

CONSTITUTION OF THE LIBERAL PARTY OF AUSTRALIA

VICTORIAN DIVISION

As adopted by State Council on 26 July 1987 together with amendments made on 26 July 1987, 15 November 1987, 26 March 1988, 9/10 July 1988, 12 November 1988, 22/23 July 1989, 12 August 1990, 10 August 1991, 17 November 1991, 16 August 1992, 24/25 July 1993, 27 March 1994, 16/17 July 1994, 18/19 March 1995, 11/12 May 1996, 5/6 April 1997, 4/5 April 1998, 27/28 March 1999, 13/14 November 1999 and 25 March 2000)

The Clause headings, table of contents and index have been inserted by the Constitutional Committee for convenience only. They are not part of the Constitution and are not to be used in its interpretation or construction.

1. INTRODUCTION

1.1 NAME

The name of the Party shall be “THE LIBERAL PARTY OF AUSTRALIA (Victorian Division)” which is hereinafter referred to as “the Party”.

1.2 DUTY OF A MEMBER

It shall be the duty of all Members to uphold this Constitution and the Platform of the Party and to work for the election to Parliament of endorsed candidates who shall receive the united support of the Party.

1.3 OBJECT OF PARTY

The object of the Party is:

- (a) to win and hold government; and
- (b) to enhance the freedom, prosperity and security of every Australian.

(Clause 1.3 inserted 9 July 1988)

2. DEFINITIONS AND INTERPRETATION

2.1 DEFINED TERMS

In this Constitution -

- . **Branch** - shall, save where the context otherwise requires, include a Young Liberal Branch;
- . **Branch Member** - means a member of the Party who is a member of a particular branch;
- . **Convention** - means a preselection convention;
- . **Division** - means a State or Territory Division of the Liberal Party of Australia;
- . **Electorate** - does not include the Senate;
- . **Financial Year** - means the 12 months ended on 30 June;
- . **Member** - means a financial branch member or member at large, and in Division 4 includes a person referred to in paragraph 3.12 (b);
- . **Member At Large** - means a member of the Party who is not a member of a particular branch;
- . **Membership Year** - means 1 March to the last day of February;
- . **Political Party** - means an organisation promoting the election to Parliament of a candidate or candidates whom it has endorsed and which is registered under the Commonwealth Electoral Act;
- . **Proscribed Organisation** - means an organisation of any type whatsoever which Policy Assembly has declared to be opposed to the best interests of the Party;
- . **Reasonable Notice** - means notice of meeting given in reasonable time to allow for the proper consideration of the business of the meeting;
- . **Secretary** - includes Acting Secretary;
- . **Senior Branch** - means a branch other than a Young Liberal Branch; and
- . **Young Liberal Branch** - means a branch of the Young Liberal Movement

(Clause 2.1 amended 26 July 1987 and further amended 17 July 1994)

2.2 NOTICE

The following provisions shall apply in respect of notice, documents and payments required to be given delivered or made under this Constitution :

- (a) Notice shall be deemed to be sufficient:
 - (i) if posted by pre-paid post addressed to the State Director at the address for the time being of the Secretariat of the Party or delivered personally to the State Director or to some person nominated by the State Director to receive notice (in the case of notice required to be given to the Liberal Party, the Administrative Committee or any State Officer of the Party);
 - (ii) if posted by pre-paid post addressed to the Member of the Party at the Member's address as shown in records of the Party or delivered to the Member personally (in the case of notice to be given to a Member).
- (b) If it is demonstrated to the State Director's satisfaction that any notice, document or payment required to be given, delivered or made to the State Director was in fact posted to the State Director prior to the day on which such notice, document or payment was required to be received, then the State Director shall accept the same as satisfactory compliance with such requirement.
- (c) Neither of sub-clauses (a) and (b) hereof shall apply to applications for endorsement and such applications and payment of the prescribed fee must be received by the State Director within the period fixed for their submission.
- (d) The powers of the Administrative Committee or State Director to fix any times for the doing of any act or delivery of any notice or document under this Constitution shall be deemed to include a power to fix or delimit any time on any such day for this purpose.

- (e) Notice (except where the Constitution otherwise permits in the case of Branch meetings) shall be in writing.
- (f)
 - (i) "Notice" includes any written document required to be given or posted.
 - (ii) "Special Notice" means notice of a meeting which contains details of matters to be considered thereat and which is given in reasonable time to allow the proper consideration of those matters.
- (g) Notwithstanding the provisions of paragraphs (a) to (f) above any notice, document or payment delivered personally or by facsimile transmission to the State Director, or to any person nominated by the State Director to receive notice, which notice, document or payment is delivered other than at the address for the time being of the Secretariat of the Party between 9.00am and 5.00pm on a day which is not a Saturday, Sunday or public holiday in the Melbourne metropolitan area, shall be taken to have been delivered at 9.00am on the next business day.

(Clause 2.2(g) inserted 17 November 1991)

2.3 RESIDENCE

For the purpose of this Constitution, other than Clause 11.14, if a person is enrolled on any Electoral Roll then the place of residence shown on the Electoral Roll for that person shall be deemed to be that person's residence.

(Clause 2.3 deleted and replaced 23 July 1989, amended 17 November 1991)

2.4 REQUIREMENT OF MEMBERSHIP

No elected position within the Party may be held by a person who is not a Member of the Party, and if a person ceases to be a Member of the Party that person shall thereupon cease to hold any elected position which he or she held.

(Clause 2.4 inserted 10 July 1988)

2.5 CASTING VOTE

Where the Chairman of a meeting held under this Constitution has a casting vote in an election that casting vote may be validly exercised by the Chairman:

- (a) exercising his or her deliberate choice in casting that vote; or
- (b) selecting the successful candidate by ballot or lot.

(Clause 2.5 inserted 17 November 1991)

3. MEMBERSHIP

3.1 ELIGIBILITY

Subject to this Constitution, any person who has attained the age of 16 years shall be eligible to apply for membership of the Party as either a Branch Member or a Member at Large.

3.2 **(Clause 3.2 deleted 10 August 1991.)**

3.3 DUAL MEMBERSHIP

A member shall not be a Member of more than one branch save that a female Member may belong to a Women's Section.

3.4 APPLICATION FOR MEMBERSHIP

An application for membership of the Party :

- (a) shall be signed by the applicant;
- (b) shall be accompanied by the prescribed membership fee;
- (c) shall be in and upon the form prescribed by the Administrative Committee;
- (d) shall specify whether the applicant is applying to be a Member at Large or a Member of a nominated Branch;
- (e) if the applicant is applying to be a Member of a nominated Branch, shall be lodged with a member of the Committee of the nominated Branch or with the State Director; and
- (f) if the applicant is applying to be a Member at Large, shall be lodged with the State Director.

3.5 APPLICATION LODGED WITH BRANCH

Where a person applies to be a Member of a nominated Branch and lodges the application with a member of the Committee of that Branch -

- (a) the application shall be considered by the Committee or Branch general meeting and shall be approved, rejected or deferred;
- (b) if the application is approved -
 - (i) the Branch Secretary shall promptly record on the application form the date and fact of approval and forward the completed application form and the prescribed membership fee to the State Director;
 - (ii) upon receipt by the State Director of the completed application form and the prescribed membership fee the person shall become a Member of the Party with effect from the date the prescribed membership fee was received by the State Director; and
 - (iii) the State Director shall promptly advise the person and the Branch that the person has become a Member and the date thereof.
- (c) if the application is rejected the Branch Secretary shall promptly advise the person and return the prescribed membership fee and shall record on the application form the date and fact of rejection and forward the completed application form to the State Director;
- (d) if the application is deferred it may be approved or rejected by a subsequent Committee meeting or Branch general meeting; and
- (e) if the application is not approved or rejected within three (3) months of being lodged it shall be deemed to be accepted and the applicant shall be deemed to be a Member of the Branch from the date the prescribed membership fee of the applicant is or was received by the State Director.

(Clause 3.5(b)(ii) amended 17 November 1991)

(Clause 3.5(e) amended 26 March 1988 and 10 July 1988, then repealed and replaced 17 November 1991).

3.6 APPLICATION LODGED WITH STATE DIRECTOR

Where a person applies to be a Member of a nominated Branch and lodges the application with the State Director -

- (a) the State Director shall promptly forward a copy of the application form to the Branch;
- (b) the application shall be considered by the next Committee meeting or Branch general meeting (whichever first occurs) and shall be approved, rejected or deferred;
- (c) if the application is approved -
 - (i) the Branch Secretary shall promptly record on the copy application form the date and fact of approval and forward the completed copy application form to the State Director;
 - (ii) upon receipt by the State Director of the completed copy application form the person shall become a Member of the Party with effect from the date the prescribed membership fee was received by the State Director; and
 - (iii) the State Director shall promptly advise the person and the Branch that the person has become a Member and the date thereof;
- (d) if the application is rejected the Branch Secretary shall record on the copy application form the date and fact of rejection and promptly return the completed copy application form to the State Director who shall promptly advise the person and return the prescribed membership fee;
- (e) if the application is deferred it may be approved or rejected by a subsequent Committee meeting or Branch general meeting; and
- (f) if the completed application form has not been returned to the State Director within three months of the State Director having forwarded the copy of the application form to the Branch -
 - (i) the application shall be deemed to have been approved;
 - (ii) the person shall thereupon become a Member of the Party with effect from the date the prescribed membership fee was received by the State Director unless the Administrative Committee has previously decided otherwise; and
 - (iii) the State Director shall promptly advise the person and the Branch that the person has become a Member.

(Clauses 3.6©(ii) and 3.6(f)(ii) amended 17 November 1991)

3.7 APPLICATION FOR MEMBERSHIP AT LARGE

Where a person applies to be a Member at Large -

- (a) the State Director shall submit the application to the next meeting of the Administrative Committee, which shall approve, reject or defer the application;
- (b) if the application is approved the person shall thereupon become a member of the Party and the State Director shall promptly advise the person accordingly and the date thereof;
- (c) if the application is rejected the State Director shall promptly advise the person accordingly and return the prescribed membership fee;

- (d) if the application is deferred it may be approved or rejected by a subsequent meeting of the Administrative Committee; and
- (e) if the Administrative Committee has not approved or rejected the application within three months of lodgement -
 - (i) the application shall be deemed to have been approved;
 - (ii) the person shall thereupon become a Member of the Party; and
 - (iii) the State Director shall promptly advise the person accordingly.

3.8 ATTENDANCE BY APPLICANTS

An applicant who applies to become a Member of a Branch shall be entitled to attend meetings of that Branch pending the determination of the application unless the Branch otherwise resolves, but such person shall not be entitled to vote or hold office until being advised by the State Director that he or she has become a Member of the Party.

3.9 DETERMINATION OF MEMBERSHIP FEES

Membership fees shall be determined by the Annual Meeting of State Council for the following year after considering the recommendation of the Treasurer.

(Clause re-numbered to 3.9 26 July 1987)

3.10 RENEWAL NOTICES

Prior to the end of the Membership Year the State Director shall send out to all Members membership renewal notices in the form prescribed by the Administrative Committee.

(Clause re-numbered to 3.10 26 July 1987 and amended 17 July 1994)

3.11 PAYMENT OF MEMBERSHIP FEES

Membership fees shall be payable by March 1 in any manner approved by the Administrative Committee.

(Clause re-numbered to 3.11 26 July 1987)

3.12 GRACE PERIOD

Membership shall be deemed to be renewed from the date of receipt by the State Director of the appropriate membership fee provided that:

- (a) a person shall be deemed to be a Member for three months following the end of the Membership Year for which that person has paid his or her membership fee;
- (b) thereafter, until payment of the membership fee for the current Membership Year that person shall be ineligible to take part in or vote upon any proceedings whatsoever of the Party and shall not be entitled to attend or to be counted in the calculation of his or her Branch's entitlement to be represented at a Convention or be counted in the determination of the number of delegates to which that Branch is entitled for such Convention;
- (c) save as aforesaid upon payment of a membership fee during the following nine months that person shall be deemed to have been a Member from the beginning of that Membership Year except for the purposes of :
 - (i) calculating the number of delegates which that person's Branch is entitled to send to a Convention; and
 - (ii) calculating that person's period of continuous membership in determining whether that person is eligible to be a delegate at a Convention;

- (d) if at the end of that Membership Year, such person has failed to pay the membership fee he or she shall cease to be a Member but shall be eligible to reapply for membership.

(Clause re-numbered to 3.12 26 July 1987 and amended 17 July 1994)

3.12A VACATION OF OFFICE

If a person who holds any elected, appointed or ex-officio office in the Party is ineligible to take part in Party proceedings pursuant to Clause 3.12 (b) for a period of twenty-one (21) consecutive days, that person shall forthwith cease to hold that office.

(Clause 3.12A inserted 12 May, 1996)

3.13 JOINING ON OR AFTER 1 NOVEMBER

A person who joins the Party on or after 1 November shall pay a full membership fee which shall entitle such person to be a Member for the remainder of the current Membership Year and for the whole of the next Membership Year.

(Clause re-numbered 3.13, amended 26 July 1987 and further amended 17 July 1994)

3.14 PORTABILITY

A continuous period of membership of any other Division which immediately precedes membership of the Victorian Division shall be included in any calculation of any requisite period of membership under this Constitution.

(Clause re-numbered to 3.14 26 July 1987)

3.15 RESIGNATIONS

- (a) A Branch Member may resign his or her membership of the Party by giving notice to the Secretary of the Branch concerned or to the State Director and the resignation shall be effective upon receipt of the notice.
- (b) If notice of resignation is given to the Branch the Secretary shall within seven days notify the State Director of the resignation.
- (c) If notice of resignation is given to the State Director he/she shall within seven days notify the Branch Secretary of such resignation.

(Clause re-numbered to 3.15, 26 July 1987)

3.16 RESIGNATION OF MEMBER AT LARGE

A Member at Large may resign by giving notice to the State Director and the resignation shall be effective upon receipt of the notice.

(Former Clause 3.16 deleted, present Clause re-numbered to 3.16, 26 July 1987)

3.17 APPLICATION TO TRANSFER TO ANOTHER BRANCH

- (a) If a Branch Member wishes to transfer to another Branch the Member shall either -
- (i) make application to that Branch in and upon the form prescribed by the Administrative Committee and lodge that application with a member of the Committee of that Branch; or
- (ii) make application to the State Director in and upon the form prescribed by the Administrative Committee.

