

LIBERAL DEMOCRATIC PARTY

CONSTITUTION

1. IDENTITY AND STANDING

- 1.1. This Constitution identifies and governs the Liberal Democratic Party (LDP) in Australia, including any subordinate bodies, hereafter referred to as the “Party”.
- 1.2. All members and subordinate bodies of the Party are jointly and severally bound by this Constitution.
- 1.3. No separate constitution may be adopted by any subordinate body unless required by law and, if so adopted, shall incorporate and be subject to this Constitution whether explicitly stated or not.
- 1.4. No part 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, low taxation, 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, and

3.1.2. Seek the election of its candidates to the

3.1.2.1. Commonwealth House of Representatives and Senate

3.1.2.2. NSW Legislative Assembly and Legislative Council

3.1.2.3. Victorian Legislative Assembly and Legislative Council

3.1.2.4. Queensland Legislative Assembly

3.1.2.5. Western Australian Legislative Assembly and Legislative Council

3.1.2.6. South Australian House of Assembly and Legislative Council

3.1.2.7. Tasmanian House of Assembly and Legislative Council

3.1.2.8. Legislative Assembly of the Northern Territory

3.1.2.9. Legislative Assembly for the Australian Capital Territory, plus

3.1.2.10. Local Government bodies in all jurisdictions.

3.2. The assets and income of the Party shall be applied solely in furtherance of these objectives and no portion shall be distributed directly or indirectly to the members of the Party except as bona fide compensation for services rendered or expenses incurred on behalf of the Party.

3.3. In the event of the Party being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes and which has rules prohibiting the distribution of its assets and income to its members.

4. MEMBERSHIP

4.1. MEMBERSHIP CATEGORIES

4.1.1. There shall be two categories of members:

4.1.1.1. 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.

4.1.1.2. 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.

4.1.2. Subject to this Constitution the National Executive may create categories of individual and affiliate membership.

4.2.INDIVIDUAL MEMBERSHIP

4.2.1. Individual membership of the Party is open to any person who has not been expressly excluded from membership, has not been convicted of a disqualifying electoral offence within 10 years before the person applies to become a member, and who agrees to comply with this Constitution.

4.2.2. Individual membership may be either Financial or Non-financial (Associate).

4.2.3. A person may not become a member or remain a member of the Party, while at the same time holding membership of another political party, unless with the specific approval of the National Executive.

4.2.4. Individual membership shall include membership of both the Federal party and any subordinate bodies to which the applicant is, by virtue of his or her location, entitled to belong.

4.2.5. Only individual members recognised as “Financial” by the National Executive shall be entitled to vote on Party matters. Individual members so recognised shall have one vote each.

4.2.6. Loss or relinquishment of Financial status does not, by itself, lead to cessation of membership.

4.3.AFFILIATE MEMBERSHIP

4.3.1. 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.

4.3.2. 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.

4.3.3. 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.

4.4.GENERAL

4.4.1. A person wishing to become a member shall complete an application form or application forms as prescribed by the National Executive. The National Executive may prescribe the use of online forms available on the party’s website. The person

must specify details including full name, residential address and other details as prescribed by the National Executive. The person shall lodge such forms in a manner prescribed by the National Executive, which may include submission via the party website. An organisation wishing to become an affiliate member shall apply in writing to the Secretary.

- 4.4.2. An application for individual or affiliate membership is subject to acceptance by the National Secretary. In this the Secretary shall comply with any direction from the National Executive and with this Constitution. A person or organisation whose application for membership has been accepted shall be advised accordingly. The National Executive may direct the Secretary to reject any application for membership (individual or affiliate) on the ground that its acceptance would be against the interests of the Party.
- 4.4.3. The National Executive may suspend or expel any member at any time where the National Executive considers this to be in the interests of the Party. The procedures for suspension and expulsion of members shall be based on the principles of procedural fairness and natural justice. These procedures shall include either advising the person or organisation in writing of the suspension or expulsion, or, if the National Executive consider that a delay in the suspension or expulsion would not significantly damage the interests of the Party, advising the person or organisation in writing that the National Executive is considering a suspension or expulsion. In the latter scenario, the person or organisation shall be requested to respond in a timely manner, and the National Executive shall endeavour to defer a decision on suspension or expulsion until any such response is received and considered.
- 4.4.4. A member convicted of a disqualifying electoral offence shall not be permitted to remain a member.
- 4.4.5. Subject to **Error! Reference source not found.**, the National Executive may suspend or terminate the membership of any individual or affiliate on the ground that it is against the interests of the Party.
- 4.4.6. Any member or subordinate body may recommend to the National Executive that an application for membership be rejected or a member suspended or expelled.
- 4.4.7. 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.
- 4.4.8. A person ceases to be a member of the Party if he or she dies, resigns or is expelled from the Party by the National Executive.
- 4.4.9. A member may at any time by notice in writing to the Secretary resign his/her membership.
- 4.4.10. 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.
- 4.4.11. 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.

