



Liberal Party of Australia  
SA Division

# Constitution

February 2023

## **CONTENTS**

Constitution.....	1
Name of the Division.....	1
Objectives of the Division.....	1
Structure of the Division.....	3
Membership.....	4
Branches.....	8
Electorate Conventions.....	11
State Council.....	16
State Executive.....	20
Standing Committees.....	22
Campaign Committee.....	27
Rural and Regional Council.....	28
Liberal Women’s Council.....	30
Young Liberals.....	31
Parliamentary Section.....	32
Selection of Parliamentary Candidates.....	33
Appeal Tribunal.....	37
Finance.....	39
Amendments to the Constitution of Platform.....	42
State Director.....	43
Miscellaneous.....	44

## **APPENDICIES**

Declarations and Agreements Required of Nominees.....	46
Preferential Ballot.....	47
Exhaustive Ballot.....	48

1. This Constitution is the Constitution of the South Australian Division (hereinafter called the 'Division') the Liberal Party of Australia (hereinafter called the 'Party').

### **NAME**

2. The name of the Division shall be the 'Liberal Party of Australia, SA Division'.

### **OBJECTIVES OF THE DIVISION**

3. The objectives of the Division shall be:-

#### AN AUSTRALIAN NATION:

- 3.1 Dedicated to political liberty and the freedom and dignity of man.
- 3.2 Safe from external aggression and living in the closest communion with fellow members of the Commonwealth, playing its part in a world security order which maintains the necessary force to defend the peace.
- 3.3 In which national defence is a matter of universal duty, and in which the spirit of patriotism is fostered and all Australians are united in the common service of their country.
- 3.4 In which good government is provided through:-
  - (a) loyalty to the Crown as Constitutional Head of State
  - (b) the Federal system based on a true balance of Commonwealth and State powers and responsibilities fiscal and otherwise
  - (c) bi-cameral Parliaments so elected and organised as to maintain the second Chamber as a true House of Review.
- 3.5 In which an intelligent, free and liberal Australian democracy shall be maintained by:-
  - (a) Parliament controlling the Executive and the Law controlling all
  - (b) independence of the Judiciary
  - (c) freedom of speech, religion and association
  - (d) freedom of citizens to choose their own way of living and of life, subject to the rights of others
  - (e) protecting the people against exploitation
  - (f) looking primarily to the encouragement of individual initiative and enterprise as the dynamic force of progress
  - (g) developing to the fullest extent a national spirit in Australia
  - (h) the minimum of Governmental interference with individual freedom consistent with good order and sound administration.
- 3.6 Dedicated to the support and development of private enterprise.
- 3.7 Opposed to Communism and any form of tyranny.
- 3.8 In which men and women who have been members of the fighting services and their dependents shall enjoy honour and security, and where preference and generous repatriation benefits are recognised.
- 3.9 In which primary, secondary and tertiary industries are promoted, new and adequate markets developed, the conditions of every man, woman and child improved, rural amenities increased, and decentralisation of industries encouraged.
- 3.10 In which there shall be no nationalisation of any Australian industry without the approval of the people.
- 3.11 In which constant employment at good wages is available to all willing and able to work.
- 3.12 In which employer and employee have a sense of common interest and duty, and share as co-operators in all advances of prosperity, and in which living standards rise steadily as physical resources expand and ingenuity grows.

- 3.13 In which social provision is made for the aged, the invalid, the widowed, the sick, the unemployed and the children.
- 3.14 In which adequate medical services are within the reach of all.
- 3.15 In which a comprehensive system of child and adult education is designed to develop the spirit of true citizenship, and in which no consideration of wealth or privilege shall be a determining factor.
- 3.16 In which the youth of the nation is given every encouragement to develop its talents to the full, recognising that from its ranks will come the leaders of tomorrow.
- 3.17 In which family life is seen as fundamental to the well-being of society, and in which every family is enabled to live in and preferably to own a comfortable home at reasonable cost, and with adequate community amenities.
- 3.18 In which recognition is given to the special needs for adequate country representation and of the rights of community and minority interests .

## **STRUCTURE OF THE DIVISION**

- 4.1 The Division shall be a component part of the Party and shall function as a Division thereof with the Objectives of the Division from time to time and it may through its State Council exercise all or any of the powers of the Party within the boundaries of South Australia.
- 4.2 The Division shall consist of members of the Division organised into Branches within the State of South Australia. Additionally a State Council and various Committees and Conventions shall exist to organise the affairs of the Division.