- (b) Where a Branch Member applies to transfer to another Branch and lodges the application with a member of the Committee of that Branch -
- (i) the application shall be considered by the Committee or Branch general meeting and shall be approved, rejected or deferred;
 - (ii) if the application is approved
 - the Branch Secretary shall promptly record on the application form the date and fact of approval and forward the completed application form to the State Director; and
 - upon receipt by the State Director of the completed application form the person shall become a member of the Branch to which that person is transferring;
 - (iii) if the application is rejected the Branch Secretary shall promptly advise the person and shall record on the application form the date and fact of rejection and forward the completed application form to the State Director; and
 - (iv) if the application is deferred it may be approved or rejected by a subsequent Committee meeting or Branch general meeting.
 - (v) If the application is not approved or rejected within three months of being lodged with a member of the Committee of that Branch, it shall be deemed to be accepted and the applicant shall be deemed to be a Member of the Branch from the date the application was lodged with the Member of the Committee of that Branch.
- (c) Where a Branch Member applies to transfer to another Branch and lodges the application with the State Director -
- (i) the State Director shall promptly forward a copy of the application form to the Branch;
 - (ii) the application shall be considered by the next Committee meeting or Branch general meeting (whichever first occurs) and shall be approved, rejected or deferred;
 - (iii) if the application is approved
 - the Branch Secretary shall promptly record on the copy application form the date and fact of approval and forward the completed copy application form to the State Director; and
 - upon receipt by the State Director of the completed copy application form the person shall become a Member of the Branch to which that person is transferring;
 - (iv) if the application is rejected the Branch Secretary shall record on the copy application form the date and fact of rejection and promptly return the completed copy application form to the State Director who shall promptly advise the person; and
 - (v) if the application is deferred it may be approved or rejected by a subsequent Committee meeting or Branch general meeting.
 - (vi) If the application is not approved or rejected within three months of being lodged with the State Director, it shall be deemed to be accepted, and the applicant shall be

deemed to be a Member of the Branch from the date the application for transfer was lodged with the State Director.

- (d) If a member of a Young Liberal Branch wishes to transfer to a Senior Branch that person shall follow the procedure set out in Clause 3.17(a) and his or her application must be accompanied by a membership fee which is the difference between the prescribed fee paid by that person to be a member of that Young Liberal Branch and the prescribed fee to join a Senior Branch and the provisions of Clauses 3.17(b) and (c) shall apply accordingly and -
- (i) if the application for membership of the Senior Branch to which the person wishes to transfer is approved the Branch Secretary shall forward the membership fee received by the Branch to the State Director at the time of forwarding the completed application form; or
- (ii) if the application is rejected the Branch Secretary or the State Director (as the case may be) shall return the membership fee to the applicant.

(Clause renumbered to 3.17, 26 July 1987, Clause 3.17 deleted and new Clause 3.17 substituted, 16 August 1992, Clauses 3.17 (b)(v) and 3.17 (c)(vi) inserted 6 April 1997).

3.18 DEEMED RESIGNATION OF TRANSFERRING MEMBER

A Member transferring to another Branch shall be deemed to have resigned by the Member's previous Branch (including a Branch in another Division) as at the time the Member becomes a member of that other Branch.

(Clause re-numbered to 3.18, 26 July 1987)

3.19 STATE DIRECTOR TO NOTIFY PREVIOUS BRANCH

Upon receiving notification of approval of a transfer the State Director shall promptly notify the Member's previous Branch of the transfer and resignation from the previous Branch.

(Clause re-numbered to 3.19, 26 July 1987)

3.20 TRANSFER BY A MEMBER AT LARGE

If a Member at Large wishes to become a member of a Branch that person shall follow the procedure set out in Clause 3.17(a) and the provisions of Clauses 3.17(b) and (c) shall apply accordingly.

(Clause renumbered to 3.20, 26 July 1987, Clause 3.20 deleted and new Clause substituted, 16 August 1992)

3.21 REGISTERED SUPPORTERS

Supporters of the Party who are not members of the Party may become registered supporters of the Party upon the payment of such fee and subject to such terms and conditions as the Administrative Committee may from time to time determine. Registered supporters shall not have the rights of members of the Party.

(Clause 3.21 inserted, 25 July 1993)

4. EXPULSION OR SUSPENSION

4.1 GROUNDS AND PROCEDURES

- (a) Any Member may be expelled, or suspended, for up to 12 months, on the grounds that such person has:

- (i) been guilty of disloyalty to the Party, this Constitution or the Platform of the Party; or
 - (ii) been guilty of conduct gravely detrimental to the best interests of the Party.
- (b) The Member's Branch or the Federal Electorate Council for an Electorate within which the Member's Branch is situated, or the Administrative Committee, or the Federal Executive of the Liberal Party of Australia, may submit a motion to the Policy Assembly charging that the Member has:
 - (i) been guilty of disloyalty to the Party, this Constitution or the Platform of the Party; or
 - (ii) been guilty of conduct gravely detrimental to the best interests of the Party.
 - (c) Where the Administrative Committee submits a motion to the Policy Assembly as aforesaid it may, by resolution carried by a two-thirds majority of the members of the Administrative Committee present and voting, suspend that Member until the next meeting of the Policy Assembly.
 - (d) Such motion as aforesaid shall not be determined by Policy Assembly unless not less than 21 days notice in writing has been given to the members of Policy Assembly and to the Member against whom such motion has been laid.
 - (e) Before any vote on such a proposed resolution is taken the Member shall have the right to be heard. Otherwise the procedures to be followed shall be determined by Policy Assembly.
 - (f)
 - (i) The motion as aforesaid shall be determined by a secret ballot and shall not be carried unless by a two-thirds majority of the members of Policy Assembly present and voting thereon.
 - (ii) Upon Policy Assembly passing the motion as aforesaid that the Member has been guilty then Policy Assembly shall determine by motion, which shall be voted upon by secret ballot and carried by two-thirds majority of its members present and voting, what shall be the appropriate penalty by way of expulsion or suspension for up to 12 months.
 - (g) A period of suspension may be terminated by resolution of the Policy Assembly by secret ballot carried by a two-thirds majority of its members present and voting.
 - (h) Where the Policy Assembly takes any steps pursuant to this clause it shall inform the next State Council accordingly.

(Clause 4.1(b), (c), (d) and (f) amended 23 July 1989, Clause 4.1(b) further amended 6 April, 1997)

4.2 APPEAL

- (a) Any Member so expelled or whose membership is suspended shall have right of appeal to the next State Council which may confirm, vary or quash the expulsion or period of suspension, but may not increase a period of suspension.
- (b) Notice of appeal shall be in writing and delivered to the State Director within seven days of the decision of Policy Assembly being made.
- (c) The appeal shall be by way of re-hearing and shall be final.
- (d) Before any vote is taken by the State Council the Member appealing shall have the right to be heard; otherwise the procedure to be followed shall be determined by the State Council.
- (e) Any decision of the State Council to vary or quash the expulsion or period of suspension must be carried by a two-thirds majority of its members present and voting.

- (f) Voting on any resolution or determination under this clause shall except for procedural motions be by secret ballot.

4.3 NO RENEWAL

A Member shall automatically be disqualified from renewing his or her membership during a period of suspension.

4.4 EFFECT ON CONTINUOUS MEMBERSHIP

Where this Constitution requires membership for a continuous or minimum period such period shall not commence until after the expiration of any period of suspension.

4.5 MEMBER OPPOSING AN ENDORSED CANDIDATE

- (a) Any Member who nominates for any election for any Electorate or the Senate where the Party has an endorsed Candidate shall automatically be expelled from membership from the date the Member lodges the nomination with the Returning Officer.
- (b) There shall be no appeal from such expulsion.

4.6 NO RE-ADMISSION WITHOUT APPROVAL

- (a) No person who has been expelled from membership of the Party shall be re-admitted unless the Policy Assembly or State Council so determines by a two-thirds majority of its members present and voting by secret ballot.
- (b) Before the determination of such application the Administrative Committee shall make such investigations as it deems appropriate and in the event that the person was expelled for nominating against an endorsed Candidate shall consult with the Electorate Council of the Electorate in which such person stood as a candidate and shall report the findings of such investigations and consultation to the Policy Assembly or State Council (as the case may be).

5. MEMBERSHIP OF OTHER PARTIES OR ORGANISATIONS

5.1 INELIGIBILITY AND CESSATION OF MEMBERSHIP

- (a) A person who is a member of a Proscribed Organisation shall be ineligible to apply for membership of the Party and any purported acceptance of an application for membership by such person is invalid.
- (b) When the Policy Assembly declares any organisation to be a Proscribed Organisation all Branches shall be immediately notified thereof and at the expiration of 21 days from such declaration any Member of the Party who remains or thereafter becomes a Member of such Proscribed Organisation shall automatically cease to be a Member of the Party.

5.2 DISCLOSURE

Every person applying for membership shall disclose in such application whether he or she -

- (a) has ever been a member of any and which organisation which at the time of his or her application for membership is a Proscribed Organisation;
- (b) has ever been a member of any and which Political party;
- (c) has previously applied for and been refused membership of the Party;
- (d) has previously been expelled from membership of the Party; or

- (e) has ever nominated as a candidate in an election for an Electorate or for the Senate where the Party has had an endorsed candidate.

5.3 NON-MEMBER OPPOSING ENDORSED CANDIDATE

- (a) Any person not being a Member of the Party, who nominates for any Electorate or for election to the Senate where the Party or another Division of the Liberal Party of Australia has an endorsed candidate shall not thereafter be eligible to apply for membership of the Party and any purported approval of an application by such a person shall be invalid unless the Policy Assembly resolves by a two-thirds majority of its members present and voting by secret ballot to permit such person to apply for membership.
- (b) Prior to any motion to grant such permission being considered the Policy Assembly shall make such investigations as it deems appropriate and shall consult the Electorate Council for the Electorate in which the applicant nominated as a candidate.

(Clause 5.3 inserted 26 July 1987. Clause 5.3(a) amended 23 July 1989, 12 August 1990)

6. BRANCHES

6.1 FORMATION

- (a) Upon written application by not less than 20 Members, a Senior Branch may be formed in a locality by the Administrative Committee after thorough consultation with all other Branches and the Electorate Councils affected by the boundaries of the proposed Branch.
- (b) Where the Administrative Committee considers that not less than 20 persons (of whom less than 20 are Members) desire to be Members of a Senior Branch to be formed in a locality, the Administrative Committee may, after consultation with all other Branches and the Electorate Councils affected by the boundaries of the proposed Branch, resolve to establish such a Branch and to approve applications for membership of the Party by such of those persons as are not Members.
- (c) A person applying for membership pursuant to paragraph (b) shall comply with the requirements of this Constitution as if the proposed Branch had been formed and he or she were applying for membership of that Branch, and approval of an application by the Administrative Committee shall be deemed to be approval by that Branch and to fulfil the requirements of Clause 3.5.
- (d) The Administrative Committee shall not approve any applications for membership pursuant to paragraph © until it receives and is prepared to approve a number of applications which, together with the number of existing Members who have indicated in writing a desire to be Members of the proposed Branch, is not less than 20, and upon it approving such applications the Branch shall be deemed to be formed.
- (e) The State Director shall call the inaugural meeting of a Branch formed under paragraph (a) or paragraph (d) within two months of its formation.
- (f) Where a Senior Branch has had less than 20 Members for a continuous period of 12 months but the Administrative Committee has determined that the Branch is not defunct, and where the Branch continues to have less than 20 Members, the Administrative Committee may resolve to reactivate that Branch, and the Administrative Committee may for three months thereafter approve applications for membership of the Branch and applications to transfer to that Branch and approval of an application by the Administrative Committee shall be deemed to be approval by that Branch and to fulfil the requirements of Clause 3.5 or Clause 3.17.
- (g) Where within three months of the Administrative Committee resolving to reactivate a Branch that Branch has 20 or more Members, the State Director shall within two months of the Branch first having 20 or more Members convene a meeting of the Branch which shall be deemed to be an Annual Meeting of the Branch.

- (h) Upon the formation of a Branch, each Member who -
- (i) applied for the formation of the Branch, or
- (ii) indicated in writing a desire to be a Member of the Branch, or
- (iii) becomes a Member under paragraph ©

shall be a Member of the Branch and if that Member was previously a Member of another Branch -

- (iv) the Member shall be deemed to have resigned from that other Branch, and
- (v) the State Director shall promptly notify the other Branch of the resignation.

(Clause 6.1 amended 10 July 1988; deleted and replaced 11 August 1990)

6.2 RESTRICTION ON CONVENTION REPRESENTATION

A Branch formed in an Electorate between the date of first calling for applications for endorsement for that Electorate and the endorsing of a candidate for that Electorate shall not be eligible to be represented at a convention for that Electorate.

(Clause 6.2 amended 12 May, 1996)

6.3 RULES

The Administrative Committee shall publish rules subject to the provisions of this Constitution governing the conduct and procedures to be followed by Senior Branches and Senior Branches shall comply with such rules.

6.4 BOUNDARIES

Boundaries of Senior Branches shall be defined from time to time by the Administrative Committee.

6.5 METROPOLITAN AND COUNTRY

The Administrative Committee shall categorise all Branches as either metropolitan or country Branches.

6.6 AMALGAMATION

Branches shall not be permitted to amalgamate except with the prior consent of the Administrative Committee.

6.7 DISBANDMENT

No Branch shall disband unless a resolution to that effect is carried by a two-thirds majority of the Members of the Branch present and voting at a special meeting called for that purpose. Not less than 14 days notice of such meeting and its purpose shall be given to -

- (a) Branch Members; and
- (b) the State Director

by prepaid post or certified mail.

6.8 DEFUNCT BRANCHES - DECLARATION BY ADMINISTRATIVE COMMITTEE

The Administrative Committee may declare any Senior Branch with less than 20 members to be defunct.

6.9 DEFUNCT BRANCHES

- (a) Where a Senior Branch has had less than 20 Members for a continuous period of 12 months it shall thereupon become defunct unless the Administrative Committee determines to the contrary.
- (b) The Administrative Committee shall present a report to the Annual Meeting of State Council of its determinations under this Clause.

6.10 SUSPENSION OR DISSOLUTION OF A BRANCH

- (a) The Administrative Committee may by a two-thirds majority of its members present and voting suspend for a specified period or dissolve any Branch which in its opinion has acted in a manner gravely detrimental to the best interests of the Party.
- (b) Such a resolution shall not be considered unless at least 21 days notice in writing has been given to the members of the Administrative Committee and to the members of such Branch.
- (c) A period of suspension may be terminated by the Administrative Committee by a two-thirds majority of its members present and voting.
- (d) Where the Administrative Committee takes any steps pursuant to this clause it shall inform the next State Council accordingly.

6.11 RIGHT OF APPEAL

- (a) Any Branch so suspended or dissolved shall have a right of appeal to the next State Council which may confirm, vary or quash the expulsion or period of suspension, but may not increase a period of suspension.
- (b) Notice of appeal shall be in writing and delivered to the State Director within seven days of the decision of the Administrative Committee being made.
- (c) The appeal shall be by way of a re-hearing and shall be final.
- (d) Before any vote is taken by the State Council, the State Council delegates of the Branch appealing shall have the right to be heard; otherwise the procedure to be followed shall be determined by the State Council.
- (e) Any decision of the State Council to vary or quash the dissolution or period of suspension must be carried by two-thirds majority of its members present and voting.
- (f) Voting on any resolution or determination under this clause shall except for procedural motions be by secret ballot.

6.12 EFFECT OF SUSPENSION

During any period of suspension of any Branch -

- (a) no member of the Branch shall act as a State Council delegate or be an Electorate Council delegate to attend a Convention; and
- (b) any member of the Branch shall thereupon be a Member at large or may with the approval of the Administrative Committee apply to transfer to another Branch.

6.13 PROPERTY OF A BRANCH

Upon disbandment, suspension or dissolution of any Branch, or upon a declaration by the Administrative Committee that a Branch is defunct, all books, documents, moneys, funds, securities, records and any other property of the Branch in the possession or control of the Branch or any of its officers or Members shall become the property of the Party and shall be handed over to the State Director forthwith.

