

LIBERAL DEMOCRATIC PARTY (LDP)

CONSTITUTION

1. IDENTITY AND STANDING

- 1.1. This Constitution identifies and governs the Liberal Democratic Party (LDP) in Australia, hereafter referred as the "Party".
- 1.2. All members and bodies of the Party are jointly and severally bound by this Constitution.
- 1.3. No division or body of the Party may adopt any rule, policy or procedure inconsistent with this Constitution except as required by law.

2. PRINCIPLES

- 2.1. The Liberal Democratic Party is a political party that stands for individual liberty, free markets and small government.
- 2.2. It regards government as the principal threat to these values and therefore seeks to reduce its intrusion into our lives to the lowest level possible consistent with the preservation of a civilised society.
- 2.3. It aims to restore to individuals the right to make their own choices and to accept responsibility for their consequences, on the basis that they make better decisions than government.

- 2.4. The following Principles represent its enduring values.

□ Economic Principles

- Free markets and freedom of choice
- Free trade in goods, services and capital
- Small government, limited public tax, limited government spending and regulation
- Widespread ownership of private property

□ Social Principles

- Civil society and volunteerism
- Civil liberties and individual freedom
- Individual liberty and personal responsibility under the rule of law

□ Government Principles

- Constitutional liberal democracy
- Ethical and impartial government under the rule of law
- Devolution of power including decentralised government and competitive federalism

□ International Principles

- Free trade in ideas and culture

- Freedom and human rights

### 3. OBJECTIVES

3.1. The objectives of the Party are to:

- 3.1.1. Promote the Principles of the Party.
- 3.1.2. Seek the election of its candidates to the House of Representatives and Senate.

### 4. MEMBERSHIP

#### MEMBERSHIP CATEGORIES

4.1. There shall be two categories of members:

- 4.1.1. Individual members: Individuals who have applied for and been accepted as members in their own right and not as representatives of an organisation or group.
- 4.1.2. Affiliate members: Organisations that have applied for and been accepted as affiliate members, provided that the individuals who belong to such organisations shall not become individual members of the Party by virtue of their membership of that organisation.

4.2. Subject to this Constitution the National Executive may create categories of individual and affiliate membership and shall establish procedures for admission, suspension and expulsion of members.

#### INDIVIDUAL MEMBERSHIP

- 4.3. Individual membership of the Party is open to any person who has not been expressly excluded from membership and who agrees to comply with this Constitution.
- 4.4. Individual membership includes membership of both the Federal party and the State Division to which the applicant is, by virtue of his or her residence, entitled to belong.
- 4.5. Only individual members shall be regarded as members for the purpose of meeting the requirements of Commonwealth and State legislation with respect to membership of the Party.
- 4.6. Only individual members recognised as "Financial" by the National Executive shall be entitled to vote on Party matters, hold party positions or be selected as party candidates. Individual members so recognised shall have one vote each.
- 4.7. An individual member who loses or relinquishes Financial status may nonetheless remain a member of the Party if he/she so chooses.

#### AFFILIATE MEMBERSHIP

- 4.8. Affiliate membership of the Party is open to any organisation that has not been expressly excluded from membership and agrees to comply with this Constitution.

4.9. Affiliate members shall be entitled to vote on Party matters according to the number of votes allocated by the National Executive from time to time.

4.10. The National Executive shall not permit the votes of affiliate members, in aggregate, to exceed thirty-three percent of the number of individual financial members of the party.

#### GENERAL

4.11. Applications for membership shall be in a manner prescribed by the National Executive.

4.12. The National Executive or a relevant State Executive may reject any application for membership (individual or affiliate) on the ground that its acceptance would be against the interests of the Party.

4.13. Any refusal to admit a person as an individual member, and any suspension or expulsion of a member, shall be accompanied by a statement of reasons which is made available to party members.

4.14. A person ceases to be a member of the Party if he or she dies, resigns or is expelled from the Party.

4.15. A member may at any time by notice in writing to the Secretary resign his/her membership.

4.16. If a member of the Party ceases to be a member, the Secretary must make an appropriate entry in the register of members recording the date on which membership ceased.

4.17. Membership entitlements are not transferable. A right, privilege or obligation which a person or organisation has by reason of being a member of the Party is not capable of being transferred or transmitted to another person or organisation, and terminates on cessation of membership.

4.18. The liability of a member of the party to contribute towards the payment of the debts and liabilities of the party or the costs, charges and expenses of the winding up of the party is limited to the amount, if any, unpaid by the member in respect of membership of the party.

4.19. The liability of members of the Party's governing bodies shall be the same as for ordinary members.

## 5. PARTY ORGANISATION

#### NATIONAL EXECUTIVE

5.1. There shall be one National Executive, comprised of nine individual members duly elected in accordance with this Constitution.