4.4.12. 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.

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

5. PARTY ORGANISATION

5.1. NATIONAL EXECUTIVE

5.1.1. There shall be one National Executive, comprised of no more than nine individual members duly elected in accordance with this Constitution.

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

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

5.1.3.1. Promote the party's Principles.

5.1.3.2. Improve public perceptions of the Party.

5.1.3.3. Select candidates for federal, state, territory and local government elections.

5.1.3.4. Set membership fees.

5.1.3.5. Formulate and adopt policies consistent with the Principles of the Party.

5.1.3.6. Make, repeal and amend such by-laws as are from time to time considered necessary for the well being of the Party.

5.1.3.7. Form such permanent or temporary committees as may from time to time be required.

5.1.3.8. 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.

5.1.3.9. 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.

5.1.4. The National Executive shall:

5.1.4.1. Receive and consider motions and recommendations from National Conferences.

- 5.1.4.2. Recommend to the National Conference the appointment of an auditor.
- 5.1.4.3. Present policies it has adopted to the National Conference for ratification or rejection.
- 5.1.4.4. Retain control over all membership fees and other party funds.
- 5.1.4.5. Act as the Dispute Resolution Committee which hears and determines disputes in accordance with the principles of procedural fairness and natural justice, and with reference to other relevant dispute clauses in this Constitution. Any member of the Party may lodge a dispute in writing to the Secretary. The Disputes Resolution Committee will consider all formal written disputes received by the Secretary and respond in a timely manner. The decisions of the Dispute Resolution Committee are binding on all Party members.
- 5.1.5. 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.

5.2.SUBORDINATE BODIES

- 5.2.1. Subject to there being sufficient members, interest and organisation, the National Executive may approve the establishment of subordinate bodies of the Party.
- 5.2.2. The National Executive may delegate to subordinate bodies certain powers including the power to:
 - 5.2.2.1. Select candidates for State, Territory or local government elections.
 - 5.2.2.2. Operate a bank account.
 - 5.2.2.3. Raise and accept donations.
 - 5.2.2.4. Formulate policies specific to the region.
 - 5.2.2.5. Recommend to the National Executive the appointment of a Registered Officer for the region.
- 5.2.3. Each such subordinate body shall operate subject to this Constitution and within the powers delegated to it.
- 5.2.4. The National Executive may withdraw a delegation, in whole or part, at any time.

6. OFFICE BEARERS

6.1.NATIONAL EXECUTIVE

- 6.1.1. 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

- 6.1.2. No more than two office-bearer positions may be filled by one member of the National Executive.
- 6.1.3. The National Executive shall elect from among its members a National Registered Officer.
- 6.1.4. The National President shall:
 - 6.1.4.1. Be the Senior Executive Officer of the Party.
 - 6.1.4.2. Chair all National Executive and National Conference meetings of the Party.
 - 6.1.4.3. Be a member “ex officio” of all committees.
- 6.1.5. The National Vice-President shall:
 - 6.1.5.1. Perform the duties of the President during his/her absence or at his/her request.
 - 6.1.5.2. Be a member “ex officio” of all committees.
- 6.1.6. The National Secretary shall:
 - 6.1.6.1. Have overall responsibility for correspondence in connection with the Party.
 - 6.1.6.2. Ensure the maintenance of a register of members as directed by the National Executive.
 - 6.1.6.3. Record all appointments of office-bearers and members of the National Executive.
 - 6.1.6.4. Ensure that minutes are taken of all proceedings at National Executive meetings and general meetings of the Party including the National Conference.
 - 6.1.6.5. Present such minutes to the subsequent corresponding meeting for approval as a true and accurate record and retained as its principal record.
- 6.1.7. The National Treasurer shall:
 - 6.1.7.1. Have overall responsibility for the care of the Party’s finances.
 - 6.1.7.2. Ensure that all membership fees, donations and other monies collected are promptly paid into a bank account approved by the National Executive.
 - 6.1.7.3. Ensure that all payments authorised by the National Executive are made.
 - 6.1.7.4. Ensure that correct accounts are kept showing the financial affairs of the Party, including full details of receipts and expenditure.