Upon the disbandment or dissolution of a Branch, and upon a Branch becoming defunct -

- (a) any Member of the Branch shall become a Member at Large; and
- (b) the State Director shall send to each such Member an invitation to transfer to another Branch.

7. BRANCH MEETINGS

7.1 ANNUAL MEETING

- (a) Each Senior Branch shall hold an Annual Meeting between 15 October and 15 December (inclusive) in each year unless the Administrative Committee otherwise determines.
- (b) At each Annual Meeting of a Senior Branch the Treasurer shall present -
 - (i) an audited income and expenditure statement for the previous Financial Year and balance sheet as at the last day of the previous Financial Year; and
 - (ii) an (unaudited) income and expenditure statement for the period from the end of the previous Financial Year until the date of the Annual Meeting,

for the consideration of the meeting.

(Clause 7.1 renumbered to Clause 7.1(a) and amended 17 July 1994, Clause 7.1(b) inserted 17 July 1994)

7.2 ANNUAL RETURN

- (1) Within three weeks of holding the Annual Meeting each Senior Branch shall forward to the State Director and to the Secretary of each Electorate Council for each Electorate within the boundaries of which the Branch falls an annual return on a form approved by the Administrative Committee containing :
 - (a) particulars of the office bearers and Committee members;
 - (b) particulars of Branch delegates; and
 - (c) such other information as may be required.
- (2)
 - (a) Subject to paragraph (b), where a person is elected to fill a vacant position pursuant to Clause 8.5 or where Convention delegates are elected pursuant to Clause 8.3, within three weeks of the person being so elected a Senior Branch shall notify the State Director and the Secretary of each relevant Electorate Council of particulars of the persons elected and the order of election of the Convention delegates.
 - (b) Particulars of the Convention delegates and their order of election, and particulars of persons elected to fill vacant positions as convention delegates, shall be notified to the State Director not less than 72 hours prior to the scheduled commencement of the Convention and if such particulars are not so notified the delegates concerned shall not be permitted to attend the Convention.
 - (c) An exclusion of delegates from a Convention pursuant to paragraph (b) shall not affect the Branch's entitlement to delegates for the purposes of any

calculation of the numbers of persons entitled to attend or be selected to attend the Convention.

- (d) Where a casual vacancy occurs in a Convention delegate's position and a Senior Branch does not fill that position in sufficient time for the Convention, the Branch shall notify the State Director not less than 72 hours before the scheduled commencement of the Convention and if such notification is not given the number of Branch delegates in excess of the Branch's entitlement shall be determined and eliminated as if the casual vacancy had not occurred.

(Clause 7.2 renumbered and Clause 7.2(b) inserted 23 July 1989, amended 12 August 1990)

7.3 FAILURE TO HOLD

Where a Senior Branch fails to hold an Annual Meeting between 15 October and 15 December in any year the State Director shall call an Annual Meeting of the Branch as soon as practicable and may declare all offices vacant.

(Clause 7.3 amended 17 July 1994)

7.4 NOTICE

- (1) Subject to sub-clause (2), at least seven days notice of all Branch meetings shall be given to Branch Members by the Secretary -

- (a) by notice sent by prepaid post to the address of each Member appearing in the Branch records; or
- (b) by notice delivered to the address of each Member appearing in the Branch records; or
- (c) by personal notice in such manner as the Branch Committee may direct.

Casual non-receipt by a member of such notice shall not affect the validity of a meeting.

- (2) (a) Where a Convention is to be held to select a candidate for a by-election, a Branch meeting may be called on not less than 48 hours notice for the purpose only of electing delegates to attend the Convention and electing persons to fill casual vacancies as delegates to that Convention.

(b) In addition to the methods of notice referred to in sub-clause (1), notice of a meeting referred to in paragraph (a) may be given by telephone either to a Member personally or by message left at the most recent telephone number for that Member shown in the Branch records.

- (3) At least 24 hours advance notice of all Branch Committee meetings shall be given to each member of the Branch Committee by the President, a Vice-President or the Secretary of the Branch.

(Clause 7.4 amended and re-numbered and Clause 7.4(2) inserted 23 July 1989)

(Clause 7.4(3) inserted 17 November 1991, Clause 7.4(2)(a) amended 6 April, 1997)

7.5 CALLING OF MEETING

- (a) A Branch meeting may be called by -

- (i) the President
- (ii) the Committee, or
- (iii) a general meeting.

- (b) Upon receipt of a written request signed by five Branch Members or the State Director, which request shall state the proposed business of the meeting, the Secretary shall call a Branch Meeting within 14 days. If the Secretary fails to call such a meeting or there is no properly appointed person holding the office of Secretary, then the State Director shall immediately convene a meeting by giving notice to all Branch Members.
- (c) A Branch Committee meeting may be called by -
 - (i) the President, or
 - (ii) a Vice President.

(Clause 7.5(b) amended 26 July 1987 and further amended 28 March 1999)

7.6 QUORUM

- (a) The quorum at the Annual Meeting of a Branch shall be seven Members.
- (b) The quorum at all other Branch general meetings shall be five Members.
- (c) The quorum at a meeting of the Branch Committee shall be four Members.

7.7 BALLOTS AND VOTING

At all Branch meetings and at all Branch Committee meetings -

- (a) all elections shall be by exhaustive secret ballot
- (b) no proxy votes shall be allowed, and
- (c) the Chairman shall have a deliberative and a casting vote, saving that where, during an election of office bearers and/or delegates, the Chairman is not a Branch Member, the Chairman shall have a casting vote only.

(Clause 7.7 amended 23 July 1989, Clause 7.7© amended 16 August 1992)

7.8 CHAIRMAN

- (a) Each election of office bearers and/or delegates at a Branch meeting (including an inaugural meeting and an Annual Meeting) shall be chaired by a member of the Party who may or may not be a member of the Branch PROVIDED THAT
 - (i) a person who is a candidate for a particular office or delegateship shall not chair the election for that office or delegateship; and
 - (ii) a member of Parliament representing an Electorate within which the Branch's boundaries wholly or partly fall and any person who has applied for endorsement as the candidate for such an Electorate shall not chair an election of convention delegates held pursuant to Clause 8.3.
- (b) At all other times a Branch meeting or a meeting of a Branch Committee shall be chaired by the President, or if the President is absent or unwilling to chair the meeting, by a Vice President, or if the Vice Presidents are absent or unwilling to chair the meeting, by a Branch Member elected by the meeting.

(Clause 7.8(a) deleted and new Clause 7.8(a) substituted, 16 August 1992)

8. BRANCH ELECTIONS AND ENTITLEMENTS

8.1 BRANCH OFFICE BEARERS AND COMMITTEE MEMBERS

- (a) Each Senior Branch shall at its Annual Meeting elect from amongst its non-parliamentary Members a Committee consisting of a President, one male Vice President and one female Vice President, a Secretary, a Treasurer, a Membership Officer, and such other office bearers as it deems desirable and at least two other Committee members.
- (b) The Committee of a Senior Branch shall have equal representation between men and women as far as possible.

8.2 BRANCH DELEGATES

A Branch shall at its Annual Meeting or at any general meeting elect from amongst its non-parliamentary Members -

(a) One male and one female delegate to State Council from amongst those members who at the date of State Council

- (i)
- (ii) except in the case of an inaugural meeting of a Branch, will have been Members for at least three months,

(b) (i) Two male and two female delegates to the Federal Electorate Council,

- (ii) Two male and two female delegates to the Legislative Assembly Electorate Council, and
- (iii) Two male and two female delegates to the Legislative Province Electorate Council,

of each Electorate within which the Branch's boundaries wholly or partly fall, provided that where the boundaries of a Branch are not wholly within an Electorate and less than 20 Members of the Branch reside within that Electorate the Branch shall only be entitled to one male and one female delegate to the Electorate Council for such Electorate,

(c) one delegate to the Area Finance Committee,

and all of the above delegates elected at an Annual Meeting shall commence to hold office from (but not before) the next 1 January after the Annual Meeting.

(Clauses 8.2© and (d) amended and Clause 8.2(e) inserted 12 November 1988; Clauses 8.2©, (d) and (e) amended and concluding words of Clause 8.2 inserted 23 July 1989. Clause 8.2 further amended 12 August 1990. Clause 8.2(a)(i) deleted 10 August 1991. Clause 8.2 further amended 17 July 1994)

8.3 ELECTION OF CONVENTION DELEGATES

- (a) Upon a Branch being advised by the State Director of the number of delegates to a Convention to which it is entitled, the Branch shall at a general meeting elect such number of delegates from amongst its non-parliamentary Members.
- (b) A Branch may elect additional delegates from amongst its non-parliamentary Members if it thinks fit.

- (c) Where a Branch elects additional delegates, not more than 72 hours prior to the scheduled commencement of the Convention the State Director shall, after taking into account any unfilled casual vacancies notified under Clause 7.2(2)(d) or Clause 9.12(2)(d), eliminate the excess delegates in the reverse order of their election.
- (d) The delegates elected by a Branch pursuant to paragraphs (a) and (b) shall also be the Branch's delegates if the Convention to which they are elected is re-held within a period of six (6) calendar months.
- (e) If a delegate elected by a Branch pursuant to paragraphs (a) or (b) above-
 - (i) resigns his or her delegateship by written notice to the Branch President or Secretary; or
 - (ii) is ineligible to attend the Convention to which he or she has been elected to attend; and
 - (iii) as a result, the Branch has less than the number of delegates to the Convention to which it is entitled,

then a Branch meeting may be called on not less than 48 hours notice for the purpose only of electing persons from amongst its non-parliamentary Members to fill the casual vacancies as delegates to that Convention and notwithstanding the provisions of Clause 7.4(1) notice of that Branch meeting may be given by telephone either to a Member personally or by message left at the most recent telephone number for that Member shown in the Branch records.

- (f) In any election of delegates pursuant to paragraphs (a), (b), or (e) of this clause, to be eligible to vote in such an election a person must have been, as of the date of the first calling for applications for endorsement and remain as of the date of the election, a Member of any Branch, the boundaries of which fall wholly or partly within the boundaries of the relevant electorate, for the preceding 12 months.
- (g) The quorum for a Branch general meeting conducted for the purposes of this clause shall be five members. The meeting shall not lack a quorum merely because fewer than five members are eligible to vote in any election of delegates conducted pursuant to this clause.

(Clause 8.3 deleted, and new Clause 8.3 substituted 12 August 1990. Clauses 8.3(d) and (e) inserted 17 November 1991. Clause 8.3(f) and (g) inserted 25 March 2000)

8.4 DELEGATE AND CANDIDATE

If a delegate to a Convention lodges an application for endorsement in respect of that Convention such person shall immediately cease to be a delegate to the Convention and the Branch or its Committee shall elect a man or woman as the case may be to fill the vacancy.

8.5 CASUAL VACANCY

- (a) If a casual vacancy occurs in a position elected by a Branch other than a casual vacancy in a Convention delegateship, then the Branch at a general meeting may elect a man or woman as the case may be to fill such vacant position.
- (b) If, but only if, there is insufficient time available to fill such casual vacancy, other than a casual vacancy in a Convention delegateship, at a general meeting, then the Committee of the Branch may, by secret ballot elect a man or woman as the case may be to fill such vacant position until the next general meeting of the Branch.
- (c) The notice of a general meeting at which an election is to be held to fill a casual vacancy shall include notice of that election.

(Clause 8.5 amended 23 July 1989, Clause 8.5© inserted 10 August 1991; Clauses 8.5(a) and (b) amended 17 November 1991)

8.6 INAUGURAL MEETINGS

An inaugural meeting of a Branch shall conduct elections for those positions which would otherwise be filled at an Annual Meeting.

8.7 PERIOD OF OFFICE

- (a) Subject to paragraph (b) all persons elected by a Branch, whether at the Annual Meeting or at another general meeting, or by its Committee, shall hold office until the next Annual Meeting of the Branch.
- (b) If at any Branch meeting a motion of no confidence against any Branch office bearer, delegate or Committee member of which notice has been given in the notice of meeting is passed by a two-thirds majority of the members present and voting, then that position shall immediately be vacated and an election to fill the position shall be held within 30 days.

(Clause lettered to 8.7(a) and amended and Clause 8.7(b) inserted 9 July 1988. Clause 8.7(b) amended 23 July 1989, Clause 8.7(a) amended 16 August 1992, Clause 8.7(c) inserted 16 August 1992, Clause 8.7(c) deleted 12 May, 1996)

8.8 ENTITLEMENT TO STATE COUNCIL AND ELECTORATE COUNCIL No Branch shall be entitled to be represented at -

- (a) a meeting of State Council, or
- (b) a meeting of an Electorate Council,
unless -
 - (i) seven days prior to that meeting the State Director holds records showing that the Branch has at least 20 Members; and
 - (ii) the Branch has held an Annual Meeting as required by Clauses 7.1 or 9.12 (as the case may be) and seven days prior to the meeting of State Council or the Electorate Council the State Director holds the Branch's annual return in respect of its last Annual Meeting or, where the Branch's last Annual Meeting was held less than 28 days prior to the date of the relevant meeting of State Council or the Electorate Council, the Branch's annual return in respect of its previous Annual Meeting.

(Clause 8.8(ii) amended 15 November 1987 and further amended 17 July 1994; then Clause 8.8 deleted and replaced 19 March 1995).

8.9 ENTITLEMENT TO CONVENTION

No Branch shall be entitled to be represented at a Convention unless upon the date of first calling for applications for endorsement -

- (a) the State Director holds records showing that the Branch has at least 20 Members; and
- (b) the Branch has held an Annual Meeting as required by Clauses 7.1 or 9.12 (as the case may be) and upon the date of first calling for applications for endorsement the State Director holds the Branch's annual return in respect of its last Annual Meeting or, where the Branch's last Annual Meeting was held less than 28 days prior to the date of first calling for applications for endorsement, the Branch's annual return in respect of its previous Annual Meeting.

(Clause 8.9(ii) amended 15 November 1987. Clause 8.9(a) deleted 12 November 1988. Clause 8.9(ii) further amended 17 July 1994; then Clause 8.9 deleted and replaced 19 March 1995).

9. YOUNG LIBERAL MOVEMENT

9.1 COMPOSITION

There shall be a Young Liberal Movement which shall consist of Young Liberal Branches formed with the approval of the Movement Council.

9.2 MEMBERS

- (a) Members of Young Liberal Branches shall be not less than 16 or more than 30 years of age.
- (b) A Member of a Young Liberal Branch who has not transferred his or her membership to a Senior Branch at the time of attaining 31 years of age, shall cease to be a Member of the Party.

(Clause 9.2(b) inserted 6 April, 1997)

9.3 MOVEMENT COUNCIL

For the purpose of conducting and coordinating the activities of the Young Liberal Movement there shall be a Movement Council which shall consist of:

- (a) three primary Movement Council delegates elected by each Young Liberal Branch, provided that Branch has not less than 10 Members;
- (b) the four delegates elected by the Policy Assembly;
- (c) the immediate Past President of the Movement;
- (d) the two secondary Movement Council delegates elected by each Young Liberal Branch, provided that Branch has not less than 20 members;
- (e) the members of the Executive of the Young Liberal Movement;
- (f) the President and Vice President of the Federal Executive of the Young Liberal Movement of Australia when Members of the Victorian Division of the Young Liberal Movement of Australia;
- (g) the members of the Young Liberal Policy Committee;
- (h) the two delegates of the Central Council of the Women's Sections;
- (i) a member of the State Parliamentary Party nominated by its Leader;
- (j) a member of the Federal Parliamentary Party nominated by its Leader; and
- (k) the Chairman of each Regional Council prescribed by the Movement By-Laws.

