- (b) the Policy Committee;

- (c) the Regional and Rural Committee;
- (d) the Membership Services Committee;
- (e) the Marketing and Promotion Committee;
- (f) the Candidate Selection Committee;
- (g) the Campaign Committee;
- (h) the Constitutional and Drafting Committee; and
- (i) the Appeals and Disciplinary Committee.

The chairman of each Standing Committee shall be elected by State Council, except for the Finance Committee Chairman who shall be recommended by the State Management Executive for endorsement by State Council, and such person need not be a member of State Council at the date of his or her election as chairman. Members of Standing Committees other than the chairman need not be members of State Council provided that the chairman of the Appeals and Disciplinary Committee shall be the chairman from time to time of the Constitutional and Drafting Committee.

73. RULES FOR STANDING COMMITTEES

Without limiting clause 72, the State Council shall from time to time make rules relating to the duties, responsibilities and accountability of each Committee, the membership and Chairman of each Committee and the conduct of the business of each Committee.

74. OPERATION OF STANDING COMMITTEES

- (a) The Standing Committees of State Council shall be subject to the control and direction of State Executive.
- (b) The chairman of each Standing Committee shall at each meeting of the State Executive report on the activities of his or her Standing Committee in such form and in such manner as the State Executive shall from time to time require.

75. SUB-COMMITTEES

- (a) The State Council or the Standing Committees may from time to time appoint sub-committees of the State Council or of the Standing Committees (as the case may be) for such special purposes as shall be specified at the time of appointment of the sub-committee provided that each such sub-committee shall cease to exist at the commencement of the State Council meeting occurring next after the State Conference.
- (b) The chairman of each sub-committee must be a Member of State Council but other members of the sub-committee may be either members or non-members of the State Council.

76. FEDERAL COUNCIL DELEGATES

- (a) The State Senior Vice President, the Treasurer, the chairman of the Policy Committee, the chairman of the Regional and Rural Committee, the chairman of the Campaign Committee and five (5) delegates selected by the State Council at its first meeting after the State Conference shall be the delegates referred to under clause 25(e) of the Liberal Party of Australia

Federal Constitution, and shall form the WA delegation to Federal Council together with the delegates already prescribed under clauses 25(a) – (d) of the Liberal Party of Australia Federal Constitution.

- (b) In the event that any one or more of the delegates referred to in sub-clause (a) above is already a delegate to Federal Council in another capacity and is unable to appoint a proxy in accordance with the Liberal Party of Australia Federal Constitution, the State Council may nominate an alternative delegate to attend Federal Council as part of the WA delegation.

PART XII – STATE EXECUTIVE

77. FUNCTION

Subject to this Constitution and the control and direction of any State Conference and the State Council the affairs of the Party shall be conducted by the State Executive.

78. MEMBERSHIP

The State Executive shall comprise:

- (a) the State President;
- (b) the Immediate Past State President;
- (c) Four (4) Vice-Presidents of the Party;
- (d) the Treasurer of the Party;
- (e) the Leader of the Western Australian Federal Parliamentary Section or the Leader's nominee;
- (f) the Leader of the State Parliamentary Section or the Leader's nominee;
- (g) the President of each Division;
- (h) the President of the Liberal Women's Council;
- (i) the President of the Young Liberal Movement;
- (j) the President of WAULS; and
- (k) the Chairman of each Standing Committee of State Council.

Members of State Executive shall hold office until their successors take office.

79. PARLIAMENTARY MEMBERS

Not more than four (4) Parliamentary Members shall be members of the State Executive.

80. QUORUM

The quorum for meetings of the State Executive shall be one third of the number of Members of the State Executive.

81. MEETINGS

- (a) The State Executive shall meet not less than five (5) times in each year.
- (b) The State President may convene a special meeting of the State Executive at any time on not less than twenty four (24) hours' notice.

82. RECORD OF ATTENDANCE

The State Director must maintain an official record of attendance of each meeting of the State Executive.

83. CHAIRMAN

The State President shall be chairman of meetings of the State Executive and in the President's absence the senior Vice-President and so on in order of precedence shall be chairman. In the absence of all such persons a chairman shall be elected from the Members present and entitled to vote, if one is willing to act.

84. CASTING VOTE

At meetings of State Executive the chairman shall have a casting vote as well as a deliberative vote.

85. SUB-COMMITTEES

- (a) The State Executive may from time to time appoint sub-committees of the State Executive for such special purposes as shall be specified at the time of appointment of the sub-committee provided that each such sub-committee shall cease to exist at the commencement of the State Executive meeting occurring next after the State Conference.
- (b) The chairman of each sub-committee must be a member of State Executive but other members of the sub-committee may be either members or non-members of the State Executive.

86. REPORTS TO STATE COUNCIL

The State Executive shall at each meeting of the State Council report to the State Council on the activities of the State Executive in such form and in such manner as the State Council shall from time to time require.

87. TO COMPLY WITH DIRECTIONS

The State Executive shall comply with all directions given to it by State Council.

88. DISALLOWANCE OF DECISION

Any decision of the State Executive may be disallowed by a resolution of the State Council passed no later than the meeting of State Council occurring next after the date of the decision of State Executive and upon the passing of such resolution the decision of the State Executive shall thereafter be of no force or effect.

PART XIII – STATE MANAGEMENT EXECUTIVE

89. FUNCTION

Subject to the Constitution and the control and direction of State Executive the day to day management of the affairs of the Party, save and except candidate selection, shall be conducted by the State Management Executive.

90. MEMBERSHIP

The State Management Executive shall comprise:

- (a) the State President;
- (b) the Immediate Past State President;
- (c) the Senior Vice-President of the Party;
- (d) the Leader of the State Parliamentary Section or the Leader's nominee;
- (e) the Leader of the Western Australian Federal Parliamentary Section or the Leader's nominee;
- (f) the Chairman of the Finance Committee;
- (g) the Treasurer of the Party; and
- (h) any co-opted Members under clause 99, from time to time.

91. QUALIFICATIONS

All Members of the State Management Executive must satisfy the requirements for membership of a "management committee" as set out in the Associations Incorporation Act 2015 (WA).

92. MEETINGS

The State Management Executive shall meet at least once per month.

93. QUORUM

The quorum for meetings of the State Management Executive shall be three (3) except in the case of meetings of the State Management Executive at which budget recommendations are being considered at which meetings the quorum shall be five (5).

94. CHAIRMAN

The State President shall be chairman of meetings of the State Management Executive and in the State President's absence the Senior Vice-President shall be chairman and in the absence of both the President and Senior Vice-President members of the State Management Executive shall elect the chairman of the meeting.

95. CASTING VOTE

At meetings of the State Management Executive the chairman shall have a casting vote as well as a deliberative vote.

96. **REPORT TO STATE EXECUTIVE**

The State Management Executive shall at each meeting of State Executive report to the State Executive in such form and in such manner as the State Executive shall from time to time require.

97. **TO COMPLY WITH DIRECTIONS**

The State Management Executive shall comply with all directions given to it by State Executive and State Council.

98. **DISALLOWANCE OF DECISION**

Any decision of the State Management Executive may be disallowed by a resolution of State Executive passed at the meeting of State Executive occurring next after the date of the decision of State Management Executive and upon the passing of such resolution the decision of the State Management Executive shall thereafter be of no force or effect.

99. **CO-OPTED MEMBERS**

The State Management Executive may co-opt Members to temporarily attend meetings for such matters as it sees fit, provided that any co-opted Members are not entitled to voting rights on State Management Executive and must comply with such procedures and rules imposed by State Management Executive from time to time.

PART XIV – STATE DIRECTOR AND PARTY EMPLOYEES**100. APPOINTMENT AND RESPONSIBILITIES OF STATE DIRECTOR**

- (a) There shall be a State Director of the Party who shall perform such duties and be responsible for such matters as may from time to time be prescribed by State Executive.
- (b) The State Executive shall appoint the State Director for such term and at such salary and on such terms and conditions as the State Executive shall see fit. The State Executive shall have the right to terminate the services of the State Director.

101. DIRECTION AND CONTROL OF STATE DIRECTOR

- (a) Subject to the provisions of this Constitution and subject to any directions of State Executive the State Director shall be responsible to and be subject to the direction and control of the State President and the State Management Executive.
- (b) The State Director shall be a non-voting member of State Council standing committees as well as any other *ad hoc* committee formed by the Party.

102. LIMITATION ON EMPLOYEE PARTICIPATION IN PARTY BODIES

- (a) No person who is a paid employee of the Party shall be a member of State Executive or State Council or be a proxy for any member of State Executive or State Council.
- (b) Any Member of the State Executive or State Council who accepts any paid employment with the Party shall upon such acceptance cease to be a Member of the State Executive or State Council provided that any Member of the State Executive or State Council who receives an honorarium or out of pocket expenses shall not be regarded as having accepted paid employment within the meaning of this clause.

103. CONSTITUENT BODY EMPLOYEES

- (a) In order to enable the Party to comply with its legal obligations, a Constituent Body may not employ any person for remuneration without first obtaining the approval of the State Director as to the employee's terms of employment, including the date of commencement, salary, hours to be worked and all other matters concerning the employee as the State Director may reasonably require.
- (b) When a member of the staff of the Party is employed full or part time in the affairs of a Constituent Body the Constituent Body shall be responsible for the salary and all other costs and expenses associated with the employment of that staff member and where such salary and other costs and expenses have been paid by the Party the Constituent Body shall reimburse the Party the amount so paid.

PART XV – FINANCE

104. INCOME AND PROPERTY OF THE PARTY

The income and property of the Party shall be applied solely to the promotion of its objects and no part thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of pecuniary profit to the Members or any of them provided that remuneration (including superannuation) may be made or provided in good faith to agents, consultants, employees of the Party or to other persons in return for services rendered to the Party.

105. FINANCIAL GOVERNANCE

- (a) The financial year of the Party and its constituent bodies shall be from 1 July to the next following 30 June.
- (b) The State Council shall from time to time prescribe the accounting and financial reporting standards to be adopted and applied by Constituent Bodies and Electorate Campaign Committees.
- (c) The Party shall open such banking accounts at such banks as the State Management Executive shall from time to time determine and the State Management Executive shall appoint Members to operate such bank accounts and to make, accept, endorse and issue negotiable securities and instruments of whatsoever kind or nature.
- (d) In April in each year the State Management Executive shall prepare or cause to be prepared a budget for the Party's receipts and income for the next financial year and shall prior to 30 June submit such budget and such explanations as the State Executive may require to the State Executive for approval. The State Executive may accept the budget with such amendments as it may see fit or it may refer the budget back to the State Management Executive for further consideration, amendment and re-submission to State Executive.
- (e) The Party shall not accept any subscription or donation which the subscriber or donor desires to make subject to any condition which involves the conferring of any personal or financial benefit on the donor provided that this sub-clause shall not apply to any condition which a donor may impose for the payment of the donation to any fund established by the Party for any particular purpose.
- (f) A suitably qualified and experienced auditor must be appointed annually by the State Management Executive to audit the financial records of the Party.
- (g) Any Member collecting money for the Party, any Constituent Body, any Electorate Campaign Committee or for any purposes associated with the Party shall, as soon as practicable after such collection notify the relevant President, Chairman or Treasurer of the Party, Constituent Body or Electorate Campaign Committee receiving such moneys.
- (h) Any such money so collected must be paid as soon as practicable into the appropriate Party account as established under the Rules.

106. THE LIBERAL PARTY OF WESTERN AUSTRALIA PTY LTD

- (a) The Party shall only exercise its rights as a shareholder of The Liberal Party of Western Australia Pty Ltd by way of a resolution recommended by the President and endorsed by State Executive and then by State Council.
- (b) A resolution referred to in clause 106(a) of the Party as the sole shareholder of the Liberal Party of Western Australia Pty Ltd is passed by the Party recording it and signing the record. The resolution may be signed on behalf of the Party by an authorised representative appointed by the Party.
- (c) The Party must give The Liberal Party of Western Australia Pty Ltd written notice of the resolution passed within fourteen (14) days of the passing of the resolution. The notice must set out details of the resolution passed.

107. REAL PROPERTY

- (a) A Constituent Body or Electorate Campaign Committee must not purchase real property on its own account without the consent of State Executive.
- (b) A Constituent Body or Electorate Campaign Committee wishing to purchase real property shall submit full details of the land and any improvements thereon to the State Director together with details of the use proposed to be made of the property and the means by which the purchase of the property will be financed.
- (c) All real property purchased by or on behalf of a Constituent Body or Electorate Campaign Committee shall be registered in the name of the Liberal Party of Western Australia Pty Ltd.
- (d) Where a Constituent Body or Electorate Campaign Committee purchases real property in accordance with clause (c), or leases real property, that Constituent Body or Electorate Campaign Committee shall be responsible for the payment of all principal, interest, rent, rates, land tax and maintenance in respect of or relating to such real property.

PART XVI – PARLIAMENTARY SECTIONS

108. COMPOSITION OF FEDERAL & STATE PARLIAMENTARY SECTIONS

- (a) There shall be a Western Australian Federal Parliamentary Section which shall comprise members of the Party who are elected members of the Federal Parliament. The Leader of the Liberal Party in the Federal Parliament shall appoint a member of the Western Australian Federal Parliamentary Section as Leader of the Western Australian Federal Parliamentary Section.
- (b) There shall be a State Parliamentary Section which shall comprise members of the Party who are elected members of the State Parliament.
- (c) The Leader of the State Liberal Parliamentary Party shall be the Leader of the State Parliamentary Section.
- (d) It shall be the duty of the respective Parliamentary Sections and of the Party to keep one another informed on all political matters and to co- operate closely. There shall be regular meetings between the respective Parliamentary Leaders and the State President.
- (e) Policy decisions of the State Conference or State Council shall not be binding upon the Parliamentary Sections but shall be dealt with as follows:
 - (i) Policy resolutions passed by State Conference or State Council shall be forwarded to the Leader of the relevant Parliamentary Section for submission to a meeting of the relevant Parliamentary Section.
 - (ii) The relevant Parliamentary Section shall consider the policy resolutions and the Leader or the Leader's nominee shall communicate its decision in respect of any such resolutions and the reasons therefor to the State Director who shall in turn communicate such decisions to the State President, the chairman of the Policy Committee or the Regional and Rural Committee as the case may be and the secretary of the Constituent Body which submitted the resolution.

PART XVII – SELECTION & ENDORSEMENT OF CANDIDATES

109. CALLING OF APPLICATIONS

- (a) The State Council may at any time and from time to time fix an Application Date for calling applications from Members seeking Party endorsement for any electorate and also at any time and from time to time fix the Closure Date for the closure of the receipt of applications.
- (b) The State Director shall forthwith upon the calling of applications for endorsement for any electorate give written notice thereof and the Closure Date to the Secretary of all Divisions and Branches in which the electorate is wholly or partly situated and shall except in the case where an emergency has been declared by State Executive cause notice of the calling of applications and the Closure Date to be advertised in such newspapers as the State Management Executive shall direct.
- (c) The State Council may at any time and from time to time extend the time within which applications may be received whether or not the original Closure Date for the receipt of applications has passed.
- (d) The State Council shall from time to time prescribe the form of application and such application shall include provision for such promises, undertakings, indemnities and other obligations financial and otherwise as State Council shall see fit.
- (e) Any Member eligible and wishing to contest an electorate in respect of which applications for endorsement have been called shall apply for endorsement in the prescribed form and complete a statutory declaration affirming that the answers given and information provided is true to the best of his or her knowledge and belief and enter into a Deed with the Party setting out such matters as the Party may require from time to time.
- (f) All applications shall be lodged with the State Director prior to the Closure Date or such extended time as State Council may approve and shall be accompanied by a non-refundable deposit of such amount as shall from time to time be prescribed by State Council.
- (g) Applications for endorsement which have not been completed substantially in accordance with the prescribed form shall not be accepted by the State Director without the approval of State Executive.

110. PROCEDURES ON RECEIPT OF APPLICATIONS

Upon receipt of all applications for endorsement the State Director shall –

- (a) examine each application and either accept the application as being correct or refer the applications to State Executive if the State Director is of the opinion the application is defective.
- (b) forthwith give copies of each application to the chairman of the Selection Committee.

111. ENQUIRY & VERIFICATION

The chairman of the Selection Committee shall forthwith upon receipt of the application make or cause to be made such enquiries concerning all accepted applications as he or she may consider relevant or appropriate and the chairman shall also be charged with the investigation of the credentials and qualifications of the applicants and the verification of all references and testimonials. The chairman

shall report the result of his or her enquiries to the State President and the State Director.

112. **INFORMATION FOR DELEGATES**

The State Director shall as soon as practicable but not later than the commencement of the Selection Committee meetings provide to each Member of the Selection Committee a copy of each accepted application for endorsement, a copy of the Selection Committee's chairman's report on the result of his or her enquiries as provided in clause 111 and a copy of the State Director's certification to the chairman of the Selection Committee pursuant to clause 114.