5.2. Members of the State Executive shall serve for a period of three years and, upon expiry of the term, are eligible for re-election.

5.3. The National Executive shall be the principal governing body of the party, with authority to:

- 5.3.1. Promote the party's Principles.
  - 5.3.2. Improve public perceptions of the Party.
  - 5.3.3. Select candidates for Federal elections.
  - 5.3.4. Set membership fees.
  - 5.3.5. Formulate and adopt federal policies consistent with the Principles of the Party.
  - 5.3.6. Form such permanent or temporary committees as may from time to time be required.
  - 5.3.7. Make, repeal and amend such by-laws as are from time to time considered necessary for the well being of the Party.
  - 5.3.8. Establish procedures for the resolution of disputes and disciplining of members based on the principles of procedural fairness and natural justice.
  - 5.3.9. Exercise all such functions as may be exercised by the Party, other than those functions required by this Constitution to be exercised by a General Meeting of members.
  - 5.3.10. Perform all such acts and do all such things as appear to be necessary or desirable for the proper management of the affairs of the Party.
- 5.4. The National Executive shall:
- 5.4.1. Receive and consider motions and recommendations from National Conferences.
  - 5.4.2. Recommend to the National Conference the appointment of an auditor.
  - 5.4.3. Present policies it has adopted to the National Conference for ratification or rejection.
  - 5.4.4. Retain control over all party funds other than those raised by or donated to a subordinate body of the party for use by that body.
- 5.5. No member of the party, including individual members of the National Executive, shall have the authority to act or speak on behalf of the Party without the approval of the National Executive.

#### STATE DIVISIONS

- 5.6. There shall be a Division of the Party in each State or territory.
- 5.7. Each Division shall have its own Constitution which shall be subject to and not inconsistent with this Constitution.
- 5.8. Each Division shall have a State Executive which shall be the governing body of the party in that State or territory.

## NATIONAL COUNCIL

- 5.9. There shall be one National Council comprised of each member of the National Executive, up to three members of the State Executive of each Division plus the Party's elected members of parliament (state or federal).
- 5.10. The role of the National Council is to provide a means of resolving disagreements between the National Executive and a State Executive or between State Executives.
- 5.11. A matter shall only be considered by the National Council where:
  - 5.11.1. A disagreement exists between the National Executive and a State Executive, or between two or more State Executives; and
  - 5.11.2. The disagreement relates to:
    - 5.11.2.1. An issue of policy not confined to the federal jurisdiction; or
    - 5.11.2.2. A financial matter; or
    - 5.11.2.3. A matter on which the parties in dispute (being National and/or State Executives), have agreed to refer to the National Council and accept its decision.
- 5.12. The quorum for meetings of the National Council shall be eight.
- 5.13. The National Council may appoint its own Chairman when it meets or, if it fails to do so, the National President or his nominee shall be Chairman.
- 5.14. All matters before the National Council shall be decided by a simple majority of those present except where this Constitution provides otherwise. Where a vote is tied the Chairman shall have a casting vote.
- 5.15. Decisions of the National Council shall be final.

## 6. OFFICE BEARERS

- 6.1. The National Executive shall elect from among its members the office-bearers of the Party, being:
  - National President
  - National Vice-President
  - National Secretary
  - National Assistant Secretary
  - National Treasurer
  - National Communications Officer
  - National Registered Officer
- 6.2. No more than two office-bearer positions may be filled by one member of the National Executive, except that this limitation shall not apply to the position of National Registered Officer.
- 6.3. The National President shall:

- 6.3.1. Be the Senior Executive Officer of the Party.
  - 6.3.2. Chair all National Executive and National Conference meetings of the Party.
  - 6.3.3. Be a member "ex officio" of all committees.
- 6.4. The National Vice-President shall:
- 6.4.1. Perform the duties of the President during his/her absence or at his/her request.
  - 6.4.2. Be a member "ex officio" of all committees.
- 6.5. The National Secretary shall:
- 6.5.1. Have overall responsibility for correspondence in connection with the Party.
  - 6.5.2. Ensure the maintenance of a register of members as directed by the National Executive.
  - 6.5.3. Record all appointments of office-bearers and members of the National Executive.
  - 6.5.4. Ensure that minutes are taken of all proceedings at National Executive meetings and general meetings of the Party including the National Conference.
  - 6.5.5. Present such minutes to the subsequent corresponding meeting for approval as a true and accurate record, have them signed by the chairman of that meeting and retained as its principal record.
- 6.6. The National Treasurer shall:
- 6.6.1. Have overall responsibility for the care of the Party's finances.
  - 6.6.2. Ensure that all monies collected are promptly paid into a bank account approved by the National Executive.
  - 6.6.3. Ensure that all payments authorised by the National Executive are made.
  - 6.6.4. Ensure that correct accounts are kept showing the financial affairs of the Party, including full details of receipts and expenditure.
  - 6.6.5. Ensure the maintenance of an accurate and current register of Party assets.
  - 6.6.6. Present to each meeting of the National Executive a statement of income and expenditure for the period since the prior meeting.
  - 6.6.7. Present each year to the approved auditor the Party's accounts for auditing.
  - 6.6.8. Present at the National Conference a duly audited balance sheet and a profit and loss account covering the financial year immediately preceding the National Conference.
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- 6.7. The National Communications Officer shall:

- 6.7.1. Have overall responsibility for communications with members and the public.
- 6.7.2. Ensure that regular communications are maintained with members.
- 6.8. The National Registered Officer: shall undertake such functions on behalf of the Party as are required by legislation.
- 6.9. The National Executive shall direct the National Registered Officer as to the nomination of candidates for elected office and the Registered Officer shall comply with such direction.

## **7. MEETINGS OF THE NATIONAL EXECUTIVE**

- 7.1. Meetings of the National Executive shall be held at such times and places as the National Executive shall determine:
  - 7.1.1. At least twice each financial year; or
  - 7.1.2. Within fourteen (14) days of the receipt by the Secretary of a requisition by a majority of members of the National Executive.
- 7.2. Five members of the National Executive, one of who is the President or Vice-President, shall form a quorum.
- 7.3. Not less than two (2) days notice shall be given for a meeting of the National Executive.
- 7.4. The National Executive may appoint its own Chairman when it meets or, if it fails to do so, the National President or his nominee shall be Chairman.
- 7.5. All matters before the National Executive shall be decided by a simple majority of those present except where this Constitution provides otherwise. Where a vote is tied the Chairman shall have a casting vote.

## **8. ELECTION OF NATIONAL EXECUTIVE**

- 8.1. Elections for vacancies on the National Executive shall be conducted at the National Conference.
- 8.2. Only members present at the National Conference and eligible to vote shall be permitted to vote. There shall be no proxy votes.
- 8.3. Nominations for election to the National Executive shall be submitted to the Secretary not less than two weeks prior to the National Conference.
- 8.4. A casual vacancy on the National Executive may be filled by the National Executive until the next National Conference when it shall be filled by election. The term of any member so elected shall be the remainder of the term of the member whose departure created the casual vacancy.
- 8.5. Members standing for election to the National Executive must be nominated and seconded by financial members and signify their consent to the nomination.
- 8.6. The method of voting for the National Executive shall be optional preferential, conducted

by secret ballot.

8.7. Candidates for election to the National Executive may each appoint one scrutineer to observe the counting of votes.

8.8. A Returning Officer may be appointed to conduct the election, who shall not be entitled to vote.

8.9. A member of the National Executive may be removed by a unanimous vote of all other members of the National Executive on two occasions not less than two or more than four months apart:

## 9. GENERAL MEETINGS

9.1. There shall be one General Meeting each year known as the National Conference, to be held at a time and place determined by the National Executive.

9.2. Special General Meetings may be called by the National Executive and shall be called if requested by a petition carrying the signatures of not less than 20 percent of individual voting members. Such meetings shall be held no sooner than one week nor later than six weeks from the date when the request was received.

9.3. All members shall be entitled to attend a general meeting. However, only financial members shall be entitled to vote.

9.4. The Secretary shall ensure that all members are notified of each General Meeting not less than four weeks prior to its occurrence.

9.5. All matters for decision at a General Meeting shall be submitted to the Secretary not less than two weeks prior to the meeting.

9.6. General Meetings shall be open to observers unless closed (entirely or for certain sessions) by decision of the National Executive or resolution of the meeting.

9.7. The agenda for the National Conference shall be as determined by the National Executive but shall include the following:

9.7.1. A report by the President.

9.7.2. A report by the Secretary.

9.7.3. Receipt and consideration of the minutes of the prior National Conference.

9.7.4. Receipt and consideration of the Treasurer's report including financial accounts.

9.7.5. Elections to fill such vacancies on the National Executive as fall due.

9.7.6. The appointment of an auditor.

9.7.7. Consideration of policies adopted by the National Executive and their approval or rejection without amendment.



9.8. There shall be no quorum for general meetings.

9.9. Unless proper notice has not been given or the holding of the meeting is seriously hampered by events beyond the control of the National Secretary or National Executive, general meetings shall not be adjourned.

#### **10. AMENDMENTS TO THE CONSTITUTION**

10.1. This Constitution may be changed by:

10.1.1. A motion on notice from the National Executive to a general meeting; and

10.1.2. Approval of that motion by ninety (90) percent of votes cast at the general meeting in the case of a change to the Principles, or seventy-five (75) percent majority in any other case.

3 March 2006