(Clause 9.3(a) and (d) amended 6 April, 1997)

9.4 MOVEMENT EXECUTIVE

Movement Council shall elect annually from amongst its members:

- (a) a President; and
- (b) such office bearers as are prescribed by the Movement By-Laws

and the President and such office bearers, together with such further ex-officio members as the Movement By-Laws may provide, shall constitute the Executive of the Movement.

(Clause 9.4 amended 12 November 1988)

9.5 MOVEMENT COUNCIL MEETINGS

Movement Council shall meet at least once every two months.

9.6 MEMBERSHIP FEES

- (a) Movement Council shall prescribe the rate, structure and level of membership subscription fees for Members of Young Liberal Branches.
- (b) Subject to paragraph (c), a person who joins a Young Liberal Branch between 1 March and 31 October in any year and pays the membership fee prescribed by Movement Council shall be a Member of that Young Liberal Branch for the remainder of the Membership Year and shall be deemed to be a Member of that Young Liberal Branch for three months following the end of that Membership Year.
- (c) A person who joins a Young Liberal Branch between 1 August and 31 October in any year and pays the "eighteen month" membership fee prescribed by Movement Council shall be a Member of that Young Liberal Branch for the remainder of the current Membership Year and for the whole of the next Membership Year and shall be deemed to be a Member of that Young Liberal Branch for three months following the end of the latter Membership Year.
- (d) A person who joins a Young Liberal Branch on or after 1 November in any year and pays the membership fee prescribed by Movement Council shall be a Member of that Young Liberal Branch for the remainder of the current Membership Year and for the whole of the next Membership Year and shall be deemed to be a Member of that Young Liberal Branch for three months following the end of the latter Membership Year.

(Clauses 9.6(b), (c) and (d) inserted 17 November 1991 and amended 17 July 1994.)

9.7 BRANCH COMMITTEE AND MOVEMENT COUNCIL DELEGATES

- (a) Each Young Liberal Branch shall at its inaugural meeting and at each Annual Meeting elect from amongst its non-parliamentary members a committee consisting of -
 - (i) a President;
 - (ii) a Secretary; and
 - (iii) such other office bearers as the Movement By-Laws require or permit;

and shall also elect three Primary and two Secondary Movement Council delegates, at least two males and at least two females, with both genders represented in each category of delegateship wherever possible.

- (b) The Committee members and Movement Council delegates shall hold office until the next Annual Meeting.

(Clause 9.7(a) amended 6th April, 1997).

9.8 YOUNG LIBERAL BOUNDARIES

With the approval of the Administrative Committee the Executive of the Young Liberal Movement may determine the boundaries of the Young Liberal Branches.

9.9 DEFUNCT BRANCHES - DECLARATION BY MOVEMENT COUNCIL

The Movement Council may declare any Young Liberal Branch with less than 10 financial Members to be defunct.

9.10 DEFUNCT BRANCHES

- (a) Where a Young Liberal Branch has had less than 10 members for a continuous period of 12 months it shall thereupon become defunct unless the Movement Council determines to the contrary.
- (b) The Movement Executive shall present annually a report to the Administrative Committee of the determinations under this Clause.

9.11 BY-LAWS

With the approval of the Administrative Committee the Movement Council may promulgate By-Laws for the guidance and coordination of the affairs of the Young Liberal Movement and Young Liberal Branches.

9.12 ANNUAL MEETING AND ANNUAL RETURN

- (1) Each Young Liberal Branch shall hold an Annual Meeting between 15 October and 15 December (inclusive) in each year and an annual return showing -
 - (a) the names and addresses of office bearers and delegates elected at such meeting, and
 - (b) such other particulars as may be required by the Movement By-Laws

shall within three weeks of holding the Annual Meeting be forwarded to the State Director and to the Secretary of each Electorate Council for each Electorate within the boundaries of which the Young Liberal Branch falls.

- (1A) The Movement Council, State Council and Electorate Council delegates elected by each Young Liberal Branch at its Annual Meeting shall hold office from (but not before) the next 1 January after the Annual Meeting.
- (2)
 - (a) Subject to paragraph (b), where a person is elected to fill a vacant position pursuant to Clause 8.5 or where Convention delegates are elected pursuant to Clause 8.3, within three weeks of the persons being so elected a Young Liberal Branch shall notify the State Director and the Secretary of each relevant Electorate Council of particulars of the persons so elected and the order of election of the Convention delegates.
 - (b) Particulars of the Convention delegates and their order of election, and particulars of persons elected to fill vacant positions as Convention delegates, shall be notified to the State Director not less than 72 hours prior to the scheduled commencement of the Convention and if such particulars are not so notified the delegates concerned shall not be permitted to attend the Convention.
 - (c) An exclusion of delegates from a convention pursuant to paragraph (b) shall not affect the Branch's entitlement to delegates for the purposes of any calculation of the numbers of persons entitled to attend or be selected to attend the Convention.
 - (d) Where a casual vacancy occurs in a Convention delegate's position and a Young Liberal Branch does not fill that position in sufficient time for the Convention, the Branch shall notify the State Director not less than 72 hours before the scheduled commencement of the Convention and if such notification is not given the number of Branch delegates in excess of the Branch's entitlement shall be determined and eliminated as if the casual vacancy had not occurred.

(Clause 9.12 renumbered and Clause 9.12(2) inserted 23 July 1989, Clause 9.12(2) amended 12 August 1990. Clause 9.12(1A) inserted and Clause 9.12(1) amended 17 July 1994, Clause 9.12 (1) amended 12th May, 1996).

10. WOMEN'S SECTIONS

10.1 FORMATION

Women's Sections may be formed with the approval of the Central Council of the Women's Sections.

10.2 AIMS

The aims of the Women's Sections are to further the aims of the Party and to pursue activities which are consistent with the aims of the Party.

10.3 MEMBERSHIP

Members of Women's Sections must be female members of the Party and each female Member of the Party may only be a member of one (1) Women's Section.

10.4 ELECTIONS

Each Women's Section shall at its inaugural meeting and at each Annual General Meeting elect the following office bearers from amongst its members by secret preferential ballot:

- (a) a Chairman;
- (b) two (2) Vice-Chairmen;
- (c) a Secretary;
- (d) a Treasurer;
- (e) at least two (2) Committee Members;
- (f) three (3) delegates to Central Council; and
- (g) three (3) proxy delegates to Central Council.

10.5 CENTRAL COUNCIL

- (a) There shall be a Central Council of the Women's Sections consisting of:
 - (i) the three (3) delegates or proxy delegates elected or appointed by each Women's Section;
 - (ii) the State President of the Party (if female) and the two (2) female Vice-Presidents of the Party;
 - (iii) one female delegate elected by and from the Young Liberal Movement Council; and
 - (iv) the past chairmen of Central Council and its predecessor bodies who remain Party Members.
- (b) The Central Council of the Women's Sections shall be responsible for the proper conduct, management and co-ordination of the affairs of the Women's Sections.

- (c) The Central Council of the Women's Sections shall meet at least quarterly.
- (d) At each Annual General Meeting of Central Council an Executive Committee consisting of the following office bearers shall be elected by secret preferential ballot:
 - (i) a Chairman;
 - (ii) two (2) Vice-Chairmen;
 - (iii) a Treasurer; and
 - (iv) seven (7) members.

In addition, the Immediate Past Chairman of the Women's Sections shall be a full voting member of the Executive Committee.

10.6 RULES OF THE WOMEN'S SECTIONS

The Central Council of the Women's Sections may, with the approval of the Administrative Committee, promulgate rules for the conduct of the affairs of the Women's Sections and amend those rules.

(Division 10 deleted and new Division 10 substituted 27 March 1994.)

11. STATE COUNCIL

11.1 MEMBERSHIP

There shall be a State Council which shall consist of:

- (a) the one male and one female delegate elected by each Branch which is entitled to be represented at State Council;
- (b) all members of the State Parliamentary Party;
- (c) all Victorian members of the Federal Parliamentary Party;
- (d) the Treasurer;
- (e) the State President of the Young Liberal Movement;
- (f) the Chairman of the Central Council of the Women's Sections;
- (g) each past State President (for as long as such person remains a Member of the Party);
- (h) the State President;
- (i) each permanent member within the meaning of Clause 11.15 who is also a financial member of the Party;
- (j) All Victorian non-parliamentary members of the Federal Executive of the Liberal Party of Australia; and
- (k) the State Council Delegates elected by each Federal Electorate Council pursuant to Clause 19.13.

(Clause 11.1(i) inserted 17 November 1991, Clause 11.1(j) inserted 6 April, 1997 Clause 11.1(k) inserted 5 April 1998)

11.2 ANNUAL ELECTIONS

State Council shall elect at an Annual Meeting by preferential ballot from among its non-parliamentary members

- (a) a State President;
- (b) four Vice-Presidents of whom there shall be one male and one female representing metropolitan Branches and Federal Electorate Councils and one male and one female representing country Branches and Federal Electorate Councils selected from amongst the respective delegates;
- (c) eight Members of the Administrative Committee of whom there shall be two males and two females representing metropolitan Branches and Federal Electorate Councils and two males and two females representing country Branches and Federal Electorate Councils selected from amongst the respective delegates;
- (d) four Members of the State Council Agenda Committee of whom there shall be one male and one female representing metropolitan Branches and Federal Electorate Councils and one male and one female representing country Branches and Federal Electorate Councils selected from amongst the respective delegates, and
- (e) 32 Members of the Policy Assembly of whom there shall be eight males and eight females representing metropolitan Branches and Federal Electorate Councils and eight males and eight females representing country Branches and Federal Electorate Councils selected from amongst the respective delegates.

If after seven places have been filled in any Policy Assembly category no representative of a Young Liberal Branch has been elected, the last place shall (if possible) be filled by the representative of a Young Liberal Branch polling the highest number of votes in that category.

(Paragraphs (b), (c), (d) and (e) amended 5 April 1998)

11.3 TREASURER

State Council shall elect at its Annual Meeting from amongst the Members of the Party a Treasurer who shall present a report on the state of the Party's financial affairs to each Annual Meeting of State Council and shall make a recommendation as to the amount, structure and composition of membership fees for the next Membership Year.

(Clause 11.3 amended 17 July 1994)

11.4 POWER OF STATE COUNCIL

- (a) State Council shall be the governing body of the Party and shall determine the Platform of the Party but shall not have control over the internal affairs of the State Parliamentary Party.
- (b) Policy decisions of State Council shall not be binding upon the State or Federal Parliamentary Parties, but shall be dealt with as follows:
 - (i) policy decisions relating to State matters shall be forwarded to the State Parliamentary Party as recommendations of the State Council, and
 - (ii) policy decisions relating to Federal matters shall be forwarded to the Federal Council as resolutions from the Victorian Division.

11.5 PROXIES

- (a) If any State Council member elected by a Branch is unable to attend all or any part of a meeting of State Council, such member may by letter addressed to the State Director appoint a member of the same Branch, to act as a proxy member with full voting rights.

- (b) If a Branch delegate fails to appoint a proxy, the President, or failing whom the Secretary, of the relevant Branch may do so in like manner.
- (c) If any State Council member elected by a Federal Electorate Council is unable to attend all or any part of a meeting of State Council, such member may by letter addressed to the State Director appoint a member of a Branch the boundaries of which fall wholly or partly within the boundaries of that Federal Electorate Council to act as a proxy member with full voting rights.
- (d) If a State Council member elected by a Federal Electorate Council fails to appoint a proxy, the Chairman or failing whom the Secretary of that Federal Electorate Council may do so in a like manner.

(Clause 11.5(a) amended 10 July 1988 and further amended 6 April 1997, Clauses 11.5 (c) and (d) added 5 April 1998)

11.6 CONVENING

- (a) Subject to this Constitution all meetings of State Council shall be convened by the Administrative Committee.
- (b) The Administrative Committee shall convene the Annual Meeting of State Council for March or April in every year unless the Administrative Committee determines that there is a compelling reason to hold the Annual Meeting in another month.

(Clause 11.6(b) amended 17 July 1994)

11.7 STANDING ORDERS

All meetings of State Council shall be conducted in accordance with the Standing Orders to regulate its conduct and procedures of business as prescribed by the Administrative Committee.

11.8 NOTICE

At least 14 days notice of meetings, together with the proposed agenda, shall be given to all members of State Council unless the Administrative Committee on account of urgent necessity shall otherwise determine.

11.9 QUORUM

100 members of State Council shall constitute a quorum.

11.10 SPECIAL MEETING

- (a) The Administrative Committee shall on a written requisition signed by not less than 50 members of State Council forthwith convene a meeting of State Council.
- (b) Such requisition -
 - (i) shall state the objects of the meeting, and
 - (ii) may consist of more than one document in like form.
- (c) Such requisition shall be lodged with the State Director for immediate presentation to the Administrative Committee.
- (d) If the Administrative Committee does not cause the meeting to be held within 28 days of the date of the requisition being lodged the signatories may direct the State Director to convene a meeting which shall not be held more than two months from the date of lodgement of such requisition.
- (e) Any such meeting shall be convened as early as possible in the same manner as a meeting of State Council.

(Clause 11.10(d) amended 26 July 1987)

11.11 AGENDA COMMITTEE

There shall be a State Council Agenda Committee which shall consist of:

- (a) the Chairman elected by the Policy Assembly;
- (b) the four members elected from and by the Policy Assembly;
- (c) the four members elected from and by the State Council of whom there shall be one male and one female from amongst the delegates representing metropolitan Branches and one male and one female from amongst the delegates representing country Branches;
- (d) the Chairman of the Central Council of the Women's Sections or her nominee;
- (e) the State President of the Young Liberal Movement or nominee, and
- (f) one metropolitan and one country representative of Area Conferences elected annually by a meeting of Area Conference Chairman.

11.12 POWERS AND FUNCTIONS OF AGENDA COMMITTEE

The State Council Agenda Committee shall have such powers and functions as may be prescribed from time to time in the Standing Orders of State Council.

11.13 ELIGIBILITY FOR ELECTION

- (a) No Branch delegate shall be eligible to nominate for election by State Council to the position of State President, a Vice President, a member of the Administrative Committee, a member of the State Council Agenda Committee or a member of the Policy Assembly unless at the closing of such nominations that person is a financial Member of the Party and -
 - (i) the State Director holds records showing that the Branch has at least twenty (20) Members; and
 - (ii) the Branch has held an Annual Meeting as required by Clauses 7.1 or 9.12 (as the case may be) and at the closing of such nominations the State Director holds the Branch's annual return in respect of its last Annual Meeting or, where the Branch's last Annual Meeting was held less than twenty-eight (28) days prior to the date of the closing of nominations, the Branch's annual return in respect of its previous Annual Meeting.
- (b) No Branch delegate who has nominated for any of the positions referred to in (a) above shall be eligible to be elected to such position unless at the time of the relevant State Council that person remains a financial Member of the Party and the Branch is entitled to be represented at that State Council.
- (c) No Federal Electorate Council delegate shall be eligible to nominate for election by State Council to the position of State President, a Vice-President, a member of the Administrative Committee, a member of the State Council Agenda Committee or a member of the Policy Assembly unless at the closing of such nominations that person is a financial Member of the Party, and no Federal Electorate Council delegate who has nominated for any of those positions shall be eligible to be elected to such positions unless at the time of the relevant State Council that person remains a financial Member of the Party.