113. **COMPOSITION OF SELECTION COMMITTEES**

(a) In the case of **LEGISLATIVE ASSEMBLY, LEGISLATIVE COUNCIL and HOUSE OF REPRESENTATIVES ELECTORATES**, a Selection Committee shall be constituted by:

(i) the **chairman of the Selection Committee**, being the chairman of the Candidate Selection Committee, or a deputy chairman of the Candidate Selection Committee elected by State Council pursuant to the Party Rules;

(ii) **State Council delegates**, being such number of delegates selected, in such manner as the Party Rules shall prescribe, from the members of State Council for each Selection Committee as and when they are required, that number to be nearest to equaling 20% of the total number of delegates entitled to be present by virtue of clauses 113(a)(iii), (iv) and (v), provided that the minimum number of State Council delegates shall be six (6) and for the Legislative Assembly and House of Representatives, the maximum number of State Council delegates shall be twenty (20);

(iii) **Divisional delegates**, as follows:

(A) Six (6) members elected by the Divisional Conference of the Division in which the electorate is situated provided that if any electorate extends into two (2) or more Divisions then the Divisional Conference of each such Division may appoint three (3) members; and

(B) For the Legislative Assembly and House of Representatives, the President of the Division in which the electorate is situated provided that if any electorate extends into two (2) or more Divisions, then only the Divisional President of the Division which covers the largest portion of the electorate by number of electors will be entitled to attend.

(iv) **Branch delegates**, as follows:

(A) in the case of a Branch situate wholly or partly within the electorate and having the majority of its Ordinary Members residing within the electorate or whose principal place of business or employment is within the electorate:

- For the Legislative Assembly and House of Representatives, the President of each such Branch; and

- For a Legislative Assembly Selection Committee, six (6) Ordinary Members appointed by each such Branch;
 - For a Legislative Council Selection Committee, two (2) Ordinary Members appointed by each such Branch; or
 - For a House of Representatives Selection Committee, four (4) Ordinary Members appointed by each such Branch;
- (B) for a Legislative Assembly Selection Committee, if the number of Ordinary Members in any Branch shall exceed fifty (50), that Branch shall be entitled to appoint, for each additional twenty-five (25) or part of twenty-five (25) Ordinary Members, an additional Ordinary Member as a delegate provided that the maximum number of Branch delegates appointed by any such Branch shall not exceed twelve (12) Ordinary Members;
- (C) for a Legislative Assembly Selection Committee, if there be only one (1) Branch wholly or partly within the electorate and having the majority of its Ordinary Members residing within the electorate or whose principal place of business or employment is within the electorate then that Branch may appoint twelve (12) Ordinary Members as delegates to the Selection Committee;
- (v) **University Club Branch delegates**, as follows:
- (A) in the case of a University Club Branch situate wholly within the electorate:
- For the Legislative Assembly and House of Representatives, the President of each such University Club Branch; and
 - For a Legislative Assembly Selection Committee, one (1) adult member appointed by each University Club Branch,
 - For a Legislative Council Metropolitan Electorate Selection Committee, two (2) adult members appointed by each University Club Branch;
 - For a Legislative Council Country Electorate Selection Committee, one (1) adult members appointed by each University Club Branch
 - For a House of Representatives Selection Committee, two (2) adult members appointed by each University Club Branch;
- (B) if the number of Ordinary Members of any University Club Branch shall exceed 100, that Branch shall be entitled to appoint, for each additional 100 or part of 100 Ordinary Members, an additional member as a delegate provided that the

maximum number of Branch delegates appointed by any such Branch shall not exceed six (6) adult members.

- (vi) For the Legislative Assembly and House of Representatives, **Party Member delegates**, being all Members of the Party who reside at an Enrolled Address located within the electorate as at the Closure Date, and are either (a) Members of a Branch situate wholly or partly within the electorate, or (b) who are Members of a University Club Branch, who:
 - (A) Are not otherwise eligible to attend the Selection Committee and who are not ineligible to or disqualified from attendance by reason some other provision of this Constitution.
 - (B) Have been Members of the Party for a period of not less than twelve (12) consecutive months prior to the Closure Date; and
 - (C) Have registered for the Selection Committee in accordance with the procedure determined by the State Director from time to time.
- (vii) For the Legislative Council, **Party Member delegates**, as follows:
 - (A) such number of delegates selected from the Members of the Party for each Selection Committee as and when they are required, that number to be nearest to equaling 30% of the total number of delegates entitled to be present by virtue of clauses 113(a)(iii), (iv) and (v);
 - (B) for the purposes of this clause, Party Member delegates shall be selected by random selection by ballot from among Members of the Party in such manner as the Party Rules shall prescribe, provided that such delegates shall be financial members of the Party residing within the electorate at the Closure Date, who are not otherwise eligible to attend the Selection Committee and who are not ineligible to or disqualified from attendance by reason of some other provision of this Constitution.
- (b) **In the case of the SENATE**, a Selection Committee shall be constituted by:
 - (i) the **chairman of the Selection Committee**, being the chairman of the Candidate Selection Committee, or a deputy chairman of the Candidate Selection Committee elected by State Council pursuant to the Party Rules;
 - (ii) subject to clause 115, the **Members of State Council**.
- (c) State Council shall make rules for the conduct of any Selection Committee pursuant to clause 113(b).
- (d) For the purposes of clause 113, the term “majority” shall mean “more than 50%”.
- (e) (i) For the purposes of clause 113(a)(iii), an electorate does not extend into a Division if that part of the electorate within the Division contains less than 1% (one *per centum*) of the total number of electors in the electorate.

- (ii) For the purposes of clause 113(a)(iii), an electorate does not extend into a Division if that part of the electorate within the Division comprises less than 1% (one *per centum*) of the total number of the geographical area of the electorate.
- (iii) For the purposes of clause 113(a)(iv), a Branch is not “situated partly within” an electorate if that part of the Branch contains less than 1% (one *per centum*) of the total number of electors in the electorate.
- (iv) For the purposes of clause 113(a)(iv), a Branch is not “situated partly within” an electorate if that part of the Branch comprises less than 1% (one *per centum*) of the geographical area of the electorate.

113A. **COMPOSITION OF LEGISLATIVE COUNCIL SELECTION COMMITTEES**

- (a) The following definitions apply to clause 113A:

“**Legislative Council Region**” means a region with the boundaries that applied at the 2021 State general election, subject to any changes to the boundaries of that region approved by State Council.

“**Legislative Council Region Order**” means the order of priority based upon the highest primary Liberal vote by percentage in the respective Legislative Council Region, averaged over the past two previous State elections.

- (b) **In the case of the LEGISLATIVE COUNCIL**, the following clause shall prevail over clause 113 and the six Legislative Council Region Selection Committees shall be constituted by:
 - (i) the **chairman of the Selection Committee**, being the chairman of the Candidate Selection Committee, or a deputy chairman of the Candidate Selection Committee elected by State Council pursuant to the Party Rules;
 - (ii) **State Council delegates**, being such number of delegates selected, in such manner as the Party Rules shall prescribe, from the members of State Council for each Selection Committee as and when they are required, that number to be nearest to equalling 20% of the total number of delegates entitled to be present by virtue of clauses 113A (a) (iii), (iv) and (v), provided that the minimum number of State Council delegates shall be six (6);
 - (iii) **Divisional delegates**, being six (6) members elected by the Divisional Conference of the Division in which the Legislative Council Region is situated provided that if any Legislative Council Region extends into two (2) or more Divisions then the Divisional Conference of each such Division may appoint three (3) members;
 - (iv) **Branch delegates**, in the case of a Branch situate wholly or partly within the Legislative Council Region and having the majority of its Ordinary Members residing within the Legislative Council Region or whose principal place of business or employment is within the Legislative Council Region, two (2) Ordinary Members appointed by each such Branch;

- (v) **University Club Branch delegates**, in the case of a University Club Branch situate wholly within the Legislative Council Region, as follows:
 - (A) two (2) adult members appointed by each University Club Branch; and
 - (B) if the number of Ordinary Members of any University Club Branch shall exceed 100, that Branch shall be entitled to appoint, for each additional 100 or part of 100 Ordinary Members, an additional member as a delegate provided that the maximum number of Branch delegates appointed by any such Branch shall not exceed six (6) adult members; and
- (vi) **Party member delegates**, as follows:
 - (A) such number of delegates selected from the Members of the Party for each Selection Committee as and when they are required, that number to be nearest to equalling 100% of the total number of delegates entitled to be present by virtue of clauses 113A (b)(iii), (iv) and (v);
 - (B) for the purposes of this clause, Party Member delegates shall be selected by random selection by ballot from among Members of the Party in such manner as the Party Rules shall prescribe, provided that such delegates shall be financial members of the Party residing within the Legislative Council Region at the Closure Date, who are not otherwise eligible to attend the Selection Committee and who are not ineligible to or disqualified from attendance by reason of some other provision of this Constitution.
- (c) Each of the six Legislative Council Region Selection Committees may recommend a maximum of six candidates be endorsed.
- (d) The ordering of candidates for the Legislative Council electorate shall be as follows:
 - (i) BAND ONE: in positions one to six, the six individuals who were recommended in position one in their Legislative Council Region, to be ordered using the Legislative Council Region Order;
 - (ii) BAND TWO: in positions seven to twelve, the next six individuals (one from each Legislative Council Region) who were recommended, to be ordered using the Legislative Council Region Order;
 - (iii) BAND THREE: in positions thirteen to eighteen, the next six individuals (one from each Legislative Council Region) who were recommended, to be ordered using the Legislative Council Region Order;
 - (iv) BAND FOUR: in positions nineteen to twenty-four, the next six individuals (one from each Legislative Council Region) who were recommended, to be ordered using the Legislative Council Region Order;
 - (v) REMAINING POSITIONS: in any positions from twenty-five onwards, any remaining candidate from any Legislative Council

Region Selection Committee, in the order that State Council determines; and

- (vi) in any abovementioned band, should a Legislative Council Region Selection Committee not have recommended a position, then the order of candidates will be adjusted accordingly so that the order reflects the Legislative Council Region Order as closely as possible.
- (e) Clause 113 (d) and (e) apply to Legislative Council Region Selection Committees as appropriate.

113B. **EXPIRY OF 113A**

- (a) Clause 113A is intended as a trial model for the purposes of selecting candidates for the Legislative Council for the 2025 State general election.
- (b) Clause 113A **expires on** 30 June 2027.

114. **DELEGATE ELIGIBILITY & ACCREDITATION**

- (a) The State Director shall issue a certificate to the chairman of the Selection Committee certifying the Divisions and Branches entitled to be represented on the Selection Committee and the name of the delegates entitled to attend.
- (b) The membership and office bearer records held by the State Director at the Closure Date shall be prima facie evidence of the facts therein stated, however the State Executive may, on the application of the Division or Branch concerned, extend the time within which notification of office bearers elected prior to the Closure Date may be given to the State Director.
- (c) **The entitlement of a Constituent Body to send delegates** to a Selection Committee **and the number of delegates to a Selection Committee** shall be calculated based on and determined by **both** the membership of each relevant Constituent Body at a date three (3) months before the Closure Date for that Selection Committee **and whether it is suspended under clause 24 at that same date**.
- (d) To be a delegate to a Selection Committee, a person must have been a Member of the Party for no less than twelve (12) months before the Closure Date.
- (e) To be a Branch delegate to a Selection Committee a person must have been a Member of that Branch for no less than six (6) months before the Closure Date.
- (f) A Constituent Body shall not be entitled to representation by its delegates on any Selection Committee if at the Closure Date of applications:
 - (i) the Constituent Body is under suspension pursuant to clause 24; or
 - (ii) in the case of a **New** Branch, less than three (3) months has elapsed since the Branch held its first general meeting.

115. **CERTAIN PERSONS DISQUALIFIED FROM BEING DELEGATES**

- (a) No candidate for Party endorsement for any electorate, endorsed candidate or member of Parliament shall be eligible to be a member of or be present at any selection committee meeting provided that an endorsed candidate

for a Legislative Council Electorate who is not a member of Parliament shall be eligible to be a member of and be present at any selection committee meeting following the conclusion of the Legislative Council Electorate's election next following his or her endorsement.

- (b) No Related Person, former spouse, employer or employee or any person who is employed in the electorate office, parliament house office, ministerial office or parliamentary secretary's office of a candidate for selection for endorsement shall be eligible to be a member of or be present at a selection committee meeting at which his or her Related Person, former spouse, employer or employee or any person who is employed in the electorate office, parliament house office, ministerial office or parliamentary secretary's office is a candidate for selection provided that a candidate for selection may be heard by the Selection Committee in support of his or her own application.
- (c) For the purpose of the ratification of the recommendations of a Selection Committee, those members of State Council excluded by virtue of this clause 115 from being a member of that Selection Committee shall be ineligible to vote on the ratification.

116. SELECTION COMMITTEE PROCEEDINGS

Selection Committees shall be convened by the State Director at times and places to be decided by the State Council. Each Selection Committee shall, subject to this

Constitution and any direction of the State Council, regulate the conduct of its meetings in such manner as it thinks best suited to enable it to perform its function.

117. DUTIES OF CHAIRMAN

Prior to meeting of a Selection Committee, the chairman shall, in the presence of the candidates presenting themselves for endorsement:

- (a) report to the meeting the composition of the meeting and that all persons present at the meeting have been properly appointed and are entitled to be present and to speak and vote at the meeting;
- (b) brief the Members attending the meeting on the electorate in respect of which a candidate is to be elected and such briefing shall include details of the boundaries of the electorate, the number of electors on the roll, the present member or members of Parliament representing the electorate, the results of the last election held in the electorate and details of such special characteristics of the electorate which the chairman shall consider appropriate;
- (c) give brief details of each candidate seeking endorsement, including but not limited to their full names, addresses and occupations;
- (d) brief the Members on their duties as Members of the Selection Committee; and
- (e) summarise the procedures to be followed in the meeting.

118. BALLOTING & QUORUM

The following provisions shall apply to all Selection Committee meetings for the selection of candidates for Party endorsement:

- (a) The candidates' names shall appear on the ballot papers in order

determined by the drawing of lots by the candidates and such order shall also apply to the interview of candidates.

- (b) The chairman shall have a casting vote in the event of a tie.
- (c) The chairman shall appoint such scrutineers from the Selection Committee as he or she shall consider appropriate.
- (d) The result of a ballot shall be announced by naming the successful candidate. The count of any ballot must not be divulged by the returning officer, the counters or the scrutineers to any person.
- (e) The names of the defeated candidates for selection shall be treated by the delegates as confidential.
- (f) The method of voting to be used by Selection Committees shall be such method or methods as State Council shall from time to time prescribe.
- (g) The quorum of a Selection Committee shall be not less than three (3).

119. PROCEEDINGS NOT INVALIDATED BY ABSENCE OF DELEGATE

The proceedings of any Selection Committee shall not be invalidated by reason of the absence of a delegate or delegates.

120. RECOMMENDATION TO STATE COUNCIL

The Selection Committee shall make its recommendations in writing to the State Council and such recommendation shall be signed by the chairman of the Selection Committee.

121. RECOMMENDATION BY SELECTION COMMITTEE

A Selection Committee may recommend to State Council:

- (a) that none of the candidates be endorsed; or
- (b) that one (1) of the candidates be endorsed; or
- (c) that more than one (1) candidate be endorsed provided that if more than one (1) candidate is recommended, the Selection Committee shall state the reasons why it has recommended more than one (1) candidate for endorsement and shall also state the order of preference of the candidates recommended.

122. CONFIDENTIALITY OF CANDIDATE

Any candidate for selection may require that the fact of his or her candidature remain confidential.

123. ACTION ON RECOMMENDATION

Upon receipt of the recommendation of the Selection Committee the State Council may:

- (a) if the Selection Committee has recommended that none of the candidates be endorsed, call fresh applications for endorsement of candidates for the electorate or declare that the calling of fresh applications is impracticable and act in accordance with the provisions of clause 130 or make such other

decision as it shall see fit;

- (b) if the Selection Committee has recommended that one (1) candidate be endorsed, endorse the candidate recommended by the Selection Committee or refer the application back to a Selection Committee for further consideration or make such other decision as it shall see fit; or
- (c) if the Selection Committee has recommended that more than one (1) candidate be endorsed, endorse one (1) or more of the candidates recommended or refer the application back to a Selection Committee for further consideration or make such other decision as it shall see fit.

124. **STATE COUNCIL MAY DELEGATE AUTHORITY**

The State Council may in any particular case delegate to the State Executive or the Campaign Committee established under clause 72(g) authority to endorse any applicant or applicants for any electorate and to announce such endorsements.

125. **CANCELLATION OF ENDORSEMENT**

The State Council may at any time cancel the endorsement of any candidate without giving any reason therefor and there upon may either call for fresh nominations or if time does not permit of the calling of fresh nominations or for any other reason endorse any other person or persons in lieu of the candidate whose endorsement has so been called.

126. **CANCELLATION OF CALL FOR APPLICATIONS**

The State Council may at any time after a call for application for endorsement has been made and before a candidate has been endorsed if in its opinion any special circumstances shall have arisen which in the interests of the Party make it advisable so to do cancel any call for applications for endorsement and any actions taken in respect thereof and call for fresh nominations or if time does not permit for the calling of fresh applications for endorsement or for any other reason may endorse any other Member.

127. **STATE COUNCIL MAY INVESTIGATE ALLEGATIONS OF UNFAIR TREATMENT OR IRREGULARITY**

If the State Council has reasons to believe that any candidate has been the subject of unfair treatment or there has been irregularity at a meeting of a Selection Committee or in the composition of the Selection Committee, the State Council may, on its own motion, cause an investigation to be made into such unfair treatment or irregularity and if the State Council is satisfied that such unfair treatment or irregularity did exist, the State Council may take such action in accordance with clauses 125 and 126 as it shall see fit.