- 6.1.7.5. Ensure the maintenance of an accurate and current register of Party assets.
- 6.1.7.6. Present to each meeting of the National Executive a statement of income and expenditure for the period since the prior meeting.
- 6.1.7.7. Present each year to the approved auditor the Party's accounts for auditing.
- 6.1.7.8. 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.
- 6.1.7.9. Ensure the Party complies with such financial reporting obligations as are required by law.
- 6.1.8. The National Registered Officer: shall undertake such functions as are required by legislation.
- 6.1.9. The National Executive may direct the National Registered Officer as to the nomination of candidates for elected office and the Registered Officer shall comply with such direction.

7. NATIONAL EXECUTIVE MEETINGS

- 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 National 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. If either the National President or Vice President is unable or unwilling to act as Chairman, the National Executive may appoint its own.
- 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. GENERAL MEETINGS

- 8.1. 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.
- 8.2. 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 25 percent of individual voting members. Such meetings shall be held at least four weeks and no more than eight weeks from the date when the request was received.

- 8.3. All members shall be entitled to attend a general meeting.
- 8.4. Only financial members shall be entitled to vote at a General Meeting. Members must be present to vote except where the National Executive has decided to permit a postal vote on a particular matter. In such cases the matter shall be decided by votes cast both in person and by post provided that no member may vote more than once.
- 8.5. The National Secretary shall ensure that all members are notified of each General Meeting not less than four weeks prior to its occurrence.
- 8.6. All matters for decision at a General Meeting shall be submitted to the National Secretary not less than two weeks prior to the meeting.
- 8.7. 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.
- 8.8. The agenda for the National Conference shall be as determined by the National Executive but shall include the following:
 - 8.8.1. A report by the National President.
 - 8.8.2. A report by the National Secretary.
 - 8.8.3. Receipt and consideration of the minutes of the prior National Conference.
 - 8.8.4. Receipt and consideration of the National Treasurer's report including financial accounts.
 - 8.8.5. Elections to fill such vacancies on the National Executive as fall due.
 - 8.8.6. The appointment of an auditor.
 - 8.8.7. Consideration of policies adopted by the National Executive and their approval or rejection without amendment.
 - 8.8.8. General business.
- 8.9. There shall be no quorum for general meetings.
- 8.10. 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.

9. ELECTIONS

- 9.1. Elections for one third of the National Executive plus casual vacancies (if any) shall be conducted at each National Conference.
- 9.2. Only members present at the National Conference and eligible to vote shall be permitted to vote. There shall be no proxy votes and the National Executive may not authorise a postal vote for elections.

- 9.3. Nominations for election to the National Executive shall be submitted to the Secretary not less than two weeks prior to the National Conference.
- 9.4. Members standing for election to the National Executive must be nominated and seconded by financial members and signify their consent to the nomination.
- 9.5. Only individual members recognised as “Financial” by the National Executive for two preceding years may nominate for the National Executive unless exempted from this limitation by the National Executive.
- 9.6. 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.
- 9.7. The method of voting for the National Executive shall be optional preferential, conducted by secret ballot.
- 9.8. Candidates for election to the National Executive may each appoint one scrutineer to observe the counting of votes.
- 9.9. A Returning Officer may be appointed to conduct the election. The Returning Officer shall not be entitled to vote.
- 9.10. 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.

10. AMENDMENTS TO THE CONSTITUTION

This Constitution may be changed by:

- 10.1. A motion on notice from the National Executive to a general meeting; and
- 10.2. 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.

Adopted at Special General Meeting 2 October 2018.