(Clause 11.13 inserted 12 August 1990, Clause 11.13(a) amended 17 July 1994, then deleted and replaced 19 March 1995 Clause 11.13 (c) added 5 April 1998).

11.14 PRINCIPAL RESIDENCE OF METROPOLITAN AND
COUNTRY REPRESENTATIVES

(a) No Branch or Federal Electorate Council delegate shall be eligible to nominate for election by State Council to the position of-

- (i) Vice-President representing metropolitan Branches and Federal Electorate Councils;
- (ii) member of the Administrative Committee representing metropolitan Branches and Federal Electorate Councils;
- (iii) member of the State Council Agenda Committee representing metropolitan Branches and Federal Electorate Councils; or
- (iv) member of the Policy Assembly representing metropolitan Branches and Federal Electorate Councils,

unless that delegate's principal place of residence is within a metropolitan State electorate.

(b) No Branch or Federal Electorate Council delegate shall be eligible to nominate for election by State Council to the position of -

- (i) Vice-President representing country Branches and Federal Electorate Councils;
- (ii) member of the Administrative Committee representing country Branches and Federal Electorate Councils;
- (iii) member of the State Council Agenda Committee representing country Branches; or
- (iv) member of the Policy Assembly representing country Branches,

unless that delegate's principal place of residence is within a country State electorate.

(Clause 11.14 inserted 17 November 1991, paragraphs (a) and (b) amended 5 April 1998).

11.15 PERMANENT MEMBERSHIP

For the purpose of Clause 11.1 "permanent member" means a person who was accepted by State Council on 17 November 1991 as a life member of State Council in recognition of that person having been a member of State Council for a continuous period of at least 30 years.

(Clause 11.15 inserted 17 November 1991)

11.16 NOMINATION AND INVESTIGATION OF CANDIDATES

- (a) Nominations for the positions specified in Clauses 11.2 and 11.3 shall be submitted not later than the closing date for nominations specified by the Administrative Committee on the form specified for that purpose from time to time by the Administrative Committee and the particulars of each candidate submitted on that form shall be distributed to the members of State Council with the proposed agenda for each Annual Meeting.
- (b) A candidate for the position of State President must be nominated by 10 members of State Council.
- (c) No candidate for election to a position specified in Clauses 11.2 and 11.3 shall retain the services of any professional consultant or circularise delegates with any material intended to promote his or her candidacy.
- (d) The State Director shall have the power to investigate the biographical details and qualifications of each candidate for election to a position specified in Clauses 11.2(a) to (c) inclusive and Clause 11.3 and the results of any such investigation shall be reported to State Council by the State Director.

(Clause 11.16 inserted 17 July 1994)

11.17 PUBLIC STATEMENTS, WRITTEN MATERIAL AND CONFIDENTIALITY

- (a) No Member or Party Officer shall make or cause to be made any public statement regarding any election to be conducted at State Council unless expressly permitted by the Constitution to do so.
- (b) A Member or Party Officer may make or cause to be made an official statement on behalf of the Party regarding an election to be conducted at State Council if expressly authorised by the Administrative Committee to do so.
- (c) A candidate for election to a position specified in Clauses 11.2 and 11.3 may announce publicly the fact of his or her candidature and may provide biographical details contained in his or her nomination for that position.
- (d) No Member of the Party shall circulate or cause to be circulated any material of any sort whatsoever which -
 - (i) may;
 - (ii) could; or
 - (iii) is designed to,

influence any member of State Council as to how to cast his or her vote in an election conducted at State Council.
- (e) The State Director shall not allow the list of members of State Council kept by the Secretariat of the Party to be made available to or accessed by any person for a purpose connected with an election referred to in Clauses 11.2 and 11.3, other than to the administrative staff of the Party engaged in the conduct of the election.

(Clause 11.17 inserted 17 July 1994. Clause 11.17(d) amended 25 March 2000)

11.18 PRESELECTION DELEGATES

- (a) *Members of State Council eligible for selection as delegates to a preselection Convention shall be those Members of the State Council by virtue of sub-clause 11.1(a), (d), (e), (f), (g), (i), (j), (k) except for the President and Vice-Presidents or any Member of Parliament;*
- (b) *In addition to the requirements in paragraph (a), to be eligible to be selected as a delegate to a preselection convention as a member of State Council a Member must-*
 - (i) not be a Branch Delegate to the Preselection Convention; and
 - (ii) as at the date of first calling for applications for endorsement, have been a member of the Party for the preceding 12 months.
- © *From the names of all eligible Members of the State Council the State Director shall by separate ballot randomly select from amongst the eligible male and from amongst the eligible female Members the names*

of all such male and female Members and shall list such names in the order in which they were balloted.

- (d) The order in which the names of such State Council Members were drawn in such a random ballot shall be kept by the State Director and an equal number of names shall be taken from such list of male members and from such list of female Members in the order in which they were first randomly selected, so that when such names are added together they shall equal the number of delegates required to fill the number of State Council delegates to such a Preselection Convention.*
- (e) Where a person so selected is unable or ineligible to attend a Preselection Convention, the State Director shall select from such male list of delegates and from such female list of delegates, the names of such additional Members as are required to fill a vacancy caused by a delegate being unable or ineligible to attend such a Preselection and such a vacancy shall be filled in the order in which such male and such female names were randomly selected during the composition of such lists.*
- (f) The delegates of State Council so selected in accordance with this sub-clause shall be delegates to the Preselection Convention as provided by sub-clause 23.2(d).*

(Clause 11.18 inserted 25 March 2000)

12.STATE PARLIAMENTARY PARTY

12.1 MEMBERSHIP

The State Parliamentary Party shall consist of those Members elected to the State Parliament in either House as endorsed candidates, and such other Members of the Party who have been elected to the State Parliament as the State Parliamentary Party shall determine.

12.2 LEADERSHIP AND OFFICERS

The State Parliamentary Party shall appoint a Leader, Deputy Leader and other officers and shall govern its affairs according to its own rules.

12.3 STATE PARTY PLATFORM

The State Parliamentary Party shall be responsible for the implementation of the State Party Platform.

12.4 POLICY DECISIONS OF STATE COUNCIL

The State Parliamentary Party shall consider policy decisions of the State Council forwarded to it and shall communicate its decisions and reasons to the Administrative Committee within a reasonable time.

12.5 SUSPENSION OF MEMBERSHIP

Notwithstanding anything contained in this Constitution the Parliamentary Party may, in accordance with its rules, suspend or terminate a Member's membership of the State Parliamentary Party.

13. ADMINISTRATIVE COMMITTEE

13.1 MEMBERSHIP

There shall be an Administrative Committee which shall consist of:

- (a) the State President;
- (b) the four Vice Presidents;
- (c) the Treasurer;
- (d) the immediate past President if still a Party Member;
- (e) each past President for the period of three years after vacating office if still a Party Member;
- (f) the Chairman of the Central Council of the Women's Sections;
- (g) the State President of the Young Liberal Movement;
- (h) the eight persons elected by State Council;
- (i) the Leader of the Federal Parliamentary Party or nominee, and
- (j) the Leader of the State Parliamentary Party or nominee.

13.2 CASUAL VACANCY - STATE PRESIDENT

If a casual vacancy occurs in the office of State President the Policy Assembly shall elect by preferential ballot from amongst the current non-parliamentary members of State Council an Acting President who shall hold office until the next meeting of State Council, which shall elect by preferential ballot from among its current non-parliamentary members a State President who shall hold office until the next Annual Meeting of State Council.

13.3 CASUAL VACANCIES - OTHER POSITIONS

In the event of a casual vacancy occurring in the position of a Vice President, the Treasurer or any member of the Administrative Committee elected by State Council, the Policy Assembly shall elect a replacement from amongst the current non-parliamentary members of State Council in the relevant category, if any, and the replacement shall hold office until the next Annual Meeting of State Council.

13.4 RESPONSIBILITIES

Subject to the direction of State Council, the Administrative Committee shall conduct the business and affairs of the Party other than policy formulation in conformity with the spirit of the policy and Platform of the Party and shall have such other powers and functions as may be conferred upon it from time to time by State Council.

13.5 QUORUM

10 members of the Administrative Committee shall constitute a quorum.

13.6 NOTICE

Seven days notice shall be given of meetings of the Administrative Committee except in cases of urgent necessity, in which case the quorum shall be 12 members.

13.7 REPORT

The Administrative Committee shall present a report of its activities to each State Council and such report shall be circulated to all Branches.

13.8 CHAIRMAN

The State President or else a Vice President appointed by the State President shall chair each meeting of the Administrative Committee.

14. POLICY ASSEMBLY

14.1 MEMBERSHIP

There shall be a Policy Assembly which shall consist of:

- (a) the members of the Administrative Committee;
- (b) the Deputy Leader of the State Parliamentary Party or nominee;
- (c) two members of the Legislative Assembly and two members of the Legislative Council elected by and from the State Parliamentary Party;
- (d) all Victorian Senators who are members of the Federal Parliamentary Party;
- (e) one Victorian Federal Member of Parliament elected by and from the Federal Parliamentary Party;
- (f) the male and female delegates elected by each Federal Electorate Council;
- (g) the 32 persons elected by the State Council, and
- (h) all Victorian non-parliamentary members of the Federal Executive of the Liberal Party of Australia.

In addition, each Chairman of each Federal Electorate Council who is not a member of Policy Assembly shall be entitled to attend each meeting of Policy Assembly as an observer with the right to speak and ask questions but not to vote.

(Clause 14.1 amended, 25 July 1993)

14.2 TERM

All members of Policy Assembly shall take up their positions (and their predecessors shall cease to hold office) as from the first meeting of Policy Assembly held after the Annual Meeting of State Council.

14.3 CASUAL VACANCIES

- (a) In the event of any casual vacancy occurring in any of the Policy Assembly positions elected by State Council, the Policy Assembly shall elect a replacement delegate from among the current non-parliamentary members of State Council in the relevant category of membership.
- (b) In the event of any casual vacancy occurring in any of the Policy Assembly positions elected by Parliamentary members, the appropriate Parliamentary Party shall elect a replacement delegate.

14.4 FUNCTIONS AND RESPONSIBILITIES

The Policy Assembly subject to this Constitution and any direction of State Council

- (a) shall be responsible for questions of relations between the Liberal Party and other Political Parties;
- (b) shall formulate and review policy between meetings of State Council;
- © shall be responsible for questions of re-admission, expulsion or suspension or Members;
- (d) may establish such Standing Policy Committees and other Policy Committees as it sees fit, and
- (e) may regulate its own procedures and affairs and may make Standing Orders for that purpose which may be subject to such limitations on their amendment or suspension as Policy Assembly decides.

(Clause 14.4(e) inserted 12 August 1990)

14.5 ELECTIONS

The Policy Assembly shall elect annually by preferential ballot -

- (a) from amongst its non-Parliamentary members -
 - (i) one male from a Metropolitan Branch;
 - (ii) one female from a Metropolitan Branch;
 - (iii) one male from a Country Branch, and
 - (iv) one female from a Country Branch

who shall be delegates to the Federal Council of the Liberal Party of Australia in addition to the State President, the Chairman of the Central Council of the Women's Sections and the State President of the Young Liberal Movement;

- (ab) from amongst its non-Parliamentary members one delegate to the Federal Rural Committee.
- (b)
- ©
- (d) from amongst its non-parliamentary members four delegates to the Joint Standing Committee on State Policy of whom there shall be -
 - (i) one male from a metropolitan Branch;
 - (ii) one female from a metropolitan Branch;
 - (iii) one male from a country Branch, and
 - (iv) one female from a country Branch,
- (e) a Chairman of the State Council Agenda Committee;
- (f) from amongst its non-parliamentary members four members of the State Council Agenda Committee;
- (g) four delegates to the Young Liberal Movement Council none of whom shall be members of the Young Liberal Movement;

- (h) eight members of a Steering Committee comprising nine members, the Chairman of which shall be appointed by the State President from amongst the members of Policy Assembly,
- (i) the four members of the Senate Campaign Committee.

(Clause 14.5(a) amended and Clause 14.5(h) inserted 25 July 1989; Clause 14.5 amended 17 November 1991, Clause 14.5(ab) inserted 17 July 1994, Clause 14.5(i) inserted and Clause 14.5(b) and (c) deleted 6 April, 1997)

14.6 NOTICE OF MEETINGS

At least seven days notice of meeting shall be given to all Policy Assembly members and endorsed Senate candidates.

14.7 FREQUENCY OF MEETINGS

Policy Assembly shall meet at least every two months.

14.8 QUORUM

A quorum of Policy Assembly shall be 50 members of whom at least 20 shall be Members of country Branches.

14.9 CHAIRMAN

The State President or else a Vice-President appointed by the State President shall chair each meeting of the Policy Assembly.

14.10 REPORT

Policy Assembly shall present a report to the Annual Meeting of State Council and such report shall include details of the activities of each Standing Policy Committee and the report shall be circulated to all Branches.

14.11 CANDIDATES

Endorsed Senate candidates may attend and speak at meetings of the Policy Assembly.

14.12 MOTIONS

Policy Assembly and each of its Policy Committees may submit motions for inclusion in the State Council agenda.

(Clause 14.13 deleted 25 March 2000)

15. STANDING COMMITTEES OF ADMINISTRATIVE COMMITTEE

15.1 COMMITTEES

There shall be the following Standing Committees of Administrative Committee:

- (a) Federal Strategy;
- (b) State Strategy;
- © Branch Development;

- (d) Constitutional;
- (e) Media and Communications;
- (f) Prospective Candidates;
- (g) Senate Campaign, and
- (h) Area Finance Liaison

(Clause 15.1(e) amended 17 November 1991, Clause 15.1(g) inserted 6 April, 1997
Clause 15.1(h) inserted 5 April 1998)

15.2 FEDERAL STRATEGY

The Federal Strategy Committee shall consist of :

- (a) seven members appointed annually by the Administrative Committee;
- (b) a Chairman appointed by the State President from amongst the members of the Administrative Committee, and
- © three members appointed by and from the Federal Parliamentary Party.

15.3 STATE STRATEGY

The State Strategy Committee shall consist of :

- (a) seven members appointed annually by the Administrative Committee;
- (b) a Chairman appointed by the State President from amongst the members of the Administrative Committee, and
- © three members appointed by and from the State Parliamentary Party.

15.4 BRANCH DEVELOPMENT

The Branch Development Committee shall consist of:

- (a) eight members appointed annually by the Administrative Committee;
- (b) a Chairman appointed by the State President from amongst the members of the Administrative Committee;
- © one member appointed by and from the Federal Parliamentary Party, and
- (d) one member appointed by and from the State Parliamentary Party.

15.5 CONSTITUTIONAL

The Constitutional Committee shall consist of:

- (a) up to eight members appointed annually by the Administrative Committee;
- (b) a Chairman appointed by the State President;
- © one member appointed by and from the Federal Parliamentary Party, and

- (d) one member appointed by and from the State Parliamentary Party.