128. **SELECTION COMMITTEE APPEALS**

- (a) If any candidate alleges unfair treatment or grave irregularity at a meeting of a Selection Committee the candidate may within three (3) clear days, excluding Saturday, Sunday, or any gazetted public holiday, after the meeting appeal to the Appeals and Disciplinary Committee by setting out in writing a clear statement of the facts constituting the alleged unfair treatment or grave irregularity and forwarding such statement to the State Director and a copy thereof to the Chairman of the Selection Committee.
- (b) After the expiration of the said period of three (3) days, each candidate shall for all purposes be deemed to accept the proceedings of the Selection

Committee and to abide by its recommendations.

- (c) If the Appeals and Disciplinary Committee, having heard the appeal, shall uphold the same, then the matter shall be referred to State Council for State Council to decide how a new Selection Committee shall be constituted. The decision of the State Council and the Appeals and Disciplinary Committee shall be final and not subject to any appeal.

129. **SUBSTITUTE FOR ENDORSED CANDIDATE**

Should any endorsed candidate decline or for any reason be unable to contest the election in respect of which he or she has been endorsed, a candidate shall be endorsed in such a manner as the State Council and the chairman of the Selection Committee for the electorate having regard to the time available and all other circumstances shall think proper.

130. **EMERGENCY ENDORSEMENT**

If in the opinion of the State Council an emergency exists which makes it impractical to follow the procedures set forth in this Constitution for the constitution of a Selection Committee for an electorate the State Council may take such action and do such things as it shall see fit to enable the State Council to endorse a candidate for an electorate.

PART XVIII – MISCELLANEOUS

131. PROXIES

- (a) Where any delegate is entitled to attend:
 - (i) State Conference;
 - (ii) State Council meetings;
 - (iii) State Executive meetings;
 - (iv) Divisional Council meetings;
 - (v) Divisional Conference;
 - (vi) Selection Committee meetings;
 - (vii) Liberal Women's Council meetings;
 - (viii) Young Liberal Movement meetings;
 - (ix) WAULS meetings; or
 - (x) meetings of the Executive of a Constituent Body,

by virtue of their election by another Constituent Body, and they are unable to attend all or any part of such conference or meeting, the Constituent Body that elected that delegate shall be entitled to appoint a proxy in accordance with clause 131(c) to attend and vote at the conference or meeting in place of that delegate.
- (b) An Ordinary Member of the Constituent Body is eligible to be appointed to be proxy for and to attend and vote in place of the delegate provided that the person so appointed also satisfies the relevant eligibility requirements set out in the Constitution.
- (c) The appointment of a proxy under clause 131(a) shall be made by the delegate or, failing that, the President or, in the case of his or her unavailability, the most senior available Vice-President of the Constituent Body the delegate represents.
- (d) In the case of a Selection Committee, a President or Vice-President may not appoint a proxy to attend in place of a delegate if the President or Vice-President, or the President or Vice-President's spouse or *de facto* spouse, is an applicant for endorsement; and for the purpose of making an appointment in those circumstances, such President or Vice-President shall be deemed to be unavailable.
- (e) All appointments of proxies shall be in writing and signed by the delegate, the President or Vice-President making the appointment and bear the date of the appointment and shall otherwise include such information and be in such form as may be prescribed by State Executive.
- (f) Any Parliamentary Member unable to attend any meeting of State Conference, State Council or State Executive may by either verbal or written notice to the State Director appoint another Parliamentary Member not already a delegate or a proxy delegate as his or her proxy for that meeting.

- (g) For the purpose of this subclause:
 - (i) In the event of a State Conference being held in a Rural Constituent Body, Branches and Divisions that are not Rural Constituent Bodies within that Division shall have the same rights as a Rural Constituent Body.
 - (ii) A proxy delegate of a Rural Constituent Body shall be entitled to cast the vote of that proxy delegate in addition to any other vote which the proxy delegate of a Rural Constituent Body in some other capacity may be entitled to cast provided that the total number of votes cast by a proxy delegate of a Rural Constituent Body in respect of any motion proposed, or any ballot, poll or election conducted, at any conference or meeting of the Party or its committees or at any conference or meetings of Constituent Bodies or their committees not exceed two (2) votes.
 - (iii) A Member shall not at any time act as a proxy for the delegates of more than one (1) Constituent Body.

132. **CONDUCT OF MEETINGS BY ELECTRONIC MEANS**

- (a) Any meetings of the Party, other than Selection Committee meetings and meetings at which the election of office-bearers are to occur, may be conducted by, or include members present by, telephone or videoconference or like facilities, subject to compliance with any rules made by State Council for the conduct of such meetings.
- (b) Any Selection Committee meetings or meetings at which election of office-bearers are to occur may be conducted by, or include members present by, telephone or videoconference or like facilities, subject to the President of the relevant Constituent Body or the Chair of the Selection Committee, as the case may be, obtaining approval from the State Director and complying with any rules made by State Council for the conduct of such meetings.

133. **COMMON SEAL**

There shall be a Common Seal of the Party which shall be kept in the custody of the State Director and which shall not be used except by the authority of the State Executive and in the presence of two (2) seal holders, appointed by State Executive from time to time, who shall sign every instrument to which the seal is affixed and every such instrument shall be countersigned by the State Director or by some person appointed in that behalf by the State Executive.

134. **ALTERING THE CONSTITUTION**

- (a) The State Council, the State Executive, the Liberal Women's Council, the Young Liberal Movement, the WAULS, or any Divisional Council or Branch or any twenty (20) or more Ordinary Members desiring to propose any motion for the amendment, addition, or alteration to this Constitution, may do so at any time upon giving notice of motion and an explanatory memorandum in writing in that behalf to the State Director who shall refer the same (if such has not already been done) to the Constitutional and Drafting Committee. That Committee shall put such proposed motion and any consequential amendment of the Constitution resulting therefrom in proper form and furnish their report with all due despatch to the State Director who shall thereupon forward a copy of such proposed motion both in its original form and as re-drafted and recommended consequential amendment to the Secretary of each Divisional Council and Branch for the consideration thereof.

- (b) Such proposed motion shall be submitted to the State Conference or special State Conference convened for that purpose held next following the expiration of forty-two (42) days from the date of the forwarding of the proposed motion to the Secretaries of all Constituent Bodies.
- (c) Any motion to amend or add to the Constitution shall be passed by a majority of not less than three-fourths of the members who are present and entitled to vote at a State Conference whether by person or by proxy.

135. **DISSOLUTION**

- (a) The Party shall be dissolved whenever a resolution to that effect, having the same majority as is required by clause 134(c) to pass a resolution for the amendment to this Constitution, is passed by any State Conference.
- (b) If upon the winding up of the Party there remains after satisfaction of all its debts and liabilities any property whatsoever ("surplus property"), the same shall not be paid to or distributed amongst its members or former members.
- (c) Any surplus property shall be given or transferred to another association incorporated under the *Associations Incorporation Act 1987* (WA) (or its equivalent then in force) which:
 - (i) shall be determined by resolution of a State Conference called for that purpose at or before the time of dissolution;
 - (ii) has similar objects to the Party; and
 - (iii) is not carried out for the purposes of profit or gain to its individual members.
- (d) The distribution of surplus property pursuant to clause 135(c) may be to one (1) or more eligible associations.

136. **COMMENCEMENT**

Subject to the satisfaction of the requirements of the *Associations Incorporation Act 1987* (WA), this Constitution shall come into force and effect on 1 September 2015.

PARTY RULES

1 September 2015, amended 2016, 2018, 2019, 2022, 2023

PART I – GENERAL**1. CITATION**

These rules are the “Party Rules 2018”.

2. REVOCATION, COMMENCEMENT AND SAVING

- (a) These rules come into operation on 1 September 2015. Amended August 2016 and February 2018.
- (b) All earlier versions of the Party Rules are revoked, save that all things lawfully done under those Rules or other Rules made pursuant to the Constitution and which could have been done under these Rules shall continue to have effect as if they had been done under these Rules.

3. RULES SUBJECT TO THE CONSTITUTION

These Rules are subject to the Constitution.

4. DEFINITIONS

Words and phrases defined in clause 2 of the Constitution shall apply to these Rules.

PART II – MEETINGS

5. NOTICE – ANNUAL GENERAL MEETINGS

- (a) In the case of:
 - (i) a Division, the Young Liberal Movement, the WAULS and the Liberal Women’s Council, notice must be given:
 - (A) no less than twenty-eight (28) days before the date of the annual general meeting;
 - (B) no less than fourteen (14) days before the due date for nominations; and
 - (C) not more than ninety (90) days before the date of the annual general meeting.
 - (ii) a Branch, Divisional Young Liberal Committees and Divisional Women’s Committees, notice must be given:
 - (A) no less than fourteen (14) days before the annual general meeting;
 - (B) no less than seven (7) days before the due date for nominations; and
 - (C) not more than ninety (90) days before the date of the annual general meeting.
- (b) The notice of the annual general meeting must contain the following details:
 - (i) the date, time and venue of the meeting;
 - (ii) particulars of the business to be transacted at the annual general meeting and of the order in which that business is to be transacted; and
 - (iii) without limiting (b) above, all positions to be elected at the annual general meeting and the requirements for submitting nominations for those positions, including the deadline for nominations.
- (c) The date, time and venue for the annual general meeting of a Constituent Body must be determined by the President of the Constituent Body unless already determined by the Constituent Body itself.
- (d) Subject to sub-clause (c) above, the notice of an annual general meeting must be issued by the President of the Constituent Body, the Secretary of the Constituent Body at the direction of the President or such other person as may be nominated by the Constituent Body from time to time.
- (e) Notice of an annual general meeting must be given to all Members of the relevant Constituent Body who are entitled to attend and vote at the annual general meeting and the State Director. In addition, notice must be given, in the case of a:
 - (i) Division, to the Parliamentary Members whose electorates are wholly or partly within the Division and to the Presidents and Secretaries of the Branches within the Division;

- (ii) Branch, to the President and Secretary of the Division in which the Branch is situated and the Parliamentary Members whose electorates are wholly or partly within the Branch's area;
 - (iii) Divisional Young Liberal Committee, to the President and Secretary of the Division in which the Committee is situated, the President and Secretary of the Young Liberal Movement and the Parliamentary Members whose electorates are wholly or partly within the Division in which the Committee is situated;
 - (iv) Divisional Women's Committee, to the President and Secretary of the Division in which the Committee is situated, the President and Secretary of the Liberal Women's Council and the Parliamentary Members whose electorates are wholly or partly within the Division in which the Committee is situated;
 - (v) Liberal Women's Council, to all female Parliamentary Members; and
 - (vi) University Club Branch, to the President and Secretary of WAULS and the Parliamentary Members whose electorates are wholly or partly within the University Club Branch's area.
- (f) If a Constituent Body fails to hold its annual general meeting in accordance with the requirements of clause 22 of the Constitution, then the following may call the annual general meeting on behalf of that Constituent Body:
- (i) the State Executive;
 - (ii) in the case of a Branch, the President of the relevant Division or State Executive;
 - (iii) in the case of a the Divisional Young Liberal Committee, by agreement between the President of the relevant Division and the President of the Young Liberal Movement, or State Executive;
 - (iv) in the case of the Divisional Women's Committee, by agreement between the President of the relevant Division and the President of the Liberal Women's Council, or State Executive; and
 - (v) in the case of a University Club Branch, the President of WAULS or State Executive.
- (g) Unless otherwise agreed by the Presidents of the relevant Constituent Bodies, the following Constituent Bodies must not give notice of an annual general meeting specifying a common meeting date where the other Constituent Body has already given notice of its annual general meeting:
- (i) a Branch and its Division;
 - (ii) a Divisional Young Liberal Committee and its Division;
 - (iii) a Divisional Young Liberal Committee and the Young Liberal Movement;
 - (iv) a Divisional Women's Committee and its Division;
 - (v) a Divisional Women's Committee and the Liberal Women's Council; and
 - (vi) a University Club Branch and WAULS.
- (h) In the event a notice is given in contravention of rule 5(g) above, the notice shall be deemed to be invalid.

5A. ANNUAL GENERAL MEETINGS OCCUR ANNUALLY

A Constituent Body must not hold more than one (1) annual general meeting in a calendar year.

6. NOTICE – GENERAL MEETINGS

- (a) This rule 6 does not apply to an annual general meeting or a Special Meeting.
- (b) In the case of a Constituent Body, no less than seven (7) days' notice shall be given for any meeting.
- (c) In the case of the Executive of a Constituent Body no less than forty-eight (48) hours' notice shall be given for any meeting, unless waived by the unanimous consent of all members of the Executive.
- (d) The notice of a meeting must contain the following details:
 - (i) the date, time and venue of the meeting; and
 - (ii) particulars of the business to be transacted at the meeting and of the order in which that business is to be transacted;
- (e) The notice of a meeting must be issued by the President of the Constituent Body, the Secretary of the Constituent Body at the direction of the President or such other person as may be nominated by the Constituent Body from time to time.
- (f) Notice of a meeting must be given to all Members of the relevant Constituent Body who are entitled to attend and vote at the meeting.

7. NOTICE - SPECIAL MEETINGS

- (a) This rule 7 does not apply to Annual General Meetings.
- (b) A special meeting may be requested in writing to the State Director by, in the case of:
 - (i) the Executive of a Division, by either:
 - (A) the members of the Executive of that Division equal to not less than three (3) members of that Executive;
 - (B) the members of the Executive of that Division equal to at least 20% of the total membership of that Executive;
 - (ii) a Divisional Conference, by either:
 - (A) at least three (3) Branches within a Division which have each passed a resolution requesting the convening of a special Divisional Conference; or
 - (B) the members of the Division equal to at least 20% of the total membership of that Division;
 - (iii) a Branch, by either:
 - (A) the members of the Branch equal to not less than seven (7) members of that Branch; or
 - (B) the members of the Branch equal to at least 20% of the total membership of that Branch;

- (iv) the Executive of the Young Liberal Movement, by either:
 - (A) the members of the Executive of the Young Liberal Movement equal to not less than ten (10) members of that Executive; or
 - (B) the members of the Executive of the Young Liberal Movement equal to at least 20% of the total membership of that Executive;
- (v) the Executive of WAULS, by either:
 - (A) the members of the Executive of WAULS equal to not less than five (5) members of that Executive; or
 - (B) the members of the Executive of QAULS equal to at least 20% of the total membership of that Executive; and
- (vi) the Liberal Women's Council, by either:
 - (A) at least three (3) Divisional Women's Committees which have each passed a resolution requesting the convening of a special Liberal Women's Council meeting; or
 - (B) the members of the Liberal Women's Council equal to at least 20% of the total membership of the Liberal Women's Council.
- (c) Such meeting shall be convened:
 - (i) in the case of a meeting requested by the Executive of a Division, within forty-eight (48) hours; or
 - (ii) in all other cases, not less than fourteen (14) days nor more than one month, after receipt by the State Director of such request.
- (d) The written requisition made to the State Director must state the business proposed to be dealt with at the Special Meeting. No business other than that set out in the written requisition shall be transacted at any special meeting.
- (e) The notice of a special meeting issued by the State Director must contain the following details:
 - (i) the date, time and venue of the meeting;
 - (ii) particulars of the business to be transacted at the meeting and of the order in which that business is to be transacted; and
 - (iii) a copy of the valid written requisition.
- (f) Notice of a meeting must be given to all Members of the relevant Constituent Body who are entitled to attend and vote at the meeting.

8. **NOMINATIONS FOR ELECTED POSITIONS**

- (a) Nominations for elected positions shall be in writing.
- (b) Nominees may submit a *curriculum vitae* of no more than one (1) page in length with their nomination.
- (c) Written nominations must be received by, in the case of:
 - (i) a Division, the Secretary of the Division not less than fourteen (14) days;
 - (ii) a Branch, the Secretary of the Branch not less than seven (7) days;
 - (iii) the Young Liberal Movement, the State Director not less than fourteen (14) days;

- (iv) the WAULS, the State Director not less than fourteen (14) days;
- (v) the Liberal Women's Council, the State Director not less than fourteen (14) days; or
- (vi) a Divisional Young Liberal Committee, the Secretary of the Divisional Young Liberal Committee not less than seven (7) days;

prior to the meeting at which the election is to be held ("the due date for nomination").

- (d) The due date and time for nominations must be determined by the President of the Constituent Body unless already determined by the Constituent Body itself.
- (e) The details of any nomination received pursuant to rule 8(c) must be kept confidential until the close of nominations. In the event that a nomination is received in a sealed envelope marked 'Confidential Nomination' that envelope shall not be opened until opened for the purposes of the meeting described below in rule 8(f).
- (f) All written nominations received by the due date for nominations shall be presented to a meeting of the Executive of the Constituent Body, held within three (3) days of the closing of nominations. The Executive shall, by the drawing of lots, determine the order in which the names of nominees shall appear on ballot papers. Where the Executive agrees, the Secretary may perform the functions of the meeting contemplated in this rule 8(e).
- (g) Where requested by the President or Secretary of a Constituent Body, the State Director or State Director's nominee, is able to perform the function contemplated in rule 8(f), and after which, return the order in which the names of nominees shall appear on ballot papers to the Executive of the Constituent Body.
- (h) In the event that the written nominations are to be received by the State Director, the State Director shall, by the drawing of lots, determine the order in which the names of nominees shall appear on ballot papers. The State Director shall provide this information to the President and Secretary of the Constituent Body within three (3) days of conducting the ballot draw.
- (i) As soon as practical after the meeting referred to in rule 8(d) above, the Secretary shall send the list of nominees in ballot order and any *curriculum vitae* received to those entitled to receive notice for the meeting and all nominees.
- (j) Nominations, written or verbal, shall not be accepted from the floor of the meeting except if there are no or insufficient nominations received for the position or positions, by the due date for nomination. In that case, any nominee who submitted a written nomination by the due date will be declared elected and a ballot conducted, if necessary, to determine the order of the election. The chairman of the meeting shall call for nominations for any remaining positions from the floor and a ballot conducted, if necessary, to determine the order of the election.
- (k) When nominations are called from the floor of the meeting:
 - (i) nominations may be made by any person entitled to attend and vote;
 - (ii) if the nominee is personally present at the meeting at which he or she is nominated, the nominee must signify consent to nomination; and

- (iii) if the nominee is not personally present at the meeting written acceptance of nomination by the nominee must be produced to the chairman of the meeting before the nomination may be accepted.
- (l) In the event that there are sufficient nominations for all positions, and that there are no ballots required, branches within the Durack Division and O'Connor Division may convert their AGM to one held by way of tele-conference.
- (m) In the case of a Divisional Women's Committee, nominations for elected positions shall be called from the floor of the meeting following the process outlined in rule 8(k). The other sub-rules contained within rule 8 do not apply in these circumstances.