## **MEMBERSHIP**

- Eligibility for membership** 5.1 Any person who is over the age of 16 years and who supports the Objectives of the Division and who agrees to be bound by this Constitution may apply to become a member of the Division.
- Application for membership** 5.2 A person applying to become a member of the Division shall submit an application to the State Director in the form prescribed by the State Executive accompanied by the appropriate membership fee.
- Commencement of membership** 5.3 Membership shall commence one month after the State Director receives an application unless:-
- (a) the State Executive in the meantime acting upon the recommendation of a Branch or upon its own motion, declines to admit a person to membership which it may do without giving any reason therefore
  - (b) the State Executive gives special permission for an earlier commencement of membership.
- Allocation of members to branches** 5.4 An applicant may state the Branch of the Division he or she wishes to join or state that he or she wishes to be a Member-at-Large. In the absence of such an expression he or she shall join a Branch decided by the State Director to be geographically convenient to his or her place of residence.
- 5.5.1 A member may change Branches or the Branch in which he or she holds voting rights on giving one month's notice in writing to the State Director.
- 5.5.2 A member may become or may cease to be a Member-at-Large on giving one month's notice in writing to the State Director accompanied by the appropriate transfer fee.
- 5.5.3 The State Executive in the meantime acting upon the recommendation of a branch or upon its own motion may decline to permit the transfer of a Member-at-Large to a Branch which it may do without giving any reason therefore.
- 5.5.4 The State Executive may give special permission for any change made under this sub clause to have effect earlier than one month after notification to the State Director.
- 5.5.5 A member who transfers his or her membership or voting rights from one Branch to another shall be ineligible to vote at the Annual General Meeting of more than one Branch in any one year.
- 5.5.6 A member who ceases to be a member of a Branch shall cease to be an officer or delegate of that Branch and shall cease to hold any office or delegateship which he or she holds by virtue of his or her membership of that Branch.
- 5.5.7 Notwithstanding this clause, however, members of a Branch which resolves to merge with another Branch shall be eligible to take part in the merged Branch upon that merged Branch coming into operation and his or her period of membership in the merging Branch, immediately prior to the merger, shall be taken into consideration in determining his or her eligibility to vote.

## **Voting in one branch only**

- 5.6 A member may join and hold office in up to two branches but shall:-
- (a) be eligible to vote in the proceedings of and be counted for a quorum in only one Branch and shall advise the State Director in writing of that Branch
  - (b) pay the membership fee in respect of each branch to which he or she belongs.

## **Membership and transfer fees**

- 5.7 No person other than a member of the staff of the Division authorised by the State Director, or a person authorised by the State Executive, may receive any membership fee or transfer fee.
- 5.8.1 Members and applicants for membership shall pay the membership fee as fixed by the State Council upon the recommendation of the State Executive.
- 5.8.2 A member applying to transfer his or her membership or voting rights from one Branch to another shall pay the transfer fee as fixed by the State Executive. No transfer fee shall be payable in respect of the following:-
- (a) a transfer to a Branch within the House of Assembly electorate for which the member is enrolled on the State/ Federal Electoral Roll, or
  - (b) an ordinary member of the SAYLM transferring from a Branch of the SAYLM to a Branch of the SA Division of the Party which is within the House of Assembly electorate for which the member is enrolled on the State/Federal Electoral Roll, or
  - (c) if the State Executive considers exceptional circumstances exist.
- 5.8.3 From 1 November 2006, in respect of each financial year during which a member is a member of the State Parliamentary Party, that member must pay a levy:-
- (a) calculated as 5% of their annual Parliamentary Salary, being the basic salary and additional salary specified under the Parliamentary Remuneration Act 1990, but not including Electoral or other allowances, and
  - (b) calculated on a pro rata basis in respect of periods less than 12 months.
- 5.8.4 The levy is payable in equal monthly instalments in arrears. The first payment of the levy is due on 1 December 2006 or on the first day of the calendar month next following the date on which the member becomes a member of the State Parliamentary Party (as the case may be). Thereafter, the levy is due on the first day of each succeeding calendar month.
- 5.8.5 If the first day of a calendar month falls on a weekend or public holiday the levy shall be paid on the next following business day.