15.6 MEDIA & COMMUNICATIONS

The Media & Communications Committee shall consist of:

- (a) eight members appointed annually by the Administrative Committee;
- (b) a Chairman appointed by the State President from amongst the members of the Administrative Committee;
- © one member appointed by and from the Federal Parliamentary Party, and
- (d) one member appointed by and from the State Parliamentary Party.

15.7 PROSPECTIVE CANDIDATES

- (a) The President shall appoint annually a Chairman and not more than ten other members of the Prospective Candidates Committee, none of whom shall be Members of Parliament or endorsed candidates.
- (b) The Prospective Candidates Committee shall be responsible for:
 - (i) seeking out, encouraging and developing potential Parliamentary candidates;
 - (ii) establishing and carrying out a development programme for potential Parliamentary candidates, and
 - (iii) establishing a list of those potential Parliamentary candidates who have participated in the development programme.

15.8 SENATE CAMPAIGN

The Senate Campaign Committee shall consist of:

- (a) A Chairman appointed by the State President;
- (b) Four members elected annually by the Policy Assembly;
- © All Victorian Senators

(Clause 15.8 inserted 6 April, 1997)

15.8A AREA FINANCE LIAISON

The Area Finance Liaison Committee shall consist of:

- (a) a Chairman appointed by the State President;
- (b) a minimum of two members appointed annually by the Administrative Committee.

(Clause 15.8A added 5 April 1998)

15.9 MOTIONS

Each Standing Committee may submit motions for inclusion in the State Council agenda.

(Clause 15.9 renumbered 6 April, 1997)

15.10 NOTIFICATION

The Administrative Committee shall notify Branches of the membership of each Standing Committee.

16. JOINT STANDING COMMITTEE ON STATE POLICY

16.1 MEMBERSHIP

There shall be a Joint Standing Committee on State Policy consisting of:

- (a) the State President;
- (b) the four Vice-Presidents;
- (c) the President of the Young Liberal Movement;
- (d) the Chairman of the Central Council of the Women's Sections;
- (e) the four delegates elected by the Policy Assembly;
- (f) the Parliamentary leader or nominee and six other members elected by and from the State Parliamentary Party, and
- (g) a Victorian member elected by the Victorian members of the Federal Parliamentary Party.

16.2 CHAIRMAN

All meetings shall be chaired by the State Parliamentary Leader or nominee.

16.3 FREQUENCY OF MEETINGS

Meetings shall be held at least quarterly.

16.4 RESPONSIBILITY

The Committee shall be responsible for providing advice to the State Parliamentary Party and the Administrative Committee upon matters relating to State Policy.

16.5 CONSULTATION

In the event of any matter arising for determination in Parliament in respect of which the State Council has not determined a policy, the Committee shall be consulted wherever possible before the Parliamentary Party determines its course.

17. PARTY OFFICERS

17.1 STATE DIRECTOR AND ADMINISTRATIVE STAFF

The Administrative Committee may engage upon such terms as it thinks fit:

- (a) a State Director, and
- (b) such other administrative staff as it considers necessary.

17.2 EXECUTIVE OFFICER WOMEN'S SECTIONS

- (a) The Administrative Committee shall appoint an Executive Officer of the Women's Sections whose duties shall include matters pertaining to the administration of the Women's Sections;

- (b) Prior to the appointment of such Executive Officer the Administrative Committee shall consult with the Chairman of the Central Council of the Women's Sections.

18.FINANCIAL AFFAIRS

18.1 STATE FINANCE COMMITTEE

There shall be a State Finance Committee which shall consist of:

- (a) the State President who shall be the Chairman;
- (b) the immediate past State President if still a Party Member;
- (c) the Treasurer;
- (d) not less than five members appointed by the Administrative Committee each for a period of three years and who shall each be eligible for reappointment, and
- (e) one member elected annually by and from each Area Finance Committee.

18.2 DUTIES

Subject to the direction of State Council the State Finance Committee shall deal with the income and expenditure of the Party.

18.3 RULES

Subject to the direction of the Administrative Committee the State Finance Committee may promulgate rules to give effect to the decisions of State Council and the Administrative Committee relating to the financial affairs of the Party.

18.4 TRUSTEES - APPOINTMENT

The Administrative Committee shall appoint three members of the State Finance Committee to be Trustees who shall hold the income and property of the Party on trust for its Members.

18.5 TRUSTEES - PERIOD OF OFFICE

The Trustees shall hold office until resignation or removal by resolution of the Administrative Committee which shall have the power to fill any vacancy.

18.6 AREA FINANCE COMMITTEE

The State Finance Committee may establish Area Finance Committees which shall be responsible for the finances of electorates in accordance with the rules promulgated by the State Finance Committee and the directions of the Administrative Committee and which shall include one delegate from each Branch and the Chairman of each Electorate Council within the area concerned.

(Clause 18.6 amended 22 July 1989)

18.7 PAYMENTS FROM ELECTORATE FIGHTING FUND

Each Area Finance Committee shall determine the appropriate amount which shall be paid from the Electorate Fighting Fund to each Electorate Council.

18.8 INCOME AND PROPERTY

All income and property of the Party shall be applied towards the objects of the Party and no portion shall be paid in any manner by way of dividends, bonus or otherwise by way of profit or benefits to the Members of the Party.

18.9 REMUNERATION

Nothing herein shall prevent the payment in good faith of remuneration whether by way of salary or honoraria or otherwise for any service actually rendered to or for the Party, to any officers or servants of the Party or to any Member or other person.

18.10 INDEMNITY OF PARTY OFFICE BEARERS

The Party shall indemnify all persons who are or have been members of the Administrative Committee or the State Finance Committee, or who represent the Party as a delegate to a Committee of the Federal Liberal Party of Australia, or officers of the Party referred to in Clause 17 against any liability incurred by them in the bona fide execution of their duties, or arising from the positions or offices they hold, except liability to the Party itself or to a body corporate affiliated with the Party. Such indemnity shall not apply where the liability arises out of conduct on the part of such person which involves a lack of good faith. It shall not be necessary for the person claiming the indemnity to have paid or discharged the liability incurred.

(Clause 18.10 inserted 6 April, 1997)

19. ELECTORATE COUNCILS

19.1 COMPOSITION

- (a) There shall be an Electorate Council in each Federal and State Electorate which shall consist of:
- (i) the delegates of each Branch which is entitled to be represented;
 - (ii) the office bearers and delegates elected pursuant to Clauses 19.13 and 19.14 who are not otherwise members of the Electorate Council;
 - (iii) all Members of Parliament and endorsed candidates the boundaries of whose Electorates fall wholly or partly within the Electorate boundaries of the Electorate Council;
 - (iv) in the case of a Federal Electorate Council, the Chairman of each State Electorate Council the boundaries of which fall wholly or partly within the boundaries of that Federal Electorate Council; and
 - (v) in the case of a State Electorate Council, the Chairman of each Federal Electorate Council and each other State Electorate Council the boundaries of which fall wholly or partly within the boundaries of that State Electorate Council.
- (b) In addition, Members of Branches the boundaries of which fall wholly or partly within the boundaries of the Electorate Council may, unless the Executive of the Electorate Council resolves to the contrary for a particular meeting, attend each meeting of the Electorate Council and speak and ask questions and vote on policy motions.

(Clause 19.1(b) replaced 5 April 1998)

19.2 RESPONSIBILITIES

An Electorate Council shall within its own Electorate:

- (a) facilitate the general activities of Branches and Women's Sections;

- (b) conduct the election campaigns of the endorsed candidate for that Electorate and co-ordinate the campaign activities of Branches;
- © assist in the formation of new Branches;
- (d) raise funds; and
- (e) consider policy matters.

19.3 ONE BRANCH ELECTORATE

- (a) Where there is only one Branch within an Electorate, the Administrative Committee may constitute an Electorate Council within that Electorate upon such terms as it thinks appropriate.
- (b) The Policy Assembly delegates of an Electorate Council in which there is only one Branch shall not be entitled to attend a Senate Convention.

19.4 RESOLUTIONS

Each Electorate Council shall be entitled to submit resolutions on any matter to State Council, Administrative Committee, Policy Assembly and/or the relevant Area Conference.

19.5 INAUGURAL MEETING

The State Director or his/her nominee shall convene the inaugural meeting of each Electorate Council and shall hand over the meeting to the Chairman immediately the Chairman is elected.

19.6 ANNUAL MEETING

Each Electorate Council shall hold an Annual Meeting in the months of February or March each year or in such other month or months as the Administrative Committee may determine.

(Clause 19.6 amended 17 July 1994)

19.6A ANNUAL RETURN

Within three weeks of holding the Annual Meeting each Electorate Council shall forward to the State Director an annual return on a form approved by the Administrative Committee containing:

- (a) particulars of the office bearers;
- (b) such other information as may be required; and
- (c) in the case of a Federal Electorate Council:
 - (i) particulars of Policy Assembly delegates; and
 - (ii) particulars of Federal Electorate State Council delegates.

(Clause 19.6A inserted 13 November 1999)

19.7 NO ANNUAL MEETING

If a period of fifteen (15) months or more has elapsed since the last Annual Meeting of an Electorate Council, the State Director shall forthwith convene the Annual Meeting of that Electorate Council unless the Administrative Committee otherwise determines.

19.8 CONVENING OF MEETINGS

A meeting of an Electorate Council may be convened:

- (a) by a resolution of the previous meeting;
- (b) upon request of the delegates of any one Branch within the Electorate; or

- (c) by direction of the Chairman of the Electorate Council, and unless approval to hold a lesser number of meetings is obtained from the Administrative Committee, at least three (3) meetings between successive Annual Meetings shall be convened unless the Electorate Council is the Electorate Council of a Legislative Council Province.

(Clause 19.8© replaced 5 April 1998)

19.9 NOTICE OF MEETINGS

- (a) At least seven (7) days written notice of all Electorate Council Meetings shall be given to the members of the Electorate Council and, if an election is to be held to fill a casual vacancy at the meeting, the notice shall include notice of that election.
- (b) In the case of the Annual Meeting of an Electorate Council, at least seven (7) days special notice of the meeting shall be given to:
- (i) the State Director;
 - (ii) the members of the Electorate Council;
 - (iii) the Secretary of each Branch the boundaries of which fall wholly or partly within the Electorate; and
 - (iv) holders of the offices and delegateships identified in clauses 19.13(a)(i) to (v) and 19.13(b).
- (c) In addition, the Electorate Council must use all reasonable endeavours to ensure that Members of Branches the boundaries of which fall wholly or partly within the boundaries of the Electorate Council receive notification of all meetings of the Electorate Council, including by means of pre-paid post, hand delivery, notice in a newsletter or other publication distributed to Branch Members, and/or distribution to Branch secretaries for distribution to Branch members.

(Clause 19.9© added 5 April 1998, Clause 19.9(b)(iv) added 13 November 1999)

19.10 CASUAL NON-RECEIPT OF NOTICE

Casual non-receipt by a person to whom notice of a meeting of an Electorate Council must be given shall not affect the validity of that meeting of the Electorate Council.

19.11 PROXIES

- (a) If a Branch delegate is unable to attend all or any part of a meeting of an Electorate Council, that delegate may by letter addressed to the Chairman of the Electorate Council appoint a Member of the same sex and Branch to act as his/her proxy delegate with full voting rights.
- (b) If a Branch delegate fails to appoint a proxy, the President or failing him/her, the Secretary of the Branch, may do so in the same manner.

19.12 QUORUM

The quorum for each meeting of an Electorate Council shall be:

- (a) twelve (12) members of the Electorate Council or their proxies; or
- (b) fifty per cent (50%) of the total number of eligible Branch delegates or their proxies,

whichever number is the lesser.

(Clause 19.14(b) deleted 12 May, 1996)

19.15 NOMINATION OF POLICY ASSEMBLY DELEGATES

- (a) Nominations for election as the delegate of a Federal Electorate Council to Policy Assembly shall close ten (10) minutes after the scheduled starting time of the meeting at which the delegate is to be elected.
- (b) Nominations shall be submitted on the form specified for that purpose from time to time by the Administrative Committee and shall be circulated immediately after (and not before) the close of nominations to the members of the Electorate Council attending the meeting at which the election is held.
- (c) Each candidate for election shall provide sufficient copies of his or her nomination (which number of copies shall be specified in the notice of the meeting at which the election is to be held) so as to enable nomination forms to be circulated to members of the Electorate Council pursuant to Clause 19.15(b).
- (d) Each candidate for election shall have the right to address the meeting at which the election is held and answer questions from persons present at the meeting for such period as the meeting shall determine (which shall not be less than 3 minutes).
- (e) The ballot papers used in the election of delegates to Policy Assembly must be blank with no pre-written information on them (including the name of any candidate).

(Clause 19.15(b) deleted and new Clause 19.15(b) substituted 17 July 1994, new Clauses 19.15(c), (d) and (e) inserted 17 July 1994)

19.15A NOMINATION OF STATE COUNCIL DELEGATES

- (a) Nominations for election as the delegate of a Federal Electorate Council to State Council shall close ten (10) minutes after the scheduled starting time of the meeting at which the delegate is to be elected.
- (b) Nominations shall be submitted on the form specified for that purpose from time to time by the Administrative Committee.
- (c) Ballot papers used in the election of delegates to State Council must be blank with no pre written information on them (including the name of any candidates).

(Clause 19.15A added 28 March 1999)

19.16 ELECTIONS AND VOTING

- (a) At all meetings of each Electorate Council -
 - (i) each election of office bearers and/or delegates shall be chaired by a member of the Party who may or may not be a member of the Electorate Council;
 - (ii) all elections shall be by exhaustive secret ballot; and
 - (iii) the Chairman shall have a deliberative and a casting vote, save that where, during an election of office bearers and/or delegates, the Chairman is not a member of the Electorate Council, the Chairman shall have a casting vote only.
- (b) At all other times meetings of each Electorate Council shall be chaired by the Chairman of the Electorate Council, or if the Chairman is absent or unwilling to chair the meeting, by a Vice-Chairman, or if the Vice-Chairmen are absent or unwilling to chair the meeting, by a member of the Electorate Council elected by the meeting.

19.17 ELECTORATE COUNCIL EXECUTIVE

(a) The Executive of each Electorate Council shall consist of:

- (i) the office bearers of that Electorate Council;
- (ii) the Member of Parliament or endorsed candidate (if any) for the Electorate, and,

in addition, in the case of a Federal Electorate Council:

- (iii) the Policy Assembly delegates elected by that Electorate Council; and
- (iv) the Branch Development Officer of that Electorate Council.
- (v) the Chairman of each State Electorate Council the boundaries of which fall wholly or partly within the boundaries of that Federal Electorate Council, and

in addition, in the case of a State Electorate Council:

- (vi) the Chairman of each Federal Electorate Council the boundaries of which fall wholly or partly within the boundaries of that State Electorate Council.

(Sub paragraphs (a)(v) and (vi) added 5 April 1998)

- (b) The Executive of an Electorate Council shall have the power to co-opt additional members of that Executive who are Members of Branches within its boundaries.
- (c) An Electorate Council Executive shall meet with such frequency and at such intervals as the Executive considers appropriate.
- (d) The quorum for each meeting of the Executive of an Electorate Council shall be one half of the members of that Executive or seven, whichever is the lesser.
- (e) At least seven (7) days written notice of each meeting of the Executive of an Electorate Council shall be given to each member of the Executive unless the meeting is to deal with urgent business in which case not less than forty-eight (48) hours notice in writing or by telephone shall be given.