9. **QUORUM**

- (a) The quorum at all meetings of the following Constituent Bodies and their Executives shall be:
 - (i) for a Division, one-third (1/3) of Members entitled to be present and vote;
 - (ii) for a Branch, five (5) Members entitled to be present and vote;
 - (iii) for the Young Liberal Movement, the lesser of forty (40) or one-third (1/3) of Members entitled to be present and vote;
 - (iv) for the WAULS, one-third (1/3) of Members entitled to be present and vote;
 - (v) for a Divisional Young Liberals Committee, five (5) Members entitled to be present and vote; and
 - (vi) for a Divisional Women's Committee, five (5) Members entitled to be present and vote.
- (b) The quorum at all meetings of:
 - (i) the Liberal Women's Council shall be fifteen (15) Members entitled to be present and vote; and
 - (ii) the Executive of the Liberal Women's Council shall be five (5) Members entitled to be present and vote.

10. **CHAIRMAN**

- (a) The President of a Constituent Body shall be chairman of all meetings of that Constituent Body and in the President's absence the senior Vice-President and so on in order of precedence shall be chairman. In the absence of all such persons, a chairman shall be elected by the meeting, from the Members present and entitled to vote, if one is willing to act.
- (b) In the case of an equality of votes at any meeting, the chairman shall have a casting vote in addition to their individual vote.

11. **RECORD OF MEETINGS**

- (a) The Secretary of a Constituent Body shall create and maintain a record of each meeting of the Constituent Body including details of those in attendance, all resolutions and business transacted.

- (b) The Secretary of the Constituent Body shall within seven (7) days of any Annual General Meeting or any meeting resulting in a change of elected positions, provide the State Director with a record of that meeting in the form required by the State Director.

12. **STANDING ORDERS FOR THE CONDUCT OF MEETINGS**

- (1) This rule shall apply to all meetings of the Party and its Constituent Bodies.
- (2) The provisions of this rule shall be referred to as the 'Standing Orders for the Conduct of Meetings' ("Standing Orders").
- (3) For the purposes of these Standing Orders, a reference to a "Member" shall, unless the context otherwise requires, be a reference to a Member of the Party authorised by the Constitution or Rules to be present at and speak at the meeting concerned.
- (4) Meetings shall, subject to the presence of a quorum, start at the time set out on the notice and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.
- (5) If no quorum is present within thirty (30) minutes of the starting time set out on the notice, the meeting shall lapse and, subject to any resolution previously passed, the chairman shall fix the time of the next meeting. All business on the agenda of the lapsed meeting shall be included on the agenda of the next meeting and shall take precedence over new business.
- (6) At all meetings, unless otherwise resolved by a majority of the Members present at the meeting, a Member shall have the right to speak:
 - (a) once on any motion before the chairman;
 - (b) once on any amendment to the motion; and
 - (c) if the proposer of the motion, in reply, to conclude the debate.
- (7) No Member other than the proposer of a motion or an amendment shall speak to it until it has been seconded.
- (8) Any Member seconding a motion or amendment without speaking to it may reserve the right to speak to it subsequently.
- (9) A Member desiring to speak shall rise and address the chairman. If two (2) or more Members desire to address the chairman at the same time the chairman shall call upon the Member who, in the chairman's opinion, was the first to rise.
- (10) A Member, upon receiving permission from the chairman to speak, shall announce him or herself by name and, at any meeting at which is represented more than one Constituent Body, shall give the name of the Constituent Body that the Member represents or the capacity in which he or she speaks.
- (11) Any Member has the right at any time to make a personal explanation although there be no question before the chairman or, if the Member has already spoken to a motion before the chairman, to explain him or herself in regard to some material part of his or her speech which has been misquoted, misrepresented or misunderstood, but the Member shall not introduce any new matter or interrupt any Member addressing the chairman. An explanation shall not exceed two (2) minutes duration.

- (12) All motions:
 - (a) shall be duly proposed and seconded;
 - (b) once accepted by the chairman, shall be withdrawn only by leave of the meeting; and
 - (c) may be adjourned from time to time.
- (13) If required to do so by the chairman, the proposer of a motion shall submit the motion in writing.
- (14) A motion lapsing for want of a seconder shall not be recorded in the minutes.
- (15) Any Member may move to amend a motion before the chairman. If required to do so by the chairman, the proposer of an amendment shall submit the amendment in writing.
- (16) An amendment shall be seconded and if not seconded shall lapse. An amendment lapsing for want of a seconder shall not be recorded in the minutes.
- (17) Any Member who has not previously spoken on the motion before the chairman may move “that the question be now put”, the question being that the motion before the meeting be put to a vote, and thereupon the motion “that the question be now put” shall be put to the meeting without debate.
- (18) The chairman may at any time close the debate but before doing so shall give the proposer the right to reply to the debate.
- (19) Unless otherwise resolved at a meeting at which the motion is put, the proposer of a motion shall be allowed eight (8) minutes to introduce the motion and three (3) minutes to reply to the debate. Other speakers shall be limited to three (3) minutes. The meeting may by resolution passed by a majority of the Members present extend the time during which any speaker may be allowed to continue.
- (20) Before putting a motion to a vote, the chairman shall state the motion in clear and audible tones.
- (21) Subject to the provisions of this rule, a motion shall be resolved in the affirmative or negative by the Members entitled to vote declaring in audible tones “aye” or “no”;
 - (a) The chairman shall declare the motion carried or lost and in the absence of a demand for a show of hands or a ballot the chairman’s declaration shall be final and conclusive and shall be recorded in the minutes.
 - (b) The chairman or a Member entitled to speak and vote at a meeting, may demand that a motion be resolved in the affirmative or negative by a show of hands. On such demand being made Members shall indicate their vote for or against the resolution by raising a hand or standing on their place. The chairman may appoint two (2) or more persons present to assist in the counting of the votes. On the completion of the count the chairman shall declare the decision of the meeting in respect of the resolution.

- (c) The chairman or any Member entitled to speak and vote at a meeting, may demand that a motion, other than a procedural motion or a motion to suspend Standing Orders, be resolved in the affirmative or negative by ballot. On a ballot the Members entitled to speak and vote shall mark ballot papers “yes” or “no” and hand the ballot papers to persons nominated by the chairman who will be responsible for counting the votes. The chairman may appoint two (2) or more scrutineers to witness the counting of the votes. On the completion of the counting the chairman shall declare the motion carried or lost as the case may be.
 - (d) A motion which has been proposed, seconded and voted on at a meeting shall not again be proposed, debated, or voted upon at that meeting.
 - (e) A motion which has been proposed, seconded and voted on at a meeting shall not be rescinded, negated, or substantially modified at any subsequent meeting of the same body within a period of twelve (12) months from the date of that vote unless notice of any motion for such rescission, negation, or substantial modification is given not less than fourteen (14) days before the meeting at which it is proposed to introduce such a motion. Notice of the motion shall be included in the agenda for the meeting and in the notice convening the meeting.
- (22) Any proposed motion, other than a procedural motion, to be discussed at a meeting of State Council shall be in writing and a copy of the proposed motion shall be:
- (a) delivered to the State Director not less than fourteen (14) days prior to the date of the meeting; and
 - (b) forwarded to each delegate either with the notices of meeting at which the proposed motion will be discussed or so soon thereafter as may be convenient.
 - (c) A proposed motion delivered to the State Director as aforesaid but which the State Director fails to forward to delegates as required by this rule may nevertheless be moved by the proposer at the meeting.
- (23) The Members at any meeting at which these Standing Orders apply may, by a resolution of a majority of the Members at the meeting, suspend the application of part or all of these Standing Orders during the debate on any specified motion or on the discussion of any nominated subject. During the period of the suspension the conduct of the meeting shall be at the discretion of the chairman subject only to any resolution of the majority of the Members present at the meeting.

13. **VOTING**

(1) **Voting entitlements**

Save and except as otherwise provided in clause 131(g) of the Constitution and notwithstanding anything otherwise provided in the Constitution and Rules no member, delegate, proxy delegate or office-bearer whether acting personally or in some other capacity shall be entitled to cast more than one (1) vote in respect of any motion proposed, or any ballot, poll or election conducted, at any conference or meeting of the Party or its committees or at any conference or meeting of Constituent Bodies or their committees.

(2) **Motions at Meetings**

Unless otherwise provided in the Constitution or Party Rules, voting on all motions proposed at any meeting of the Party, of any Constituent Body. or any committee thereof shall be conducted in the manner set out in rule 12(21) above.

(3) **Selection Committees: Selection of Candidates for the Legislative Assembly and House of Representatives (where only one position is to be filled)**

- (a) Voting at selection committees for the selection of candidates for seats in the Legislative Assembly or House of Representatives shall be by a secret preferential ballot whereby votes are cast for all candidates in order of preference.
- (b) Votes shall be counted in the same preferential manner as used in elections under the Electoral Acts (other than elections for the Legislative Council or for the Senate) with the intention that the successful candidate shall be the one who obtains an absolute majority.
- (c) If no candidate obtains an absolute majority in the first count, the candidate with the smallest number of primary votes shall be excluded and his or her preferences shall be distributed and this process of exclusion and distribution shall be repeated until a candidate obtains an absolute majority.

(4) **Selection Committees: Selection of Candidates for the Legislative Council and Senate (where multiple positions are to be filled)**

- (a) Voting at selection committees for the selection of candidates for seats in the Legislative Council or Senate shall be by way of an exhaustive secret preferential ballot whereby votes are cast for all candidates in order of preference with successive separate ballots being conducted for each position after the exclusion of each candidate who has previously obtained an absolute majority.
- (b) Votes shall be counted in the manner prescribed by rule 13(3)(b) & (c).

(5) **Election of Office Bearers, delegates & etc: including State President; Party Treasurer; President of a Division, Branch or Constituent Body; Chairmen of Standing Committees (single position to be filled)**

- (a) The voting for the election of the State President and Party Treasurer at State Conference and the voting for the election of the President of a Division, Branch or Constituent Body and for the Chairmen of any Standing Committee and any other position where there is a single position to be filled shall be conducted by a secret preferential ballot whereby votes are cast for all candidates in order of preference.
- (b) Votes shall be counted in the manner prescribed by rule 13(3)(b) & (c).

(6) **Election of Office Bearers, delegates & etc: including State Vice-Presidents; Vice-Presidents of a Division, Branch or Constituent Body and all other positions where multiple positions are to be filled**

- (a) The voting for election of State Vice-Presidents at State Conference and the voting for the election of Vice-Presidents of a Division, Branch or Constituent Body or for any position where multiple positions are to be filled shall be conducted by a secret preferential ballot whereby votes are cast for all candidates in order of preference.
- (b) Where the number of candidates exceeds the number of positions to be filled, the numerical value of the preferential vote cast for each candidate if it exceeds the number of positions to be filled shall be counted as having the same numerical value as the number of positions to be filled, plus one.

[For example: if there are 4 positions to be filled and more than 4 candidates, a preference vote of '5' or greater is counted as '5'.]

- (c) The votes counted for each candidate, after taking into account rule 13(6) (b), shall be aggregated and the candidate with the lowest number of votes shall be the first elected, and the candidate obtaining the second lowest number of votes shall be the second elected, and so on until all positions are filled.
- (d) Where appropriate, (such as in the election of Vice-Presidents), the persons so elected shall rank in seniority in accordance with the order of their election.
- (e) Notwithstanding the provisions of this rule, a Constituent Body by a motion passed unanimously may resolve to elect delegates by a motion of appointment.

(7) **Balloting, casting votes, interviewing candidates, voting results, confidentiality**

Where ballots are conducted for the election of Office Bearers or for the election of a Member for any purpose other than the selection of candidates for Party endorsement:

- (a) where the number of nominations for a position equals or is less than the number of positions that need to be filled, those nominees shall be deemed elected and a ballot shall be held to determine the order of election;
- (b) the candidates' names shall appear on the ballot paper in such order as shall be determined by lot drawn immediately after the close of nominations;
- (c) the chairman of the meeting shall, if eligible to vote, have a deliberative vote and, in any case where there is an equality of votes, will have a casting vote;
- (d) if the meeting wishes to interview candidates then the candidates shall be interviewed by the meeting or by any sub-committee of the meeting in the order that their names appear on the ballot paper or in such other order as the meeting shall determine; and
- (e) the names of unsuccessful candidates shall be treated as confidential by Members attending a meeting at which an election is conducted.

(8) **Conduct of Election of Office Bearers at State Conference, by Liberal Women's Council (WA), Young Liberal Movement (WA Division) and WAULS**

In the case of the election for any position by the State Council, the election of Office Bearers at State Conference, or the election of Office Bearers at meetings of the Liberal Women's Council (WA), Young Liberal Movement (WA Division) and WAULS:

- (a) The State Director or a member of the Party or the Party staff nominated by the State Director shall be the Returning Officer.
- (b) The Returning Officer shall be responsible for drawing lots to determine the order of candidates on ballot papers.
- (c) The Returning Officer shall prior to the ballot brief the delegates as to the requirements for a valid vote.

(9) **Conduct of Election of Office Bearers at meetings of Divisions, Divisional Young Liberal Committee, Divisional Women's Committee and Branches**

In the case of the election of Office Bearers at meetings of Divisions, Divisional Young Liberal Committee, Divisional Women's Committee and Branches:

- (a) the President of the Constituent Body may appoint as a returning officer:

- (i) the State Director or a member of Party staff nominated by the State Director;
- (ii) a President or Vice President of any Division;
- (iii) a Life Member;
- (iv) a member of State Executive; or
- (v) a Parliamentary Member.

provided the Returning Officer is not eligible to vote at that meeting.

- (b) In the absence of any such appointment as described in rule 9(a) above, the Constituent Body shall elect a Member of the Party as a Returning Officer, provided the Returning Officer is not eligible to vote at that meeting.
- (c) The Returning Officer shall be responsible for drawing lots to determine the order of candidates on ballot papers, unless this has already been done in accordance with rule 8(f).
- (d) The Returning Officer shall prior to the ballot brief the delegates as to the requirements for a valid vote.

(10) **Scrutineers**

The Chairman may appoint two (2) or more scrutineers, and each candidate may appoint one (1) scrutineer, to witness the counting of votes cast at a ballot.

(11) **Result of Ballot**

- (a) On the completion of the counting of the votes cast at a ballot the chairman shall declare the result of the ballot.
- (b) The number of votes cast for each candidate shall not be disclosed.

14. **COMMUNICATIONS AND TIMING**

- (1) For the purpose of any communication referred to in the Constitution or Rules:

- (a) where there is a reference to a number of clear days or “at least” or “not less than” a number of days between two (2) events, in calculating that number of days both the days on which the events happen shall be excluded;

[Example: “at least 14 days” or “not less than 14 days” or “14 clear days” does not include the day of the notice and the day of the event. E.g. if a meeting occurs on a Friday and requires “at least 14 days” notice etc., then the notice must be posted, emailed or faxed by midnight two Thursdays prior to the meeting.]

- (b) where there is a reference to a number of days not expressed to be clear days or “at least” or “not less than” a number of days between two (2) events, in calculating the number of days there shall be excluded the day on which the first event happens and there shall be included the day on which the second event happens.

- (2) Any:

- (a) notice;
- (b) nomination for any office in the Party;

- (c) nomination for selection as an endorsed candidate; or
 - (d) application;
- if prepared in accordance with the Constitution or Rules may be validly delivered by post or email provided that the recipient may within reasonable time after receipt of an email request confirmation of any signature appearing thereon or the production of the original of any copy document delivered by email and if such signature is not confirmed or the original document is not produced within a reasonable time after such request the copy shall be deemed not to have been delivered.
- (3) Where a Member has not registered a valid email address with the Party, a notice is not required to be sent by post.
 - (4) A Constituent Body may choose to receive a nomination for any office in the Party by email only, provided the prescribed method for submitting a nomination is included in the notice of meeting.
 - (5) Members of the Executive of a Constituent Body and members of a Standing Committee of the State Council may participate in a meeting of the Executive or Standing Committee by means of a conference using telephone or other communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at such a meeting.
 - (6) A resolution in writing, signed by all members of the Executive of a Constituent Body or the Standing Committee of the State Council, shall be as valid as if it had been passed at a meeting. Such resolution may consist of several documents in the like form.
 - (7) In the case of Rural Constituent Bodies, meetings other than Annual General Meetings may take place by means of telecommunications provided that this in no way reduces the necessity for a quorum of members participating in the manner aforesaid.

15. **VACANCIES: OFFICE BEARERS**

(1) **State President, Vice-Presidents, Treasurer**

If the office of State President, a Party Vice-President or the Party Treasurer shall become vacant from any cause whatsoever:

- (a) The State Director shall as soon as may be convenient thereafter give written notice of such vacancy to all members of State Council provided that the inadvertent omission to give such notice to any member of State Council shall not affect the validity of the notice given.
- (b) At the State Council meeting held next after the expiration of fourteen (14) days from the giving of the notice of the vacancy the State Council shall elect a Member of the Party to fill the vacancy.
- (c) Nomination for the purpose of filling the vacancy may be made from the floor of the meeting of State Council at any time prior to the conduct of the election. Nominations must be proposed and seconded and the nominee must either personally or in writing consent to the nomination.
- (d) The voting at the election to fill a vacancy shall be conducted in the manner prescribed in rule 13(5).

(2) Chairmen of Standing Committees

If a vacancy shall occur in the office of chairman of any Standing Committee elected by the State Council:

- (a) The State Council shall at the meeting of State Council occurring next after the vacancy occurs elect a Member to fill the vacancy.
- (b) Nominations for the purpose of filling the vacancy may be made from the floor of the meeting of State Council at any time prior to the conduct of the election. Nominations must be proposed and seconded and the nominee must either personally or in writing consent to the nomination.
- (c) Voting for the election shall be conducted in the manner prescribed in rule 13(5).
- (d) A Member elected to fill a vacancy in the office of chairman of any Standing Committee shall hold office until death, retirement, expulsion, resignation or until a successor to that office of chairman is elected.
- (e) Pending the election of a chairman in accordance with this rule, the Deputy Chairman of the Committee, if any, shall act as Chairman.

(3) Members of Standing Committees

If a vacancy shall occur in the membership of any Standing Committee elected by State Council (other than the chairman):

- (a) State Council may at any time elect a Member of the Party to fill the vacancy.
- (b) Voting for the election shall be conducted in the manner prescribed in rule 13 (5).

(4) Office Bearers: Divisions

If a vacancy should occur among the Office Bearers or Delegates of a Division:

- (a) The Divisional Council may elect any eligible Member to fill the vacancy.
- (b) Any election must be included in the notice of the Divisional Council meeting.
- (c) Nominations for the purpose of filling the vacancy may be made from the floor of the meeting of the Divisional Council at any time prior to the conduct of the election. Nominations must be proposed and seconded and the nominee must either personally or in writing consent to the nomination.
- (d) The Member shall hold office until the next Divisional Conference of the Division whereat the appointment shall be confirmed or, if not so confirmed, that Divisional Conference shall elect a Member to fill the vacancy.
- (e) A Member confirmed or elected to fill a vacancy pursuant to sub-clause (d) above shall hold office until the conclusion of the Annual General Meeting next following the date on which the Member was confirmed or elected.
- (f) In the event that:
 - (i) any elected position has not been duly filled at the Annual General Meeting, or

- (ii) a Division has become entitled to additional delegate representation in forums of the Party after the Annual General Meeting at which a delegate for such position would otherwise have been elected;

such position may be filled in the same manner as if the position was a vacancy to be filled pursuant to rule 15(4).

(5) Office Bearers: Constituent Bodies

If a vacancy should occur among the Office Bearers or Delegates of a Constituent Body, other than a Division:

- (a) The Executive of the Constituent Body may elect any eligible Member to fill the vacancy.
- (b) Any election must be included in the notice of the Executive Meeting, of which seven (7) days' notice must be given.
- (c) Nominations for the purpose of filling the vacancy may be made from the floor of the Executive Meeting at any time prior to the conduct of the election. Nominations must be proposed and seconded and the nominee must either personally or in writing consent to the nomination.
- (d) The Member shall hold office until the next General Meeting of the Constituent Body whereat the appointment shall be confirmed or, if not so confirmed, that meeting shall elect a Member to fill the vacancy.
- (e) A Member confirmed or elected to fill a vacancy pursuant to sub-clause (d) above shall hold office until the conclusion of the Annual General Meeting next following the date on which the Member was confirmed or elected.
- (f) In the event that:
 - (i) any elected position has not been duly filled at the Annual General Meeting, or
 - (ii) a Constituent Body becomes entitled to additional delegate representation in forums of the Party after the Annual General Meeting at which a delegate for such position would otherwise have been elected;

such position may be filled in the same manner as if the position was a vacancy to be filled pursuant to rule 15(5).

(6) Casual vacancies where multiple positions are elected

Where a vacancy occurs in a position where multiple positions are elected, the person elected to fill the casual vacancy shall rank last in seniority amongst those previously elected.

(7) Casual vacancies: interim arrangements

- (a) In the event of a casual vacancy in the Presidency of a Constituent Body, the Vice Presidents of that Constituent Body in order of seniority shall exercise the powers of the President for the purpose of filling such casual vacancy,
- (b) In the event of a casual vacancy in the position of Secretary of a Constituent Body, the President shall exercise the powers of the Secretary for the purpose of filling such casual vacancy,

16. CONDUCT OF STATE CONFERENCE

(1) Date and Venue of the Annual State Conference

- (a) After receiving advice from the State Director as to available dates and venues, the State President shall recommend to a meeting of State Council held at least ninety (90) days prior to the recommended date, the proposed date and venue for the Annual State Conference.
- (b) The State Council may accept such recommendation or may appoint some other date or some other venue as the date and place where the Annual State Conference shall be held.

(2) Date and Venue of Special State Conferences

After receiving advice from the State Director as to available dates and venues, the State President shall appoint the date and venue for any Special State Conference.

(3) Notices of Conferences

The State Director shall give notice of a State Conference in accordance with clauses 54 and 55 of the Constitution provided that where a Constituent Body has failed to notify the State Director of the name of any of its delegates to State Conference the State Director shall not be obliged to give notice of the State Conference to any such delegate but shall, if possible, give notice to the secretary of that Constituent Body.

(4) The Enrolment Date

The number of delegates each Constituent Body is entitled to appoint to State Conferences in accordance with the Constitution shall be determined as at a date thirty (30) clear days prior to the date of commencement of the State Conference ("the Enrolment Date").

(5) Enrolment of Delegates

- (a) Delegates of a Constituent Body shall be the delegates recorded on the Register of Members maintained by the State Director and current at the Enrolment Date, subject to such delegates being so qualified at the Enrolment Date.
- (b) A Constituent Body that has failed to notify the State Director of any update to its office bearers or delegates prior to the Enrolment Date may provide such an update to the Director within seven (7) days after the Enrolment Date;
- (c) At the request of any Constituent Body the State Management Executive may at its discretion extend the time within which an update of office bearers or delegates may be provided to the State Director.

(6) Accreditation & Register

- (a) The State Director shall forthwith after the expiration of seven (7) days from the Enrolment Date prepare an accreditation register of all delegates and other persons entitled to attend State Conference setting out their names, addresses and the Constituent Body which each delegate is to represent. The State Director shall not include on the accreditation register any delegate who is not entitled to be a delegate by reason of non-compliance with the Constitution or Rules.
- (b) A Constituent Body which fails to meet the requirements of the Constitution and Rules shall not be entitled to representation at or appoint delegates to State Conference.
- (c) The State Director shall as soon as may be convenient after preparing the accreditation register give notice to any Constituent Body and any delegate whose application for registration has been rejected advising of such rejection and the reason for that rejection.
- (d) Any Constituent Body and any delegate whose application to be included in the accreditation register has been rejected may within seven (7) days after such rejection appeal in writing to the Constitutional and Drafting Committee.
- (e) Each proxy for a delegate or a Constituent Body shall before being entitled to exercise his or her rights as a proxy produce to the State Director his or her written appointment as proxy prepared and signed in accordance with the provisions of the Constitution and Rules.
- (f) To be entitled to attend and cast a vote at State Conference, a delegate, proxy or other person entitled to attend the State Conference must personally sign the State Director's Conference attendance register.
- (g) For any person seeking to attend the State Conference as a delegate or proxy:
 - (i) If the person is refused registration by reason of any alleged defect in his or her qualifications or appointment, he or she may request the State Director to refer the matter to the Constitutional and Drafting Committee.
 - (ii) Upon receipt of such request the State Director shall provide to the Constitutional and Drafting Committee all information relating to the matter and the Committee, after considering such information and after hearing any submissions which the State Director or the refused person may wish to make, shall determine whether the person is entitled to registration as a delegate or as a proxy or as the case may be.
- (h) A State Conference having been duly called to meet at a specific time and place, in the event of a duly accredited and registered quorum being present at that time and place the meeting should proceed unless those present decide by majority to adjourn it. Other than in these circumstances the Conference should proceed whether or not one or more persons seeking accreditation and registration have been unable to obtain registration or accreditation.

(7) Agenda and Conference Papers

- (a) State Management Executive shall be responsible for the preparation of the Conference agenda provided that the Policy Committee shall decide the order of policy motions.

- (b) The State Director shall deliver, post or transmit to all delegates on the register and all other persons entitled to attend a State Conference copies of the agenda, previous minute, motions and all other information relating to the Conference as may be appropriate as soon as may be convenient prior to the commencement of the State Conference or as otherwise specified by the Constitution.

(8) **Organisation and Management**

Subject to the Constitution and these Rules the organisation and management of a State Conference shall be the responsibility of the State Director.

PART III – PUBLICATIONS & COMMENTS

17. PRESS AND PUBLIC STATEMENTS

- (1) No person may speak in the name of, or on behalf of, the Party or any Constituent Body except the State Director, State President or by the State President's authority.
- (2) State Council, State Executive or State Management Executive may direct the State President to make a statement on behalf of the Party.
- (3) A Standing Committee, Division, Branch or other Constituent Body may ask the State President to make a statement on behalf of the Party.
- (4) Members may express their views in public or in the press or media, but shall not express views on Party matters in public or in the press or media.
- (5) Members shall not unless duly authorised to do so represent, expressly or impliedly, that their comments or views are those of the Party or any Constituent Body.

18. ADVERTISEMENTS AND PUBLICATIONS TO BE APPROVED

- (1) No Member may publish an advertisement, article, book, magazine, journal or other publication which in any way purports to be a publication authorised or approved by the Party or any Constituent Body of the Party unless such publication has been first approved by the State Director or the State Director's nominee.
- (2) For the purposes of this rule, the State Director may appoint such person or persons as he or she shall see fit for the purpose of considering and, if thought fit, approving publication.

19. ELECTIONEERING STATEMENTS AND PROMOTIONAL MATERIAL

- (1) No Member or person may publish any electioneering statements or election promotional material which purports to be on behalf of, or in the name of the Party, or otherwise acknowledges an association with the Party except in accordance with the authority of the State Director.
- (2) All electioneering statements and election promotional material shall prior to publication or release be submitted to the State Director or the State Director's nominee for the purpose of approval and authorisation and no such statements or promotional material shall be published, distributed or otherwise used unless it has been approved by the State Director or the State Director's nominee.
- (3) Electioneering statements and election promotional material shall be submitted in sufficient time to permit changes to be made if such be the condition of approval.
- (4) The State Director may appoint another person to act on his or her behalf for the purposes of this Rule.

20. DEFAMATORY STATEMENTS

- (1) No Member shall make public or cause to be published any defamatory statement about any person or corporation.

- (2) If a Member makes public or causes to be published any defamatory statement, the Member shall be personally responsible for the payment of any damages and costs awarded by a court in respect of those statements and such Member shall indemnify and keep indemnified the Party against all such damages and costs provided that where damages or costs are awarded against a Member in respect of a defamatory statement which a Member has made as a result of or at the direction of the Party, an office-bearer of the Party or a Parliamentary Section, the State Executive may at its discretion make an ex gratia payment to the Member of the whole or part of the damages or costs awarded against the Member.

PART IV – DIVISIONAL & BRANCH BOUNDARIES**21. RE-DISTRIBUTION OF ELECTORAL BOUNDARIES**

- (1) For the purposes of this rule:
 - (a) “Previous Division” means a properly constituted Division which existed immediately prior to a re-distribution of Federal Electoral Divisions.
 - (b) An “Amended Division” means a Division which comes into existence after a re-distribution of Federal Electoral Divisions and in which the number of Branches formerly in a Previous Division included in an Amended Division is more than half the total number of Branches in the Amended Division.
 - (c) A “New Division” means a Division which comes into existence after a re-distribution of Federal Electoral Divisions and which is not a Previous or an Amended Division.
- (2) Upon being informed of new Federal Electorate Divisions or boundaries pursuant to any re-distribution under Federal Electoral laws the State Director or the State Director’s nominee shall prepare a report in which he or she will:
 - (a) identify the geographic boundaries and name of each Federal Electorate Division as it will be after the re-distribution becomes law;
 - (b) identify each Branch which in his or her opinion and in accordance with the Constitution should be included in each New or Amended Division which will be created as a result of the re-distribution;
 - (c) estimate the numbers of Members in each New or Amended Division;
 - (d) identify the geographic boundaries of each Branch within the New or Amended Division and provide recommendations for the State Executive to exercise its powers pursuant to clause 28;
 - (e) identify any other matter which he or she may consider relevant.
- (3) The State Director or the State Director’s nominee shall forthwith upon completion of his or her report advise the President of each Previous Division and of each Branch how the proposed re-distribution will affect their respective Divisions or Branches, as the case may be (“advice of re-distribution”).
- (4)
 - (a) Any Branch may within twenty-one (21) days after the State Director’s advice of re-distribution by notice in writing to the State Director object to the proposed allocation of Branches to the New or Amended Divisions, including the grounds for objection.
 - (b) All objections shall be submitted to the meeting of State Executive next occurring after the receipt of such objection and the State Executive shall consider and either overrule or uphold the objection.
 - (c) State Executive shall, at the meeting at which it determines objections or as soon as practicable thereafter, set a date or dates by which any inaugural Annual General Meeting for New or Amended Divisions shall be held (“the transition date”).

- (5) Upon the identification of each proposed New or Amended Divisions and the Branches to be included in each New and Amended Divisions, and after any objections under rule 21(4) have been determined, each New or Amended Division shall as soon as may be convenient and in any event prior to the transition date hold an inaugural Annual General Meeting and in respect of which not less than fourteen (14) days' written notice shall be given to the Branches within the New or Amended Division in respect of which the notice is given and to all other persons entitled to attend that meeting.
- (6) In the case of New or Amended Divisions the notices convening the inaugural Annual General Meetings of those Divisions shall be issued by the State Director or the State Director's nominee after reasonable consultation.
- (7) The persons entitled to attend speak and vote at an inaugural Annual General Meeting of a New or Amended Division shall be:
 - (a) any President, Vice-President, Secretary, Treasurer or delegate to State Council of any Division who is a Member of a Branch within the New or Amended Division;
 - (b) those Members who are duly elected delegates to Divisional Conferences from within the New or Amended Division.
 - (c) Any President of a Divisional Women's Committee or Divisional Young Liberal Committee of any Division who is a member of a Branch within the New or Amended Division.
- (8) All Parliamentary Members whether Federal or State and whose electorates in whole or in part fall within the New or Amended Division shall have the right to attend and speak but not vote at an inaugural Annual General Meeting of a New or Amended Division and to receive notices of such meetings.
- (9) The chairman for the whole of the inaugural Annual General Meeting shall in the case of a New or Amended Division be the State President, the State Director or the State Director's nominee.
- (10)
 - (a) The business of an inaugural Annual General Meeting shall be limited to the election of Office Bearers for the New or Amended Division and matters associated with those elections.
 - (b) An inaugural Annual General Meeting shall be deemed to be the Annual General Meeting of a Division for the fiscal year in which it is held. All other general meetings of Divisions held in the same fiscal year of the inaugural Annual General Meeting shall be special general meetings.
- (11) On and from the transition date set by State Executive:
 - (a) Each New or Amended Division shall come into being;
 - (b) The Office Bearers elected at the inaugural annual general meeting of a New or Amended Division shall assume office;
 - (c) Each Previous Division shall cease to exist; and
 - (d) Subject to rule 21(12), the Office Bearers of any Previous Division shall cease to hold office.

- (12) In the case of an Amended Division which remains comprised of the same Branches as before the re-distribution, there is no requirement to hold an inaugural Annual General Meeting and the Division and its Office Bearers shall continue unaffected by the re-distribution.
- (13)
- (a) If required to do so by the State Director, the Divisional Executive of a Previous Division shall immediately, and prior to the transition date, prepare a statement of assets and liabilities of that Division setting out all assets and liabilities of the Division, details of Branches, money orders, bank accounts and all other required information and forward a copy of such statement to the State Director for the purpose of preparing a plan for the distribution of the assets and liabilities of that Division to an appropriate New or Amended Division or Divisions.
 - (b) The State Director shall, in consultation with the Presidents of relevant Previous, New and Amended Divisions, prepare a plan for the distribution of the assets and liabilities of those Previous Divisions to a relevant New or Amended Division or Divisions, and shall refer any dispute arising as to such distribution to State Executive for it to resolve.
- (14) Upon being informed of alterations to seats in the Legislative Assembly or boundaries pursuant to any re-distribution under State Electoral laws the State Director or the State Director's nominee may prepare a report, if in his or her opinion, it is required, for the State Executive, which:
- (a) identifies the geographic boundaries and name of each Legislative Assembly seat as it will be after the re-distribution becomes law;
 - (b) identifies the geographic boundaries and name of each Branch within the geographic boundaries of each Legislative Assembly seat;
 - (c) provides recommendations for the State Executive to exercise its powers pursuant to clause 28.
 - (d) identifies any other matter which he or she may consider relevant.