(Clause 19.17(a) deleted and new Clause 19.17(a) substituted 17 July 1994, Clause 19.17(d) amended 13 November 1999)

19.18 ELECTION BUDGET

Prior to an election campaign each Electorate Council shall prepare a budget of proposed income and expenditure for that campaign which shall be submitted to its Area Finance Committee for approval.

19.19 AUDITED ELECTION ACCOUNTS

Upon completion of an election campaign each Electorate Council shall prepare a set of audited accounts of the income and expenditure of that campaign which shall be submitted to:

- (a) the State Director and its Area Finance Committee within six (6) months after the date of the election; and
- (b) the next Annual Meeting of the Electorate Council.

19.20 BY-ELECTIONS

In any by-election the Administrative Committee may decide that the State Director shall be responsible for the conduct of the campaign and thereupon the Electorate Council of the

Electorate for which the by-election is to be held shall be subject to the order and direction of the State Director.

(Division 19 replaced, 25 July 1993)

20. AREA CONFERENCES

20.1 COMPOSITION

There shall be Area Conferences which shall consist of Branches within a Federal Electorate or group of Federal Electorates as determined by the Administrative Committee.

20.2 ATTENDANCE AND VOTING

Any member of a Branch within such Electorates shall be entitled to attend and vote at any such Area Conference.

20.3 GUIDELINES

Area Conferences shall be conducted in accordance with guidelines prescribed by the Administrative Committee.

20.4 MOTIONS AND RESOLUTIONS

Area Conferences may consider motions from Branches and shall decide whether any resolution should be forwarded to State Council, Policy Assembly, or the State and/or Federal Parliamentary Parties, or dealt with in any other manner.

21. PRE-SELECTION OF CANDIDATES

21.1 CONTESTED ELECTORATES

Subject to any direction by State Council, the Administrative Committee shall decide which Electorates shall be contested in any election and shall ensure that all necessary action is taken for the pre-selection of candidates.

21.2 NON-CONTESTED ELECTORATES

(a) In the event that the Administrative Committee decides that an Electorate shall not be contested the relevant Electorate Council may give notice of not less than 14 days to the State President that it desires to debate the matter further at a meeting of the Electorate Council. In that event the State President or nominee shall attend the meeting to discuss the matter.

(b) If after discussing the matter the Electorate Council resolves that the Electorate be contested, the Administrative Committee shall give effect to such decision unless the State Council otherwise directs.

21.3 ADVERTISEMENT

The State Director shall as and when directed by the Administrative Committee cause to be inserted in at least one metropolitan daily newspaper a notice calling for applications for endorsement. The Administrative Committee shall have the power to fix a closing date for the receipt of applications and for the date of a Convention and shall have the power to direct that an Electorate be re-advertised or that any closing date be deferred.

21.4 APPLICATIONS

Applications for endorsement shall be submitted to the State Director in the form and together with the fee prescribed by the Administrative Committee.

21.5 ELIGIBILITY FOR ENDORSEMENT - MEMBERSHIP

To be eligible for endorsement the applicant must have been a Member of the Party or any other Division thereof for the whole of the 12 months immediately preceding the close of applications unless the Administrative Committees decides by a three-quarters majority of those present and voting that there are exceptional circumstances for abridging the time limit.

21.6 CONFLICT OF INTERESTS

A person who has lodged an application for endorsement for an Electorate, whether or not that person subsequently withdraws the application, shall not be present at a meeting of the Electorate Council whilst any matters relating to the pre-selection are being considered.

(Clause 21.6 amended 12 November 1988)

21.7 CONSULTANTS AND PROHIBITED MATERIAL

No applicant for endorsement shall -

- (a) retain the services of any professional consultant, or
- (b) circularise delegates with any material intended to promote his or her candidacy.

21.8 INVESTIGATIONS OF APPLICANTS

- (a) As soon as practicable after the close of applications the Executive of the Electorate Council shall and the Administrative Committee may investigate the biographical details and qualifications of all applicants.
- (b) The results of such investigations shall be reported to the Convention by the Chairman.
- (c) The Electorate Council may refer to the Administrative Committee for investigation and report any matter relating to the biographical details and qualifications of an applicant and the result shall be reported to the Convention by the Chairman.

(Clause 21.8(b), (c) and (d) amended 12 November 1988. Clause 21.8(a) amended 23 July 1989. Clause 21.8(a) and (b) amended and Clause 21.8(c) renumbered and amended, 25 July 1993)

21.9 **(Clause 21.9 deleted 16 August 1992)**

21.10 ONE APPLICANT PROCEDURE

- (a) If there is one eligible applicant for endorsement for an Electorate the Administrative Committee shall cause a copy of the application together with a notice setting out the terms of this Clause to be sent to each Branch in the Electorate for which the State Director holds -

- (i) records showing that the Branch has not less than 20 Members, and
- (ii) the Branch's annual return for the current Membership Year.

- (b) If by a date determined by the Administrative Committee if possible so that Branches have at least 14 days to consider the application not more than one-fifth of those Branches have advised the State Director in writing that they require a Convention be held, the applicant shall be deemed to have been pre-selected.

(Clause 21.10(a) amended 17 July 1994)

21.11 COPIES

Following the close of applications for endorsement for an Electorate all applicants shall be provided with a copy of the applications for endorsement.

21.12 PUBLIC STATEMENTS, WRITTEN MATERIAL, IDENTITY OF DELEGATES

- (a) No Member or Party Officer shall make or cause to be made any public statement regarding a pre-selection or endorsement unless expressly permitted by the Constitution.
- (b) A Member or Party Officer may make or cause to be made an official statement on behalf of the Party regarding a preselection or endorsement if expressly authorised by the Administrative Committee to do so.
- (c) An applicant for endorsement may announce publicly the fact of his or her application for such endorsement and may provide biographical details contained in his or her application for endorsement.
- (d) No Member of the Party shall circulate or cause to be circulated any material of any sort whatsoever which -
 - (i) may;
 - (ii) could, or
 - (iii) is designed to

influence any delegate to a preselection Convention as to how that delegate should cast his or her vote at such Convention.

(Clause 21.12 inserted 23 July 1989; Clause 21.12(e) deleted 17 November 1991. Clause 21.12(d) amended 25 March 2000)

22. (Division 22 deleted 12 November 1988)

23.CONVENTIONS

23.1 CONVENING

As soon as practicable after the close of applications for endorsement, the Administrative Committee shall convene a Convention.

23.2 COMPOSITION

The Convention shall be comprised of:

- (a)
 - (i) in the case of a Federal Electorate, the Leader of the Federal Parliamentary Party, or nominee from amongst the Victorian Federal Members of Parliament, or
 - (ii) in the case of a State Electorate, the Leader of the State Parliamentary Party or nominee from amongst the State Parliamentary Party;
- (b) the State President;
- (c)
 - (i) in the case of a metropolitan Electorate, the two metropolitan Vice Presidents, or
 - (ii) in the case of a country Electorate, the two country Vice Presidents;

- (d) the number of delegates determined in accordance with Clause 23.3 selected by a random ballot from the members of the State Council as provided by Clause 11.18;
- (e) the Chairman and each of the Vice Chairmen of the Electorate Council provided they are not Members of Parliament; and
- (f) the number of delegates of Branches determined in accordance with this Division.

(Clause 23.2(d) amended 25 March 2000)

23.2A CANDIDATES NOT TO BE DELEGATES

- (a) Notwithstanding any other provisions of Division 23 a person other than-
 - (i) the Leader of the Federal Parliamentary Party, or nominee from amongst the Victorian Federal Members of Parliament, or
 - (ii) the Leader of the State Parliamentary Party or nominee from amongst the State Parliamentary Party,

shall not be eligible to be a delegate to a Convention in any capacity whatsoever if that person has applied for endorsement as a candidate in the Round of Preselections of which the Convention forms a part and notwithstanding that such application has been subsequently withdrawn.

- (b) For the purposes of this Clause 23.2A “Round of Preselections” means the preselections held to preselect candidates for a State or Federal Election which round shall commence and conclude on the dates specified by the Administrative Committee and which -
 - (i) in the case of a Round of Preselections to select candidates for Federal Parliament, specifically excludes any preselection to select a candidate for a Federal by-election or a State election or by-election; and
 - (ii) in the case of a Round of Preselections to select candidates for State Parliament, specifically excludes any preselection to select a candidate for a State by-election or a Federal election or by-election.

(Clause 23.2A inserted 17 November 1991)

23.3 DELEGATES FROM STATE COUNCIL

The number of delegates to be selected from members of the State Council shall be such number as results in the total number of persons entitled to attend the Convention by virtue of paragraphs 23.2(a), (b), (c) and (d) being as nearly as practicable 40 per cent of the total number of persons entitled to attend the Convention, rounded to the nearest even number.

(Clause 23.3 amended 16 August 1992 and 25 March 2000)

23.3A APPLICATION FOR OTHER SEATS BY DEFEATED SITTING MEMBER

- (a) This Clause applies where-
 - (i) a sitting member for an electorate applies for endorsement for that electorate but is unsuccessful upon the vote of the Convention; and
 - (ii) there are other electorates in the same Parliament where-
 - (i) applications for endorsement have been called;

- (ii) no sitting member is an applicant (disregarding any sitting member who has applied under this Clause); and
 - (iii) no candidate has been chosen at a Convention.
- (b) Where this Clause applies, the unsuccessful sitting member may lodge an application for endorsement for any such other electorate notwithstanding that the closing date for applications has passed, provided the application is lodged-
- (i) within seven (7) days of the close of the Convention at which the sitting member was unsuccessful; and
 - (ii) not later than two hours prior to the scheduled commencement time of the Convention for such other electorate.
- (c) For the purposes of this Clause, the term “sitting member” includes a member representing an electorate which, on the boundaries existing prior to a redistribution, takes in any part of the electorate concerned.

(Clause 23.3A inserted 12 August 1990; then deleted and replaced 17 November 1991)

23.4 ELIGIBILITY OF BRANCH DELEGATES

- (a) To be eligible to be elected as a delegate of a Branch, a person must have been, as at the date of first calling for applications for endorsement and remain as at the date of his or her election, a Member of any Branch, the boundaries of which fall wholly or partly within the boundaries of the relevant electorate, for the preceding twelve months and as at the time of election must not have already been selected as a State Council delegate to a pre-selection convention for which the Branch is then electing delegates.
- (b) To be eligible to attend a Convention a person elected as a Branch delegate must remain a Member of the Branch which elected him or her for a continuous period from the date of first calling for applications for endorsement until the date of the Convention.

(Clause 23.4 amended 23 July 1989, deleted and replaced by Clause 23.4 12 August 1990, further amended 10 August 1991. Clause 23.4(a) amended and Clause 23.4(b) inserted 17 November 1991. Clause 23.4(a) further amended 25 March 2000)

23.5 BRANCH'S ENTITLEMENT

Each Branch the boundaries of which fall wholly within an Electorate and which is entitled to be represented at a Convention shall be entitled to the following number of delegates to the Convention:

For the first 20 eligible Members - two delegates

For the next 80 eligible Members - two delegates

For each additional 100 eligible Members - two delegates

Where, however, the number of Branches entitled to be represented at a convention is eight or less, then the number of delegates those Branches shall be entitled to send to such convention shall be as follows :

For the first 20 eligible Members - four delegates

For the next 80 eligible Members - four delegates

For each additional 100 eligible Members - four delegates

If a Branch has less than 20 eligible Members it shall not be entitled to any delegates whatsoever.

(Clause 23.5 amended 12 August 1990)

23.6 DATES FOR CALCULATING BRANCH'S ENTITLEMENT

The number of eligible Members of a Branch shall be the number of persons who are disclosed by the records held by the State Director as Members of the Branch as at the date three months prior to the first calling for applications for endorsement and who are also still disclosed by the records held by the State Director as members of the Branch on the date of first calling for applications for endorsement.

23.7 BRANCH WITHIN MORE THAN ONE ELECTORATE

Where a Branch is within more than one Electorate the number of delegates to Conventions of those Electorates to which the Branch is entitled pursuant to Clause 23.5 shall be determined by apportioning amongst the several Electorates the total number of delegates to which the Branch would be entitled if its boundaries fell wholly within one Electorate, in proportion to the number of eligible members resident in each Electorate, and rounding any fraction to the next highest number.

23.8 TOTAL NUMBER OF BRANCH DELEGATES

Where the total number of delegates to the Convention which Branches are entitled to elect pursuant to Clause 23.5 (excluding the Chairman and Vice-Chairmen of the Electorate) is less than 30, each Branch which is entitled to delegates shall be entitled to a number of extra delegates determined in accordance with the formula

$$E = B/T \times (30 - D)$$

rounded to the nearest whole number, where

E is the number of extra delegates to which the Branch is entitled

B is the number of eligible Members of the Branch

T is the total number of eligible Members of all Branches entitled to delegates to the Convention

D is the number of delegates to the Convention which Branches are entitled to elect pursuant to Clause 23.5

(Clause 23.8 amended 23 July 1989; further amended 12 August 1990)

23.9 PROXIES FOR PRESIDENT OR VICE-PRESIDENTS

Each of the State President and relevant Vice-Presidents may appoint a proxy to attend the Convention on his or her behalf from amongst the non-Parliamentary members of the State Council.

(Clause 23.9 amended 25 March 2000)

23.9A PROXIES FOR CHAIRMAN AND VICE CHAIRMEN

(a) each of the Electorate Chairman and Electorate Vice-Chairmen may appoint a proxy to attend the Convention on his or her behalf from amongst the non-Parliamentary members of any Branch the boundaries of which fall wholly or partly within the relevant Electorate.

- (b) a proxy appointed pursuant to part (a) of this clause shall not chair the Convention by virtue only of being the proxy for the Chairman or a Vice-Chairman of the Electorate Council as the case may be, but in the event that the Chairman and both of the Vice-Chairmen are not available, such proxy shall be eligible to be chosen by and from the delegates to the Convention pursuant to clause 24.1(a) in the same manner as each other delegate to the Convention.

(Clause 23.9A inserted 25 March 2000)

23.10 NOTICE OF APPOINTMENT

The appointment of a proxy under the previous Clause shall be by notice in writing to the State Director at least seven days prior to the holding of the Convention.

23.11 SEX OF DELEGATES

A Branch's entitlement to delegates shall consist of an equal number of men and women but where a Branch is entitled to an uneven number the additional person may be of either sex.

23.12 COPIES OF APPLICATIONS

All Convention delegates shall be provided with a copy of the applications for endorsement of all candidates to be considered by the Convention.

23.12A ADVICE OF DELEGATE DETAILS TO CANDIDATES

Forthwith upon being requested to do so by an applicant for endorsement, the Chairman of the Electorate Council shall provide to that applicant the names, addresses and telephone numbers of the Branch delegates to the Convention which are then known to the Chairman.