PART V – STANDING COMMITTEES

22. COMPOSITION

- (1) The Membership of Standing Committees shall be as follows:
- (a) **The Finance Committee**
The chairman elected by State Council and such other Members as the chairman of the Finance Committee shall appoint.
 - (b) **The Policy Committee**
The chairman and seven (7) Members elected by State Council, three (3) Members elected by the State Parliamentary Section, three (3) Members elected by the Federal Parliamentary Section, one (1) Member elected by the Liberal Women's Council (WA), the Policy Director of the Young Liberal Movement and the chairman of the Regional and Rural Committee.
 - (c) **The Regional and Rural Committee**
The chairman and seven (7) Members elected by State Council.

- (d) **The Membership Services Committee**
- The chairman, seven (7) Members elected by State Council and the Membership and Marketing Director of the Young Liberal Movement.
- (e) **The Marketing and Promotion Committee**
- The chairman and seven (7) Members elected by State Council.
- (f) **The Candidate Selection Committee**
- The chairman elected by State Council and two (2) deputy chairmen also elected by State Council. The other members of the Committee shall be selected by the State Director to the number prescribed by and in accordance with clause 113 of the Constitution and in a random manner. The chairman of the Selection Committee may nominate any one of the two (2) deputy chairmen to act as chairman of any particular Selection Committee established under clause 113 of the Constitution.
- (g) **The Campaign Committee**
- The chairman elected by State Council and the following members:
- (1) The State President or the State President's nominee;
 - (2) The Leader of the State Parliamentary Section or the Leader's nominee;
 - (3) The Leader of the Western Australian Federal Parliamentary Section or the Leader's nominee;
 - (4) Two (2) persons nominated by the State President in consultation with the chairman of the Campaign Committee;
 - (5) One (1) member of the Western Australian Federal Parliamentary Section nominated by the Leader of the Western Australian Federal Parliamentary Section;
 - (6) One (1) member of the State Parliamentary Section nominated by the Leader of the State Parliamentary Section; and
 - (7) The State Director.
- (h) **The Constitutional and Drafting Committee**
- The chairman and three (3) Members elected by State Council. The chairman and at least two (2) Members of the Constitutional and Drafting Committee shall be qualified legal practitioners.
- (i) **The Appeals and Disciplinary Committee**
- The Chairman shall be the Chairman of the Constitutional and Drafting Committee and the Committee shall comprise of seven (7) Members, including the Chairman, being four (4) Members from the Members elected to the Constitutional and Drafting Committee and three (3) Members to be appointed by the State Executive.
- (2) Except in the case of the Candidate Selection Committee and the Appeals and Disciplinary Committee, each Standing Committee shall appoint, at its first meeting following its election, a member of that Standing Committee to be its Deputy Chairman. The Deputy Chairman of the Constitutional and Drafting Committee will be deemed to be the Deputy Chairman of the Appeals and Disciplinary Committee.

23. **ROLE AND FUNCTION**

(1) **The Finance Committee** shall:

- (a) raise funds for the purposes of the Party;
- (b) co-ordinate and control all fund raising within the Party; and
- (c) assist with the preparation of the annual Party budget.

(2) **The Policy Committee** shall:

- (a) formulate the policies of the Party and keep them under constant review;
- (b) make recommendations to State Council for alteration or variation of the policies of the Party or any additions thereto; and
- (c) consult with the Leaders of the Parliamentary Sections in respect of all policy matters.

(3) **The Regional and Rural Committee** shall:

- (a) formulate all rural policies of the Party and keep them under constant review;
- (b) make recommendations to the Policy Committee for changes to the rural policies of the Party;
- (c) consult with the Policy Committee on rural policy matters; and
- (d) consult with the Leaders of the Parliamentary Sections on rural policy matters.

(4) **The Membership Services Committee** shall:

- (a) advise the State Management Executive on achievable targets for membership growth for inclusion in the Party's forward planning;
- (b) develop recruiting techniques to enable the Party's forward plans to be achieved;
- (c) develop programmes to make membership of the Party stimulating, meaningful and challenging;
- (d) develop new opportunities to involve non-Members in Party activities and promote the Party's objectives;
- (e) create and implement development programmes for Party office bearers, including a better understanding of their powers, duties and responsibilities;
- (f) establish a system of performance awards designed to stimulate and encourage achievement at Branch and Divisional level; and
- (g) develop and implement strategies to liaise with interest groups outside the Party.

(5) **The Marketing and Promotion Committee** shall:

- (a) develop and propose co-ordinated strategies to build relationships between the Party, its Parliamentary sections and Western Australia's communities

of interest;

- (b) co-ordinate and direct the implementation of the approved community engagement strategies;
 - (c) co-ordinate the Party's participation in events with Western Australia's community;
 - (d) develop and deliver a budget to fund the implementation of community engagement activities; and
 - (e) monitor results of community engagement activities.
- (6) **The Candidate Selection Committee** shall:
- (a) conduct the selection of candidates for recommendation to State Council for Party endorsement in accordance with the provisions of the Constitution.
- (7) **The Campaign Committee** shall:
- (a) co-ordinate all campaign activity;
 - (b) encourage the establishment of campaign committees in each Federal and State Electoral District, and once established to encourage, stimulate and assist the Committees to work actively;
 - (c) establish in conjunction with the State Management Executive a co-ordinated action plan for the period leading to an election; and
 - (d) encourage, stimulate and monitor the progress of electorate campaign committees.
- Closer to an election, the Campaign Committee shall:
- (e) report to the State Management Executive on the human and financial resources it considers necessary to assist nominated electorate campaigns; and
 - (f) co-ordinate and where appropriate standardise publishing, advertising and any other activity likely to provide financial benefits to the Party and its campaigns.

During the election campaign proper, with the assistance of and in co-operation with Parliamentary leaders, the Campaign Committee shall:

- (g) manage and campaign throughout the State;

After an election the Campaign Committee shall:

- (h) seek a report on the conduct of each electorate campaign;
- (i) report to State Executive such shortcomings as may be evident and to develop plans for overcoming them;
- (j) actively seek and promote the search for suitable candidates for future elections;

- (k) arrange candidate schools on a regular and self-financing basis, to provide detailed intensive training in Liberal philosophy and Liberal policies, politics, public speaking, media performance, personality development, grooming and personal image;
 - (l) establish a system of professional evaluation of candidates; and
 - (m) provide for the training of selected candidates.
- (8) **The Constitutional and Drafting Committee**
- (a) The Constitutional and Drafting Committee shall:
 - (i) maintain the Constitution and Rules of the Party under constant review;
 - (ii) recommend such amendments to the Constitution and Rules as the Committee considers necessary to clarify the meaning of the Constitution or to facilitate the operations of the Party and its Constituent Bodies;
 - (iii) at the request of State Council, State Executive, State Management Executive, the State President, Divisional Council or any Constituent Body or the State Director, give opinions, advice, rulings and make determinations as to the interpretation of any particular point or points of the Constitution or Rules or the application of the Constitution or Rules in given circumstances; and
 - (iv) at the request of any Member of the Party, give rulings and make determinations as to the application of the Constitution or Rules in given circumstances.
 - (b) All requests to the Committee for opinions, advices, rulings and determinations shall be made through the State Director.
 - (c) The Committee's opinions, advices, rulings and determinations shall be set out either in writing or as a resolution in the Minutes of the meetings of the Committee, copies of which shall be kept by the State Director who shall maintain a record thereof and who shall notify the Constituent Body which made the request of the Committee's opinion, advice, ruling or determination.
 - (d) Until an opinion, ruling, or determination of the Committee is overruled by State Council, or by a revised opinion, ruling, or determination of the Committee, the Party, its Constituent Body, Members and staff shall interpret the Constitution and Rules and act in accordance with that opinion, ruling, or determination.
 - (e) State Council, State Executive or State Management Executive may seek an opinion of Senior Counsel or Queen's Counsel on any matter on which the Committee has given an opinion provided that the brief to counsel for such opinion shall be prepared by the Committee.
 - (f) The Committee's opinions, advices, rulings and determinations may be given by a majority of its members and in the case of equality of voting the chairman shall have a casting vote.
 - (g) The State Director or the State Director's nominee shall be secretary to the Committee and shall be responsible for the recording of the Minutes of meetings and decisions of the Committee.

- (h) Requests for access to or copies of the Committee's decisions or written reasons for decisions shall be made in writing to the State Director, who shall refer the request to the next meeting of State Council for its consideration and decision. State Council may allow access to, or release copies of, all or part of any decision or written reasons for a decision to any Member or class of Member to such an extent and upon such conditions as it may think proper. State Council need not give reasons for granting or refusing to grant access or copies.
- (9) **The Appeals and Disciplinary Committee**
- (a) The Appeals and Disciplinary Committee shall:
 - (i) hear and adjudicate on any appeal under clause 128 of the Constitution and on any disciplinary matter under clause 19 of the Constitution; and
 - (ii) carry out such other duties as from time to time required by State Management Executive, State Executive or State Council.
 - (b) The State Director or the State Director's nominee shall be secretary to the Committee and shall be responsible for the recording of the Minutes of meetings and decisions of the Committee.
 - (c) The Committee's opinions, advices, rulings and determinations may be given by a majority of its Members and in the case of equality of voting the chairman shall have a casting vote.
 - (d) The Committee's opinions, advices, rulings and determinations shall be set out either in writing or as a resolution in the Minutes of the meetings of the Committee. Copies of all opinions, advices, rulings and determinations shall be given to the State Director who shall maintain a record thereof and shall notify the parties to proceedings before the Committee of the results of those proceedings.
 - (e) The Appeals and Disciplinary Committee shall make procedural rules for the conduct of Appeals and Disciplinary hearings and such rules and any amendments shall be tabled at the next following meeting of State Council, and further the State Director shall cause these rules to be distributed to all Branches and Divisions after they have been tabled at State Council.

- (f) Requests for access to or copies of the Committee's decisions or written reasons for decisions shall be made in writing to the State Director, who shall refer the request to the next meeting of State Council for its consideration and decision. State Council may allow access to, or release copies of, all or part of any decision or written reasons for a decision to any Member or class of Member to such an extent and upon such conditions as it may think proper. State Council need not give reasons for granting or refusing to grant access or copies.

24. ELECTORATE CAMPAIGN COMMITTEES

- (1) The Campaign Committee may recommend for State Executive approval the establishment of an Electorate Campaign Committee in any Legislative Council Region, Legislative Assembly District, or House of Representatives Electorate and such recommendation may include the proposed membership of the relevant Electorate Campaign Committee.
- (2) State Executive may establish an Electorate Campaign Committee in any Legislative Council Region, Legislative Assembly District, or House of Representatives Electorate.
- (3) State Executive may delegate the power to establish an Electorate Campaign Committee pursuant to Party Rule 24(2) to the Campaign Committee.
- (4) The purpose of the Electorate Campaign Committee shall be to mount a continuous campaign in preparation for the next election to be held in that Electorate.
- (5) The Campaign Committee may recommend for State Executive approval, rules prescribing the role, responsibilities and powers of any Electorate Campaign Committee.
- (6) State Executive may make rules prescribing the role, responsibilities and powers of any Electorate Campaign Committee it establishes.
- (7) Electorate Campaign Committees are subject to the financial governance obligations and responsibilities prescribed for Constituent Bodies.
- (8) State Executive may alter the membership of any Electorate Campaign Committee at any time.
- (9) State Executive may delegate the power to alter the membership of any Electorate Campaign Committee pursuant to Party Rule 24(8) to the Campaign Committee.

PART VI – FINANCIAL GOVERNANCE

25. PARTY BANK ACCOUNTS

(1) **Special definitions**

For the purposes of this Part –

“bank account” means an account in such bank or financial institution approved from time to time by the State Executive;

“Constituent Body” in addition to the meaning it bears in the Constitution, includes any Electorate Campaign Committee, election or other campaign conducted by or for the Party or by or for any candidate for election;

“Party funds” means any funds held or raised by or for the purposes of the Party, including but not limited to funds for any election or other campaign conducted by the Party, or by or for any Constituent Body, or by or for any candidate for election or Member of Parliament.

(2) **Party funds to be deposited and held in bank accounts**

All Party funds received or held by the party including Constituent Bodies shall be deposited into a bank account within a reasonable time after receipt of those funds.

(3) **Bank accounts to be approved**

Any person, Member, Constituent Body or Electorate Campaign Committee requiring a bank account for Party funds must apply to the State Director for approval.

(5) **Accounts to be opened by State Director & Treasurer; authorities**

Bank accounts for Party funds may only be opened by the State Director and Treasurer of the Party, who shall be the authorities for the account and shall notify the bank or financial institution, as necessary, of any change to the signatories to the account. The name “Liberal Party of Australia (WA Division) Inc.” shall be included in the name or style of all such accounts.

(6) **Signatories**

A person may not be a signatory to a bank account holding Party funds unless he or she is a Member.

(7) **Two signatories to authorise payment**

Any payment from a bank account shall require 2 signatories to sign or authorise such payment.

(8) Changing signatories

- (a) State Executive may, in case of necessity, instruct the State Director to nominate one (1) or more fresh signatories to or remove existing signatories from a bank account.
- (b) In the case of a bank account opened for a constituent body, “necessity” includes circumstances where the constituent body is dormant or inoperative.
- (c) In the case of a bank account opened for an election or other campaign, “necessity” includes circumstances where the election has been held or campaign is concluded.
- (d) In the case of any bank account, “necessity” includes circumstances where a signatory to a bank account cannot be located or is no longer a Member of the Party or the signatory or constituent body or person for whose benefit the account was opened is in breach of the Constitution or Rules of the Party.

(9) State Director to identify accounts

- (a) Each Constituent Body shall annually and not later than 31 August, and from time to time on request by State Executive, advise the State Director of the style of each of its bank accounts and the name of the bank or financial institution at which each account is kept and the balance held in that account together with interest and charges over the period stipulated in the request.
- (b) If a Constituent Body shall fail to comply with such request within ten (10) days of the date appointed by State Executive or from the date of the request, as the case may be, the State Director is hereby authorised by the Constituent Body to obtain the information sought direct from the bank or financial institution at which the account is kept.
- (c) The State Director may take such steps as shall be necessary to identify bank accounts for Party funds that do not conform to the requirements of the Constitution and Rules and bring them into conformity with the Constitution and Rules and the authority and signatory requirements of this rule.

26. ACCOUNTING RECORDS**(1) Accounting Records**

A Constituent Body shall keep or cause to be kept full and complete records relating to all moneys held received or expended by the Constituent Body in such form as may from time to time be prescribed by State Executive.

(2) Reconciliation of Bank Accounts

The accounts shall be reconciled against the banking and other accounts of the Constituent Body at the end of each calendar month.

(3) Divisions: Audit ofAccounts

In the event that a bank account is operated by a Division, the accounts of the Division shall be audited by the end of the August following the end of each Financial Year.

(4) Divisions: Audit Report

The annual accounts of the Division and the audit report of the auditor shall be submitted to the Divisional Council at the meeting of that Council occurring next after the date the auditor signs his report.

(5) Divisions: Audit Report to State Director

Divisions shall forward a copy of their annual accounts and a copy of their auditor's report to the State Director by the end of the August following the end of each Financial Year.

(6) Constituent Bodies: Reports to State Director

A Constituent Body shall, at such intervals as State Executive may from time to time prescribe, send financial reports to the State Director and to the Council of the Division in which it is situate.

27. FINANCE**(1) Limitation ofExpenditure**

- (a) A Constituent Body may not incur any expenditure or any liability, not of a purely administrative nature, exceeding such sum as may from time to time be specified by State Executive, nor shall a Constituent Body enter into any lease of any vehicles plant or equipment valued at more than the amount specified by State Executive without the consent of the State Executive or unless the payment of the liability or the performance of the lease agreements have been personally guaranteed by not less than three (3) Members of the Constituent Body.
- (b) A Constituent Body may not pledge the credit of the Party or a Division without the written consent and approval of the State Director.
- (c) A Constituent Body may not either directly, or through reimbursement, pay the Annual Membership Subscription of any Member or applicant for Ordinary Membership.

(2) State Executive may provide funds

The State Executive may from time to time grant to any Constituent Body such sum or sums of money as it may think fit to enable the same to carry out its functions and duties or any particular matter or thing.

(3) Financial Default: Report to, and Investigation by, State Director

If a Constituent Body experiences difficulty in paying its debts or suffers a summons to be issued against it for the payment of money or fails to satisfy any judgment or its cheques are dishonoured by its banker, the President of the Constituent Body shall forthwith give notice thereof to the State Director who shall immediately after receiving such notice carry out an investigation of the financial affairs of the Constituent Body and make a report of his or her investigations and findings to the Management Executive.

(4) Financial Default: Powers of the State Director

For the purpose of carrying out his or her investigation the State Director shall have full power and authority to inspect all the books and records of the Constituent Body and interview all Office Bearers and staff of the Constituent Body, and such Office Bearers and staff are obliged to render any assistance to the State Director that the State Director may require.

(5) Financial Default: Recommendation by State Management Executive

Upon receipt of the State Director's report, the State Management Executive may recommend to the State Executive such action, if any, that the State Management Executive thinks appropriate; including that a manager be appointed to manage the financial affairs of the Constituent Body until its financial affairs are, in the opinion of the State Executive, restored to a satisfactory condition.

(6) Financial Default: State Executive to Act

On receipt of the State Management Executive's recommendations, the State Executive shall take such action, if any, as it may deem appropriate in the circumstances.

(7) Financial Responsibility of Constituent Bodies

A Constituent Body shall bear financial responsibility for all damages which may be awarded against the Party by reason of any act or thing done or suffered by the Constituent Body or by any of its Office Bearers in the conduct of its affairs; including, but without limiting the generality of the foregoing, public risk liabilities and defamation liabilities.

(8) Payment to Members of State Management Executive

(a) subject to rules 27(8)(b), the Party (including any Constituent Body) must not make any payment to any Member of the State Management Executive unless the payment is authorized by resolution of the State Conference.

(b) Party Rule 27(8)(a) does not apply to payment to a Member of the State Management Executive for out of pocket expenses for travel and accommodation in connection with the performance of the Member's function on State Management Executive.

28. TAXATION**(1) Report on Taxable Income**

A Constituent Body shall, not later than 31 August each year, give to the State Director a full statement of all taxable income received by the Constituent Body during the preceding financial year.

(2) Payment of Tax

Together with such notice as described in rule 28(1), the Constituent Body shall pay to the Party in such manner as may be instructed by the State Director an amount equal to the company rate of income tax applied to the taxable income of the Constituent Body.

PART VII – MEMBERSHIP

29. FURTHER CLASSES OF MEMBERSHIP PURSUANT TO CLAUSE 14 OF THE CONSTITUTION

Honoured Friends of the Party

- (1) State Council may elect by a resolution of 75% of those present and voting a person to be known as an “Honoured Friend of the Party”.
- (2) Such resolution may be proposed at State Council without notice by the President or the President’s nominee after approval of the proposal by the State Management Executive.
- (3) Not more than five (5) Honoured Friends of the Party shall be elected in any calendar year.
- (4) An Honoured Friend of the Party shall be elected to such category of membership as a mark of recognition, honour and respect for his or her support to the Party.
- (5) An Honoured Friend of the Party need not hold any other category of membership of the Party.
- (6) An Honoured Friend of the Party shall not be entitled (unless an otherwise qualified Member of the Party) to vote or hold office in any organisation of the Party.
- (7) Each Honoured Friend of the Party shall be invited as a guest to attend the Annual State Conference of the Party and other such conferences and councils as may be decided upon from time to time and shall be given due recognition there at.

30. MEMBERSHIP REGISTER – PARLIAMENTARY SECTIONS

- (1) The State Director shall have the authority to provide to the Leader of the Western Australian Federal Parliamentary Section and the Leader of the State Parliamentary Section the names of Branch and Divisional Office Bearers of the Party upon request by the respective Leaders. For the purposes of this clause, the Branch and Divisional Office Bearers of the Party shall be the President, Vice-Presidents, Secretary and Treasurer of the Branches and Divisions of the Party.

31. MEMBERSHIP REGISTER – OFFICE BEARERS

- (1) The President, Secretary and Treasurer of a Constituent Body are the only members who will be provided with access to the relevant section of the Register of Members and list of Presidents as it relates to that Constituent Body, provided that they:
 - (a) agree only to use that section of the Register of Members for a purpose connected with the affairs of that Constituent Body; and
 - (b) agree not to provide the Register of Members to any third party, except where required to send communications related to the affairs of the Constituent Body directly to those members via post and email.
- (2) The Chair and Campaign Manager of an Electorate Campaign Committee for the House of Representatives or Legislative Assembly may be provided with the relevant section of the Register of Members, as it relates to the Branch or Division in which their campaign is geographically located, provided that:
 - (a) the Chair or Campaign Manager of an Electorate Campaign Committee makes an application to the State Director, or State Director’s nominee, for a copy

-
- of the relevant section of the Register of Members, which agrees to the following;
- (i) they are only to use that section of the Register of Members for a purpose directly related to the affairs of that campaign;
 - (ii) they are only able to provide that section of the Register of Members to another member of the Electorate Campaign Committee for a purpose directly related to the affairs of that campaign;
 - (iii) the Register of Members will not be provided to any third party, except where required to send communications related to the affairs of that campaign directly to those members via post and email; and
 - (iv) all persons provided with access to that section of the Register of Members will provide a written declaration to the State Director, or State Director's nominee, within seven (7) days of the abolition of the Electorate Campaign Committee by State Executive confirming it has been deleted or destroyed, or in the event that an Electorate Campaign Committee is not abolished by the State Executive, within fourteen (14) days of polling day.
- (b) The Register of Members shall only contain the following information:
- (i) Member's Name
 - (ii) Member's Contact Details

PART VIII – MISCELLANEOUS APPEALS PROCEDURES

32. APPEALS TO STATE COUNCIL FROM THE APPEALS AND DISCIPLINARY COMMITTEE

- (1) A Member who pursuant to clause 19(b) of the Constitution wishes to oppose a recommendation by the Appeals & Disciplinary Committee that he or she be censured, suspended, or expelled (“the Appellant”) shall give written notice to that effect to the State Director, along with the grounds upon which the Member bases his or her objection.
- (2) The Appellant’s written notice shall identify:
 - (a) any findings of fact by the Appeals and Disciplinary Committee that the Appellant disputes;
 - (b) any ruling upon or interpretation of the Constitution or Rules by the Appeals and Disciplinary Committee relevant to the Committee’s consideration of the case that the Appellant contends is wrong;
 - (c) any other considerations the Appellant thinks relevant.
- (3) The Appellant may attend before State Council either alone or with his or her solicitor or counsel and he or she shall be allowed one (1) hour to make such submission to the State Council as the Appellant may wish.
- (4) The State Director or a representative of the Appeals and Disciplinary Committee who was present at the hearing before that Committee shall report to State Council the facts and circumstances taken into account by the Committee at the hearing of the matter.
- (5) The State Council or its members may ask such questions of the Appellant as shall be relevant and reasonable in the circumstances.
- (6) After hearing the Appellant’s objection, State Council may:
 - (a) adjourn the hearing of the objection to another date;
 - (b) dismiss the objection, and either impose upon the Appellant the penalty recommended by the Appeals and Disciplinary Committee or any other penalty State Council thinks proper;
 - (c) uphold the objection;
 - (d) refer the case back to the Appeals and Disciplinary Committee for re-hearing;
or
 - (e) take such other action as State Council in its discretion thinks proper.

33. TIME LIMITATION ON LODGING APPEAL

Subject to clause 19 and clause 128, an appeal on any matter including but not limited to appeals against the validity or not of the meetings of Constituent Bodies or the validity of the election of office bearers (including delegates), shall be lodged with the State Director within ten (10) clear days of the date of the meeting or event.

APPEALS AND DISCIPLINARY COMMITTEE PROCEDURE RULES 2006

TABLED AT STATE COUNCIL 13 APRIL 2006

UPDATED 2018, 2023

APPEALS AND DISCIPLINARY COMMITTEE PROCEDURE RULES 2006

PART I – GENERAL

1. **NAME**

These Rules may be referred to as the “Appeal and Disciplinary Committee Procedure Rules 2006”.

2. **REVOCATION AND ENACTMENT**

The Rules of the Appeals and Disciplinary Committee approved on 17 May 1997 are revoked.

3. **DEFINITIONS**

In these Rules –

“Advocate”	means a member appointed pursuant to rule 7 of these Rules;
“Appeal”	means an appeal pursuant to clause 128 of the Constitution and rule 20 of these Rules;
“Appellant”	means a candidate appealing pursuant to clause 128 of the Constitution;
“authorised officer”	means, for the purposes of a complaint pursuant to clause 19 of the Constitution, a person referred to in rule 8 of these Rules;
“Chairman”	means, unless the context otherwise requires, the Chairman of the Appeals & Disciplinary Committee;
“Committee”	means, unless the context otherwise requires, the Appeals and Disciplinary Committee;
“Complainant”	means a constituent body, the State Executive, the State Management Executive or the State Council, or the Member making a complaint pursuant to clause 19 of the Constitution and rule 5 of these Rules;
“complaint”	means a complaint pursuant to clause 19 of the Constitution and rule 5 of these Rules;
“National Code of Conduct”	means the National Code of Conduct, as adopted by Liberal Party of Australia’s Federal Executive in 2019, and subsequent editions of the National Code of Conduct adopted by the same body and approved by State Council.
“Notice of Appeal”	means the document referred to in rule 21 of these Rules;
“Notice of Complaint”	means the document referred to in rule 6 of these Rules;
“preliminary meeting”	means a meeting under rule 12 of these Rules;

“Respondent”	means, in the case of a complaint, the member against whom the complaint is made;
“Rules”	means, unless the context otherwise requires, the Appeals and Disciplinary Committee Procedure Rules 2006;
“these Rules”	means the Appeals and Disciplinary Committee Procedure Rules 2006.

4. **PURPOSE, INTERPRETATION AND APPLICATION**

The purpose of these Rules is to facilitate the expeditious determination and disposal of the business of the Committee, having regard to the Constitution and Rules of the Party and the requirements of natural justice, and these Rules are to be interpreted and applied in that spirit.

PART II – DISCIPLINARY COMPLAINTS PURSUANT TO CLAUSE 19**5. COMPLAINTS PURSUANT TO CLAUSE 19**

By clause 19(a) of the Constitution, the Committee may on the complaint of any Constituent Body, State Executive, the State Management Executive, State Council or any Member of the Party (“the Complainant”) recommend the censure, suspension, or expulsion of any member (“the Respondent”) who in the opinion of the Committee is guilty of any conduct or act detrimental to or prejudicial to the Party. Where appropriate, in determining whether an act is detrimental or prejudicial to the Party, the standards within the National Code of Conduct should be applied.

6. NOTICE OF COMPLAINT

A Complainant wishing to make a complaint against a member must complete and lodge with the State Director a Notice of Complaint in the form prescribed by these Rules or from time to time by State Council and setting out, *inter alia*

- (a) the identity of the Complainant;
- (b) the name of the Advocate appointed by the Complainant;
- (c) the name of the Respondent;
- (d) the date of the meeting at which the Complainant resolved to make the complaint;
- (e) the conduct or act alleged against the Respondent;
- (f) a summary of the evidence which will be relied upon for the purposes of proving the complaint;
- (g) the Advocate’s contact and address for service details;
- (h) such other information as these Rules or State Council may from time to time prescribe,

and shall attach to the Notice of Complaint

- (i) a copy of the minutes of the meeting at which the Complainant resolved to make the complaint, certified by an authorised officer; and
- (j) a copy of any evidence that the Complainant may wish to rely upon for the purposes of the preliminary meeting.

7. APPOINTMENT AND FUNCTION OF ADVOCATE

- (1) The Complainant shall appoint a member of the Party to be its Advocate.
- (2) The Advocate shall be responsible for prosecuting the complaint on behalf of the Complainant.
- (3) Any notices or other material directed to the Complainant by the Committee, State Director, or the Respondent, may be served on the Advocate, and any communication with the Advocate shall be deemed to have been communicated to the Complainant.

8. NOTICE OF COMPLAINT TO BE SIGNED

- (1) The Notice of Complaint must be signed by an authorised officer of the Complainant.

- (2) For the purposes of this rule, the following are authorised officers
 - (a) in the case of State Council, the State President or State Director;
 - (b) in the case of State Executive or State Management Executive, the State President or State Director;
 - (c) in the case of any other constituent body, that body's President or Secretary;
 - (d) in the case of a Member of the Party, that member.

9. **COMPLAINT**

A Notice of Complaint may set out more than one matter of complaint, although the Committee may require the separate hearing of a matter or matters if a joint hearing is likely to be impracticable or unwieldy, or oppressive or embarrassing to the Respondent, or if the interests of justice so require.

10. **SERVICE ON RESPONDENT**

- (1) Upon receipt of the Notice of Complaint, the State Director shall as soon as practicable serve a copy on the Respondent, and deliver a copy to the Chairman and each member of the Appeals and Disciplinary Committee.
- (2) If the Respondent wishes to oppose the complaint, the Respondent shall forthwith advise the State Director of his or her contact details and service details.

11. **NOTICE OF PRELIMINARY MEETING**

When serving the Notice of Complaint, the State Director shall also serve notice of the time, date and place of a preliminary meeting of the Committee.

12. **PRELIMINARY MEETING**

- (1) At the preliminary meeting the Committee shall, on the particulars of the complaint set out in, and the evidence accompanying, the Notice of Complaint, decide whether the complaint should proceed. For the purposes of such decision, the Committee will receive no oral or further written evidence, but may hear submissions from the parties to the complaint.
- (2) If the Committee considers that the complaint should proceed, the Committee will set a time, date and place for the hearing of the complaint and shall give such directions as to any other matters it considers relevant to the conduct of the hearing. The Committee may, but need not, deliver reasons for its decision to proceed.

13. **EVIDENCE**

The Committee shall not be bound by the rules of evidence and shall, subject to the rules of natural justice, be at liberty to consider any matter in determining a complaint in the best interests of the Liberal Party.

14. **PROCEDURE**

The Committee may from time to time issue directions for the procedure to be adopted in preparation for and at hearings; including the filing of copies of any documentary evidence to be relied upon, and the sequence of and time available for presentation of cases, opening and closing statements of argument, and the questioning of witnesses.

15. DECISION AND RECOMMENDATION TO STATE COUNCIL

- (1) The Committee shall, upon terminating a complaint following a preliminary meeting, or determining a complaint following a hearing, communicate that decision to the State Director who shall forthwith advise all parties to the complaint, in writing, of the decision.
- (2) If the Committee finds the complaint proved and the Respondent guilty of any conduct or act detrimental or prejudicial to the Party, it shall hear such further submissions as it thinks necessary relevant to the question whether the member be censured, suspended, or expelled.
- (3) Following the hearing of any further submissions provided for in rule 15(2), the Committee, if it is of the opinion that the member should be censured, suspended or expelled, shall make its recommendation to that effect to State Council as provided for by clause 19(b) of the Constitution.

16. GIVING EFFECT TO DECISION OR DIRECTION

The State Director shall be responsible for the implementation of any decision or direction of the Committee.

17. QUORUM AND COMPOSITION

- (1) For the purpose of any hearings of the Committee, a quorum shall be three (3) members, of whom at least one shall be a legal practitioner.
- (2) In the event that the Chairman of the Committee cannot preside over a hearing, the Deputy Chairman of the Constitutional and Drafting Committee shall be Acting Chairman. In the event that neither the Chairman of the Committee nor Deputy Chairman of the Constitutional and Drafting Committee can preside, the Chairman shall appoint a member of the Committee to be Acting Chairman. The Acting Chairman shall have the authority of the Chairman under these Rules.

18. NOTICES

Any notice required to be given by or to the Committee or the State Director shall be in writing but may be transmitted by facsimile, provided that the sender may be required by the Committee or State Director to verify any notice by production of the original.

19. RECORD OF PROCEEDINGS

The State Director shall maintain the records of the Committee, which shall include a register of all complaints received, and the Committee's decisions on those complaints.

PART III – APPEALS FROM SELECTION COMMITTEES PURSUANT TO CLAUSE 128

20. APPEALS PURSUANT TO CLAUSE 128

The Appeals and Disciplinary Committee has responsibility under clause 128 of the Constitution for dealing with appeals by candidates alleging unfair treatment or grave irregularity at meetings of Selection Committees.

21. NOTICE OF APPEAL

A candidate wishing to appeal under clause 128 (“the Appellant”) must lodge with the State Director a Notice of Appeal in the form prescribed by these Rules or from time to time by State Council, and setting out, inter alia

- (a) the Appellant’s name;
- (b) the Branch or Constituent Body of which the Appellant is a Member;
- (c) the Parliamentary position for which the Appellant was seeking selection;
- (d) the date of the Selection Committee meeting the subject of the appeal;
- (e) the venue of the Selection Committee meeting the subject of the appeal;
- (f) particulars of the unfair treatment or grave irregularity complained of, specifying for each whether what is alleged is said to constitute unfair treatment, or a grave irregularity, or both;
- (g) the evidence of each particular accompanying the Notice of Appeal or which will be relied upon for the purposes of the appeal;
- (h) the Applicant’s contact and address for service details;
- (i) such other information as State Council may from time to time prescribe.

22. NOTICE OF APPEAL TO BE SIGNED BY APPELLANT

The Notice of Appeal must be signed by the Appellant.

23. SUBMISSIONS

An Appellant may present oral submissions personally or by an advocate, or may elect to rely on written submissions alone.

24. REPRESENTATION

An Appellant, with the leave of the Committee, may be represented by a legal practitioner, or by a lay advocate, provided that the lay advocate must be a member of the Party.

25. SERVICE ON CHAIRMAN OF SELECTION COMMITTEE

Upon receipt of the Notice of Appeal, the State Director shall forthwith cause a copy to be served on the Chairman of the Selection Committee the subject of the appeal, and to the Chairman and each member of the Appeals and Disciplinary Committee.

26. REPORT OF CHAIRMAN OF SELECTION COMMITTEE

The Chairman of the Selection Committee shall, as soon as possible after being served with a copy of the Notice of Appeal, provide the State Director with a written report addressing any matters concerning the proceedings at, or conduct of, the Selection Committee raised by the Notice of Appeal. The State Director shall supply a copy of the report to each member of the Appeals and Disciplinary Committee.

27. FURTHER PARTICULARS AND EVIDENCE

The Committee may, at any time, seek further particulars of the grounds of appeal or other information it may require, and may inform itself of any relevant facts as it thinks proper.

28. DECISION

The Committee shall, upon determining an appeal, communicate that decision to the State Director who shall forthwith advise the Appellant, in writing, of the decision.

29. GIVING EFFECT TO DECISION

The State Director shall be responsible for the implementation of any decision or direction of the Committee.