(Clause 23.12A inserted 17 November 1991)

23.13 RELATIVES AND EMPLOYEES NOT TO BE DELEGATES

Notwithstanding any other provision of this Constitution (including Division 23), a person who

- (a) is the spouse, de-facto spouse, brother, sister, son, daughter, father or mother of an applicant for endorsement; or
- (b) is or was within the period of six months prior to the date on which applications for endorsement were first called an employee of a business controlled by an applicant for endorsement, shall not -
- © be eligible to be a delegate in any capacity whatsoever to a Convention at which the application for endorsement of that applicant is to be considered; and/or
- (d) attend any meeting of the Administrative Committee, Policy Assembly, an Electorate Council or the Executive of an Electorate Council while matters relating to the application for endorsement of that applicant are being considered.

(Clause 23.13 deleted and new Clause 23.13 substituted 17 July 1994)

23.13A STAFF MEMBERS NOT TO BE DELEGATES

Notwithstanding any other provision of this Constitution (including Division 23), a person who, in the case of a member of Parliament who is an applicant for endorsement, is or was

within the period of six months prior to the date on which applications for endorsement were first called, a paid member of the staff of that member of Parliament, shall not-

- (a) be eligible to be a delegate in any capacity whatsoever to a Convention at which the application for endorsement of that applicant is to be considered; and/or
- (b) attend any meeting of the Administrative Committee, Policy Assembly, an Electorate Council or the Executive of an Electorate Council while matters relating to the application for endorsement of that applicant are being considered.

(Clause 23.13A inserted 17 July 1994)

23.14 MEETING WITH APPLICANTS

- (a) That immediately prior to the formal part of a Convention, the Electorate Council shall convene a meeting of all delegates to such Convention so that those delegates hold an informal meeting with applicants and their spouses.
- (b) Such informal meeting shall be in the nature of a round table discussion and shall be regarded as part of the Convention so that any delegate who does not attend such informal meeting shall not be entitled to participate in the balance of the Convention whatsoever.
- © The commencement of such informal meeting shall be deemed to be the formal commencement of the convention and the Chairman shall require the doors to be locked and thereafter no delegate shall be permitted to enter such Convention.
- (d) Each applicant and his or her spouse, if any, shall be invited to attend the Convention in time to take part in such informal meeting. If an applicant does not attend such informal meeting then he or she shall be automatically excluded as an applicant.

(Clause 23.14 deleted and replaced 23 July 1989)

23.15 ADMINISTRATION

The State Director shall be responsible for the administration of this Division.

(Division 23 deleted and replaced 12 November 1988)

24. CONVENTION PROCEDURE

24.1 CHAIRMAN

- (a) The Convention shall be chaired by the Chairman of the Electorate Council or if the Chairman is not available, by a Vice-Chairman of the Electorate Council nominated by the Chairman and if such Vice-Chairman is not available by a delegate chosen by and from the delegates to the Convention.
- (b) For the purpose of Branch representation the Chairman and Vice-Chairmen of the Electorate Council shall not be regarded as Branch delegates.
- © The Chairman shall have a deliberative and a casting vote.

25.2 DECISION BY ADMINISTRATIVE COMMITTEE

The Administrative Committee may:

- (a) endorse the selection of a candidate by a Convention or of an unopposed candidate;
- (b) require that a further Convention be held to reconsider the selection of a candidate; or
- © resolve by resolution supported by three-quarters of the members of the Administrative Committee that a further convention be held and that a particular candidate shall not be eligible to participate in that further Convention

and it shall advise the Electorate Council of its decision accordingly and, if necessary, convene a further Convention as soon as practicable.

25.3 RE-OPENING OF APPLICATIONS

If the Administrative Committee resolves that a further Convention be held it shall upon request by the Electorate Council re-open applications for endorsement.

25.4 RECONSIDERATION OF CANDIDATE

In the event of the Electorate Council becoming aware of matters of substance relating to the chosen candidate which it believes were not known to the Convention and which may well have led the Convention to a different result then the Electorate Council may request the Administrative Committee to reconsider the candidate chosen by the Convention whether or not that candidate has been endorsed by the Administrative Committee.

(Clause 25.4 amended 26 July 1987)

25.5 CANCELLATION OF ENDORSEMENT

- (a) The Administrative Committee may by a resolution carried by three-quarters of the members present resolve that any endorsement be cancelled.
- (b) If the Administrative Committee so resolves it may, if it thinks fit, re-open applications for endorsement.
- © A candidate shall then be chosen by a further Convention convened by the Administrative Committee unless the Administrative Committee considers there will not be sufficient time to conduct a Convention in which case it may select a candidate.

(Clause 25.5© amended 26 July 1987)

25.6 FURTHER CONVENTIONS

Where a further Convention is convened and applications for endorsement have not been re-opened

- (a) the delegates to the Convention shall be determined as if the date on which the Administrative Committee resolved to convene a further Convention were the date of the first calling of applications for endorsement; and
- (b) the Convention shall consider all persons who originally applied for endorsement and who are still eligible for endorsement and have not withdrawn their applications; and
- © in all other respects the Convention shall be conducted as if it were the first Convention to be held.

25.7 APPLICATIONS FOR ENDORSEMENT RE-OPENED

Where a further Convention is to be convened and applications for endorsement are re-opened, the preselection shall be conducted as if the date of re-opening of

applications were the date of the first calling for applications for endorsement, save that all persons who originally applied for endorsement and who are still eligible for endorsement and who have not withdrawn their applications shall be deemed to have applied for endorsement.

25.8 NO CANDIDATE

In an Electorate in which no candidate has been selected the Administrative Committee shall have the power to select a candidate.

26.SENATE

26.1 ELIGIBILITY

Any Member of the Party shall be eligible to apply to be endorsed as a candidate for election to the Senate.

(Clause 26.1 deleted and replaced 23 July 1989)

26.2 PROCEDURE

The procedure to be followed for the preselection and endorsement of a Senate candidate shall, as far as practicable, be the same as for the choice of other parliamentary candidates.

26.3 COMPOSITION

A Convention for the selecting of a Senate candidate shall consist of:

- (a) the non-parliamentary members of the Policy Assembly; and
- (b) eight members selected by and from the State Parliamentary Party.

26.4 NOTICE

Such a Convention shall be held after Special Notice has been given at a time and place determined by the Administrative Committee.

26.5 COPIES

Following the close of applications for endorsement all applicants and all members of the Convention shall be provided with a copy of each application.

26.6 CHAIRMAN

The Convention shall be chaired by the State President or if unavailable a Vice President nominated by the State President or if unavailable by a person selected from and by the Administrative Committee.

26.7 DELIBERATIVE AND CASTING VOTE

The Chairman shall have a deliberative and a casting vote.

26.8 CONFLICT OF INTEREST

No person who is an applicant for endorsement as a Senate candidate shall attend, or be permitted to attend any meeting of the Administrative Committee, Policy Assembly, State Parliamentary Party or a Federal Electorate Council while matters relating to such endorsement are being considered.

26.9 NUMBER, TIME, QUESTIONS

The Administrative Committee shall determine the number of candidates to be selected, the time for which applicants shall be permitted to address the Convention and the time during which applicants shall answer questions put through the Chairman by members of the Convention.

26.10 VOTE TO PROCEED

- (a) Immediately after all applicants have addressed the Convention a secret ballot shall be taken without debate to ascertain whether the Convention desires to proceed to select a candidate or candidates.
- (b) If the Convention decides not to proceed pursuant to paragraph (a) the Convention shall thereupon be concluded and the Administrative Committee, if it is practicable to do so, shall re-open applications for endorsement and take such other steps as it considers necessary to enable the holding of a further Convention.
- © After any applicant has received an absolute majority of the formal votes cast in a ballot and has been selected as a candidate it shall be in order for a member of the Convention to move a motion that the Convention not proceed to select further candidates and any such motion shall be voted upon by secret ballot without debate.
- (d) If the Convention decides not to proceed with the selection of further candidates pursuant to paragraph © the Convention shall thereupon be concluded and the Administrative Committee, if it is practicable to do so, shall re-open applications for endorsement for the number of candidates still to be selected and take such other steps as it considers necessary to enable the holding of a further Convention.

(Clause 26.10 deleted and new Clause 26.10 substituted 16 August 1992)

26.11 EXHAUSTIVE SECRET BALLOT

If the Convention resolves to proceed with the selection of a candidate an exhaustive secret ballot shall be taken in the manner prescribed by the Administrative Committee until an applicant receives an absolute majority of the formal votes cast in any ballot between all the applicants remaining at that stage.

26.12 FREE VOTE

Votes shall be cast by members of the Convention in accordance with their individual judgment free of any direction, restriction or undertaking.

26.13 TIED BALLOT CHAIRMAN'S CASTING VOTE

In the case of a tie another ballot of the Convention shall be taken between the tied applicants. The Chairman's casting vote shall be placed in a sealed envelope and handed with the deliberative vote to the returning officer who shall only open the envelope and count the casting vote in the case of a further tie occurring.

26.14 CASUAL VACANCY

In the event of a casual vacancy occurring amongst the sitting Senators or endorsed candidates the replacement candidate shall be selected in the same manner as for an ordinary Senate Convention.

26.15 ORDER ON THE BALLOT PAPER

- (a) The Convention shall determine the order on the ballot paper of the Senate candidates selected at that Convention.
- (b) If, as a result of changed circumstances subsequent to a Convention (including a double dissolution or a casual vacancy), it is necessary to alter the order on the ballot paper, Policy Assembly shall determine the order on the ballot paper of endorsed Senate candidates previously selected by a Convention.

- © No sitting Senator or endorsed Senate candidate shall be present during or participate in that part of a meeting of Policy Assembly which considers the order on the ballot paper of endorsed Senate candidates.

(Clause 26.15 amended 23 July 1989, Clause 26.15 deleted and new Clause 26.15 substituted 16 August 1992)

27. MACHINERY PROVISIONS

27.1 AMENDMENT

The Constitution may be amended by resolution of State Council passed by a two-thirds majority of those present and voting.

27.2 INTERPRETATION

The Administrative Committee shall subject to direction or ratification by State Council determine all questions relating to the meaning and effect of the Constitution.

27.3 DISPUTES

In the event of a dispute arising as to

- (a) the validity of the conduct of;
- (b) the validity of the decisions made by, or

© the eligibility of any person to attend any Branch meeting, Area Conference, Electorate Council or Convention the Administrative Committee shall have the power to ratify, amend or revoke any decision or action and to take such other action as it considers necessary and such action shall be final and binding on all Members of the Party.

27.4 REDISTRIBUTION

Where a redistribution occurs and the Party already has a Member of Parliament, or has endorsed a candidate for an Electorate which is wholly or partly within a new or altered Electorate, the Administrative Committee may declare the Member of Parliament or the endorsed candidate to be the Member of Parliament or the endorsed candidate for the new or altered Electorate. If there are a number of such Members of Parliament or endorsed candidates the Administrative Committee may declare which of them is to be the appropriate Member or endorsed candidate.

27.5 LIMITATION OF REPLACEMENT OF DELEGATES

The Administrative Committee shall determine the period after which no delegate to any preselection Convention shall be able to be replaced.

(Clause 27.5 inserted 23 July 1989)

27.6 COMPLAINTS REGARDING CONDUCT DURING PRESELECTIONS

- (a) Any member of the Party may complain to the State Director in writing if such member believes that
 - (i) an applicant for preselection, or
 - (ii) any person acting with the express or implied concurrence of such applicant for preselection, or
 - (iii) a delegate to such preselection

has been guilty of conduct gravely detrimental to the Party and which is calculated or likely to affect the outcome of such preselection.

- (b) Upon receipt of such complaint, the State Director shall investigate the same and shall report to the Administrative Committee, the results of such investigation.
- (c) Upon receipt of the State Director's report, if the Administrative Committee is satisfied that there has been conduct which is gravely detrimental to the Party and which is calculated or likely to affect the outcome of such preselection, by any applicant for preselection, or any person acting with the express or implied concurrence of such applicant for preselection, then the Administrative Committee shall have the power to exclude such applicant for preselection from that preselection convention and from any other preselection convention for which that applicant has nominated. If the applicant has already been chosen by a convention, then the Administrative Committee may refuse to endorse such applicant. If such applicant has been endorsed by the Administrative Committee, then the Administrative Committee may set aside such endorsement.
- (d) Upon receipt of the State Director's Report, if the Administrative Committee is satisfied that there has been conduct which is gravely detrimental to the Party and which is calculated or likely to affect the outcome of such preselection by a delegate to such preselection, then the Administrative Committee shall have the power to disqualify that delegate from continuing as a delegate to such preselection and such delegateship shall not be filled by any other member during the currency of such preselection.
- (e) Prior to taking any decisions pursuant to this clause, the Administrative Committee shall give any Member against whom it is considering exercising its power under this clause the right to be heard.
- (f) The Administrative Committee shall not exercise any of the powers given to it pursuant to this clause, save and except by a motion voted upon in secret ballot and which is carried by two thirds majority of those members of the Administrative Committee present and voting.

(Clause 27.6 inserted 12 August 1990)

28. WINDING UP

28.1 TRANSFER OF PROPERTY

If upon the winding up or dissolution of the Party, there remains after satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid or distributed amongst the Members of the Party, but shall be given or transferred to some company, association, society or other body having objects similar or in part similar to the objects of the Party and which shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as is imposed on the Party under or by virtue of this Constitution.

28.2 DETERMINATION OF APPROPRIATE BODY

An appropriate company, association, society or other body shall be determined by State Council at the time of dissolution and in default thereof by such Judge of the Supreme Court of Victoria as may have or acquire jurisdiction in the matter.

28.3 RESOLUTION TO DISSOLVE PARTY

The Party may be dissolved upon the passing of a resolution by State Council passed by a two-thirds majority of those present and voting.

(Clause 28.3 inserted 12 November 1988)

29. (Division 29 deleted 15 November 1987)

30. TRANSITIONAL PROVISIONS

30.1 COMMENCEMENT

The Constitution shall come into operation as and from the time that it is passed by State Council and it is in substitution for the existing Constitution (“the Repealed Constitution”).

30.2 CONTINUITY OF STATUS

Except as in this Constitution expressly or by necessary implication provided-

- (a) all persons, things and circumstances appointed or created by or under the Repealed Constitution shall under and subject to this Constitution continue to have the same status operation and effect as they respectively would have had if the Repealed Constitution had not been repealed;
- (b) in particular and without affecting the generality of the foregoing paragraph, such repeal shall not disturb the continuity of status operation or effect of any person body committee regulation by-law order application determination decision recommendation direction exemption approval disapproval objection appointment delegation classification condition endorsement or any other thing made effected issued granted given presented passed fixed accrued incurred or acquired or existing or continuing by or under the Repealed Constitution;
- © the repeal of the Repealed Constitution shall not affect or disturb any validation effected or any transfer or powers duties and consequent thereon;
- (d) until and subject to the exercise of the powers contained in this Constitution all powers shall continue to be managed exercised or otherwise dealt with by the persons holding the appropriate offices and such persons shall continue in office pursuant to this Constitution until their successors are elected appointed or otherwise fixed pursuant to the terms of this Constitution.

30.3 NON-ABATEMENT

No act matter or thing is to be in any way abated or affected by reasons of the repeal of the Repealed Constitution.

CONTINUITY OF OFFICE

The persons who held offices or positions as prescribed by the repealed Constitution

- (a) as and from the commencement of this Constitution continue to hold such offices or positions for the remainder of the term of such offices or positions as prescribed in the Repealed Constitution, and
- (b) are deemed for that purpose to have been elected or appointed under the provisions of this Constitution.