30. QUORUM AND COMPOSITION

- (1) At least three (3) members of the Appeals and Disciplinary Committee, of whom at least one (1) must be a legal practitioner, shall constitute a quorum.
- (2) In the event that the Chairman of the Committee cannot preside over a hearing, the Deputy Chairman of the Constitutional and Drafting Committee shall be Acting Chairman. In the event that neither the Chairman of the Committee nor Deputy Chairman of the Constitutional and Drafting Committee can preside, the Chairman shall appoint a member of the Committee to be Acting Chairman. The Acting Chairman shall have the authority of the Chairman under these Rules.

31. NOTICES

Any notice required to be given by or to the Committee or the State Director shall be in writing but may be transmitted by facsimile, provided that the sender may be required by the Committee or State Director to verify any notice by production of the original.

32. RECORD OF PROCEEDINGS

The State Director shall maintain the records of the Committee, which shall include a register of all appeals lodged, and the Committee's determination of those appeals.

Article I. IN THE APPEALS & DISCIPLINARY COMMITTEE

Article II.

Complaint No: _____ **of** _____

IN THE MATTER of a Complaint under Clause 19 of the *Constitution* of the Liberal Party of Australia (Western Australian Division) Incorporated

Brought by

1 ¹ **Complainant**

Against

2 ² **Respondent**

NOTICE OF COMPLAINT

1. Complainant:¹
2. Date of meeting at which the Complainant resolved to make the complaint:
3. A copy of the minutes of that meeting, certified to be correct by an authorised person (the President or Secretary of the Constituent Body, the State President, or State Director, as the case may be³) is attached.
4. Respondent:²
5. Name of Complainant's Advocate:
6. Constituent Body of which Advocate is a member:
 - i)
 - ii)

iii) PARTICULARS OF COMPLAINT
(if insufficient space, use attachments)

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¹ State Executive, State Management Executive, State Council or Name of Constituent Body or Member making complaint

² full name of member against whom complaint is made

³ delete that which is not applicable

EVIDENCE

The evidence that will be relied upon at the preliminary meeting of the Appeals and Disciplinary Committee is attached.

a.

b. FURTHER INFORMATION REGARDING HEARING OF COMPLAINT

I wish/do not wish⁴ to present oral submissions.

I wish/do not wish⁵ to be represented by legal counsel/a lay advocate⁶.

.....
Signature of Authorised Officer of Complainant

TO: The State Director
Liberal Party of Australia (WA Division) Inc

AND TO: The Respondent

.....

i. ADVOCATE'S CONTACT AND SERVICE DETAILS

Name:

Address:

.....

Telephone:

Mobile:

Fax:

E-mail:

Article III.

⁴ delete as appropriate

⁵ delete as appropriate

⁶ delete as appropriate

Article IV. IN THE APPEALS & DISCIPLINARY COMMITTEE

Appeal No: _____ of _____

IN THE MATTER of an Appeal under Clause 128 of the *Constitution* of the Liberal Party of Australia (Western Australian Division) Incorporated

AND

IN THE MATTER of the meeting of the Selection Committee for the Federal House of Representatives Seat/Senate/State Legislative Assembly Seat/State Legislative Council Region of³ _____ held⁴ _____

AND

IN THE MATTER of _____ **Appellant**

NOTICE OF APPEAL

I, _____¹

of _____

², appeal to the Appeals & Disciplinary Committee pursuant to clause 128 of the *Constitution*.

I allege the following unfair treatment or grave irregularity at a meeting of the Selection Committee for the³

- Federal House of Representatives Seat of _____
- Federal Senate
- State Legislative Assembly Seat of _____
- State Legislative Council Region of _____

held on _____⁴ at _____⁵

¹ full name of Appellant

² identify Branch or Constituent Body of which Appellant is a financial member

³ complete, and delete, as applicable

⁴ date of Selection Committee meeting

⁵ venue where Selection Committee held

PARTICULARS OF UNFAIR TREATMENT⁶

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a. PARTICULARS OF GRAVE IRREGULARITY⁷

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EVIDENCE

The following evidence will be relied upon for this appeal:⁸

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b. FURTHER PARTICULARS

⁶ here set out a clear statement of the facts constituting “unfair treatment”; if insufficient space, use attachments
⁷ here set out a clear statement of the facts constituting “grave irregularity”; if insufficient space, use attachments
⁸ itemise the evidence accompanying Notice of Appeal or to be relied upon; if insufficient space, use attachments

Closure date for nominations:

Candidate recommended by Selection Committee:

Chairperson of Selection Committee:

c. CONDUCT OF APPEAL

I wish/do not wish⁹ to present oral submissions.

I wish/do not wish¹⁰ to be represented by legal counsel/a lay advocate¹¹.

d. DECLARATION

I confirm that I will abide by the *Constitution* and *Party Rules* and will not make any public comment regarding the conduct of the selection committee or this appeal.

.....
Signature of Appellant

TO: The State Director
Liberal Party of Australia (WA Division) Inc

AND TO: The Chairperson
Selection Committee for

i. APPELLANT'S CONTACT AND SERVICE DETAILS

Name:

Address:

.....

Telephone: Mobile:

Fax: e-mail:

⁹ delete as appropriate

¹⁰ delete as appropriate

¹¹ delete as appropriate

**STATE COUNCIL GUIDELINES FOR ACCESS TO REASONS
FOR DECISIONS OF THE CONSTITUTIONAL & DRAFTING
COMMITTEE AND APPEALS & DISCIPLINARY
COMMITTEE**

ADOPTED BY STATE COUNCIL 8 APRIL 2006

CLAUSE REFERENCES UPDATED 2015 & 2022

BRIEFING NOTES FOR STATE COUNCIL

1. On 4 February 2006 State Council resolved that

“That this body requests that C&D draft and provide at the next meeting of State Council procedural guidelines for the use of State Council in considering requests for access to decisions of the C&D and A&D of the Party by Party members, including those who were parties to the decision, but also Party members at large.”
2. The motion was passed in response to several requests to view and, in some cases, to be provided with a copy of certain written decisions of the C&D and A&D Committees.
3. Presently, rule 23(8)(c) of the *Party Rules* provides that

“the [C&D] Committee’s opinions, advices, rulings and determinations shall be set out either in writing or as a resolution in the Minutes of the meetings of the Committee. Copies of all opinions, advices, rulings and determinations shall be given to the State Director who shall maintain a record thereof and shall notify the Constituent Body which requested the Committee’s opinion, advice, ruling or determination;”
4. Presently, rule 23(9)(d) of the *Party Rules* provides that

“the [A&D] Committee’s opinions, advices, rulings and determinations shall be set out either in writing or as a resolution in the Minutes of the meetings of the Committee. Copies of all opinions, advices, rulings and determinations shall be given to the State Director who shall maintain a record thereof and shall notify the Constituent Body which requested the Committee’s opinion, advice, ruling or determination;”
5. For the purposes of this Memorandum and the accompanying Guidelines, the opinions, advices, rulings and determinations of C&D and A&D, which are required to be set out in writing, are referred to as the “Decisions” of those Committees. Any detailed statement of the reasoning leading to the decisions will be referred to as the “Written Reasons” of the Committees.
6. As a matter of practice, the Decisions and Written Reasons of C&D and A&D come into existence by virtue of the operation of a number of different Constitutional provisions and may result from a variety of different types of hearings and different factual scenarios.

Three common examples are provided below.

Example 1 – A&D: appeals from selection committees

Rule 23(9)(a)(i) of the *Party Rules* provides that A&D is required to hear and adjudicate on any appeal by a candidate from the meeting of a Selection Committee under clause 128 of the *Constitution*. The results of Selection Committee meeting and complaints of any irregularity surrounding that selection are therefore set out in A&D’s Written Reasons for Decision.

Example 2 – A&D: disciplinary hearings

Rule 23(9)(a)(i) of the *Party Rules* provides that A&D is to hear and adjudicate on any disciplinary matter referred to under clause 19 of the *Constitution*. Clause 19(a) of the *Constitution* sets out that A&D may, upon complaint, recommend the censure, suspension or expulsion of a member who has been guilty of any conduct or act detrimental or prejudicial to the Party. Pursuant to clause 19(b) A&D makes its recommendation to State Council. The Reasons for Decision would necessarily set out the allegations of misconduct and the Committee’s findings of fact. Even if a complaint is not made out, the allegations of misconduct would be reproduced in the Reasons for Decision and the Reasons may have comment to make concerning the facts alleged.

Example 3 – C&D: rulings, etc, on matters referred by Director & others

Rule 23(8)(a)(iii) of the *Party Rules* provides that C&D is required, upon certain requests, to consider and give opinions, advice, rulings and make determinations as to the interpretation of any particular point or points of the *Constitution* or *Rules* or their application in given circumstances. These types of decisions may involve virtually any matter arising under the *Constitution* or *Rules* but often involve constituent bodies disputing the validity of meetings pursuant to rule 32. The Reasons for Decision would usually require a statement of irregularities alleged to require a ruling.

7. The *Party Rules* simply require that the State Director is to “maintain a record” of the Decisions C&D and A&D and “notify” the constituent body which requested the Decision [See rules 23(8)(c) and 23(9)(d).
8. The *Rules* do not make any mention of providing access to or copies of Written Reasons for the Decisions. In fact, in the case of A&D Decisions, the *Rules* oblige the State Director to notify “the Constituent Body which requested the Committee’s” Decision. Appeals from selection committees pursuant to clause 128 are not brought by Constituent Bodies.
9. In the past, those bringing matters before C&D and A&D did not receive more than notification of the Decision. To the extent can be determined from the available records, it appears that detailed Written Reasons were not prepared. It is only since about 2001 that the C&D and A&D have begun a practice of preparing detailed analyses of the *Constitution* and *Rules* in selected cases as precedents for future reference and to achieve consistency in approach. In the past, therefore, there was no question of ‘entitlement’ by members to access to or copies of Written Reasons because none existed.
10. Claims that members are ‘entitled’ to access to Decisions and Written Reasons are misconceived:
 - (a) There is no provision in the Constitution or Rules made under it permitting such access beyond the specific requirements of the Party Rules referred to above. If there was a general ‘entitlement’, such rules would not be necessary.
 - (b) C&D and A&D are Standing Committees of State Council and responsible to State Council. Members are no more entitled to access to their deliberations and records of their proceedings than to those of any other Standing Committee of State Council or the Party.
 - (c) To the extent that the State Director is required to keep records of proceedings of C&D and A&D, individual members have no more ‘right’ to have access to them than they do to any other Party records.
 - (d) Copyright in the Written Reasons resides in the authors.
11. However, at the instance of the C&D and A&D Committees, a practice has developed whereby the State Director allows a party to the case dealt with by those Committees to not only be notified of the Decision, but to be given access to any Written Reasons the Committee prepares. As a matter of prudence, that access is limited to the party inspecting the Written Reasons by attending at Head Office on terms arranged by the State Director, to read the Written Reasons but not to copy them or take notes from them.
12. The Decisions of C&D and A&D, in the any of the examples above, will involve both issues of fact and questions of law, and Written Reasons will necessarily refer to them.

13. There are obvious reasons why it would be desirable for not only parties to a case, but members at large, to have access to or copies of the Decisions and any Written Reasons for those Decisions.
14. Reasons **for** granting general and unlimited access include accountability of the Committees for their decisions and transparency of their decision-making.
 - (a) Members or constituent bodies whose entitlements and obligations are affected by a Decision have a legitimate interest in knowing the reasons for the Decision.
 - (b) As the Decisions will almost invariably involve the application and interpretation of the *Constitution* and *Rules*, general knowledge of the Decisions and Reasons for Decisions promotes understanding of the operation of the laws that govern the Party and promote good practice in the conduct of the Party's affairs.
 - (c) General access would also assist in promoting confidence in the Party's processes and would minimise the spread of misinformation pertaining to the reasons for any decision.
15. However, there are considerations which militate **against** allowing general and unlimited access to Reasons for Decisions.
16. It is an unfortunate fact that certain members of the Party are prepared to promote private or factional interests without regard to the legitimate use of Party information.
17. Almost all cases before C&D, and all cases before A&D, concern complaints of some form of irregularity in the conduct of Party members or constituent bodies. Frequently, the conduct giving rise to the complaints before the Committees does not reflect to the credit of individual members or the Party. Reasons for Decision must refer to those allegations, and the Committee must often make some findings of fact based on the material before it. There is a risk that some aggrieved or malicious party will complain that they are being defamed or their privacy has been breached. General availability of the Reasons for Decisions would increase the risk of their publication at large, and their being exploited to the embarrassment of individuals and detriment and prejudice of the Party.
18. The C&D Committee recommends that
 - (a) Where Written Reasons involve issues of interpretation of the *Constitution* and *Rules*, the Chairman shall, to the extent possible, extract for publication a Note of the reasoning in the Decision without the facts of the case identifying the parties concerned.
 - (b) Rules 23(8)(h) and 23(9)(f) of the *Party Rules* be amended¹⁸ to include the following paragraph:

"Requests for access to or copies of the Committee's decisions or written reasons for decisions shall be made in writing to the State Director, who shall refer the request to the next meeting of State Council for its consideration and decision. State Council may allow access to, or release copies of, all or part of any decision

¹⁸

Amendments introduced as rules 19(8)(f) (for C&D Committee) and 19(9)(f) (for A&D Committee) respectively by State Council 8 July 2006. In the 2015 version these are rules 23(8)(h) and 23(9)(f) respectively, or written reasons for a decision to any member or class of member to such an extent and upon such conditions as it may think proper. State Council need not give reasons for granting or refusing to grant access or copies."

STATE COUNCIL GUIDELINES

1. For the purposes of these Guidelines the opinions, advices, rulings and determinations of C&D and A&D, which are required to be set out in writing, are referred to as the “Decisions” of those Committees. Any detailed statement of the reasoning leading to the decisions will be referred to as the “Written Reasons” of the Committees.
2. The purpose of these Guidelines is to assist the Party in considering whether, to what extent and to whom it will allow access to the Written Reasons of the Committees.
3. These Guidelines are to be read subject to and in conjunction with relevant provisions of the *Constitution* and any Rules made pursuant to the *Constitution*.
4. Any party to a case before the C&D or A&D Committees is entitled to know the Decision of the C&D and A&D Committee.
5. Any requests for access to, or for copies of, the Decision or Written Reasons for a Decision beyond that provided for by paragraph 4 must be in writing and lodged with the State Director, who shall refer the request to the next meeting of State Council.
6. State Council may grant or refuse a request for access at its discretion.
7. In deciding whether to refuse access or to grant access of any type to a Decision or Written Reasons, the State Council will consider the request and make its decision regarding access in accordance with these Guidelines.
8. State Council may grant a person access to a Decision or to Written Reasons by:
 - (a) allowing the person to attend at the Party Headquarters and under the supervision of the State Director or his delegate to inspect the Decision or Written Reasons without copying the Written Decision or taking any written notes of any part of the Written Decision;
 - (b) allowing the person to be provided with a copy of the Decision or Written Reasons or a part of the Decision or Written Reasons; or
 - (c) allowing access on any other basis or on any other terms as State Council considers appropriate.
9. In deciding whether a person should be given access to a Decision or Written Reasons, State Council should consider several factors.
10. *Standing of the person making the request:*

Is the applicant a party to the case, or does he or she represent a constituent body or party to the case? If the applicant was a party or represents a constituent body that was a party to the case, this standing may strengthen the applicant’s case to be granted access. However, standing as a party or a representative of a party is not necessarily a sufficient or determinative factor.
11. *Reasons for access:*

Has the applicant given a legitimate reason for being given access? If no, or no sufficient, reason has been given in the application, State Council may request the applicant to supply reasons why he or she should be granted access.

12. *Legitimate reasons:*

Whether or not a person was a party, or represents a constituent body that was a party, to a case, State Council should consider whether the applicant has demonstrated a legitimate interest for access. Factors might include

- (a) whether an applicant's entitlements or obligations under the *Constitution* were adversely affected by the Decision,
- (b) whether access to the Decision or Written Reasons will help promote understanding of the operation of the laws that govern the Party and promote good practice in the conduct of the Party's affairs.
- (c) whether access will promote confidence in the Party's processes and counter or minimise the spread of misinformation pertaining to the reasons for any Decision.

13. *Risks*

Whether or not a legitimate reason for access is established, are there any risks in allowing it? For example

- (a) what is the risk of the Decision or its Reasons being published in the media or otherwise disseminated outside the Party?
- (b) has the applicant or a party on whose behalf he or she is acting previously displayed a propensity to express views on Party matters in public or in the press?
- (c) are the circumstances of the case to which the applicant has sought access sensitive or, if published in the media or otherwise disseminated to those outside the Party, have the capacity to embarrass or be detrimental or prejudicial to the Party?
- (d) will access expose the Party or its members to complaints from persons mentioned in the Decision or Written Reasons that they have been defamed or that their privacy has been breached?

14. *Nature of Access*

- (a) Will any legitimate reason for access be served by allowing the applicant to only sight and read part or all of the Decision or Written Reasons, or should some greater level of access be allowed?
- (b) In the circumstances, should the applicant be permitted to take notes, or be allowed a copy of part or all of the Decision or Written Reasons?
- (c) Can C&D or A&D produce an excerpt of the legal reasoning in the Written Decision, for publication in a form which so far as is practicable excises the identifying facts of the matter?
- (d) Can the risk be countered or minimised by the imposition of terms upon the grant of access; for example, undertakings on the part of the applicant that inspection will only be for a specified purpose?

15. State Council may seek the advice of C&D, the Chairman, or Deputy Chairman of the C&D Committee as it sees fit and convenient, in deciding any request for access, but is not bound to follow that advice.