## **Financial**

- 5.9.1 The membership fee shall be paid by 5pm on the first day of July, and in the event that the 1st day of July falls on a weekend or public holiday the fee shall be paid by 5pm on the next following business day. A person who applies to join the Division on or after the first day of January and before the first day of July, shall pay a full membership fee which shall entitle such person to membership for the remainder of the period before the first day of July and for the membership period commencing on the first day of July.

- 5.9.2 Any member whose subscription or levy required by Clause 5.8.3 is more than three months in arrears shall be ineligible to take part in any business or proceedings of the Division or any part of it. Such ineligibility shall cease immediately upon the receipt by the Director of the payment of the arrears. If a member's subscription or levy required by Clause 5.8.3 is more than twelve months in arrears, that person shall thereupon cease to be a member.
- 5.9.3 No member shall pay any membership fee on behalf of any other member or person except for his or her spouse or children.

### **Confidentiality of membership**

- 5.10.1 The names and contact details of members of the Division shall be confidential and shall not be available to any person other than the State Director or a member of his or her staff authorised by him or her except as follows:-
- (a) the members of a branch to their respective:-
    - (i) President,
    - (ii) Secretary,
    - (iii) Treasurer, and
    - (iv) Membership Officer
  - (b) the members of a Convention and of branches deemed to be within that convention to any one or more of their respective:-
    - (i) President,
    - (ii) Secretary, and
    - (iii) Membership Officer
  - (c) the members of a Convention and of branches deemed to be within that convention to their respective:-
    - (i) Parliamentary Member,
    - (ii) Paired Parliamentary Member as determined by the State Executive, and
    - (iii) Endorsed Candidate
  - (d) the members of an Electoral College to their respective:-
    - (i) candidate for parliamentary pre-selection, and
    - (ii) nominee for pre-selection prior to that person being accepted as a candidate where approved by the State Executive
  - (e) the members of the Rural and Regional Council, the Liberal Women's Council and the SAYLM to their respective:-
    - (i) President or Chairman, and
    - (ii) Secretary
  - (f) the members of the State Council to:-
    - (i) a candidate for election to the office of President of the Division or Vice President of the Division
    - (ii) Senators, and
    - (iii) Members of the Legislative Council.



5.10.2 Notwithstanding clause 5.10.1, mailing labels with the names and postal addresses of members of the Division shall be available to Senators and MLCs upon the State Director receiving payment from the Senators and MLCs of the cost of such labels.

**Parliamentarians and candidate may nominate a recipient**

5.10.3 A Parliamentarian or endorsed candidate who is entitled to receive members' information under clause 5.10.1 may, upon application to the State Director and subsequent receipt of his or her approval, nominate one member of their staff or campaign team to receive and handle that information on their behalf provided that nominee is a financial member of the Division.

**Termination or suspension of membership**

5.11.1

- (a) The State Executive may, upon its own motion or upon the complaint in writing of a Branch concerning one of its members resolve to terminate or suspend for such period as it decides the membership of any member who in the opinion of the State Executive has been guilty of any act or conduct detrimental to the interests of the Party
- (b) The complaint of a Branch shall only be made after a general meeting of the Branch has so resolved.

5.11.2 Before taking any action to terminate or suspend the membership of any member the State Executive shall cause the State Director to give such member twelve clear days' notice in writing informing that member of the complaint and of the date, time and place of the meeting of the State Executive at which the membership of that member is to be considered.

5.11.3 The notice required to be given pursuant to this clause shall be sufficiently given if posted to the member by certified post to the address of that member appearing in the records of the Division.

5.11.4 Such a member shall be entitled to appear before such a meeting of the State Executive and to be heard in answer to any complaint.

5.11.5 The State Executive shall only terminate or suspend the membership of any member on a resolution approved by not less than two-thirds of the members of the State Executive present and voting at such a meeting of the State Executive.

## **BRANCHES**

### **Formation of branches**

6.1 Branches of the Division may be formed in any locality with the approval of State Executive. A Branch shall be considered to come into operation for the purposes of this Constitution when it has held an Inaugural Annual General Meeting and when the State Executive has subsequently given its approval for the Branch's formation and determined within which State and Federal electorates the Branch is deemed to be located. State Executive may impose such conditions on the operation of the Branch as it may determine if, in the process of formation of the Branch, State Executive has used its power under clause 5.3 or clause 5.5.4 to permit any member of the Branch to have an earlier commencement or transfer of membership.

6.2.1 Except as herein provided, no Branch shall be formed except with the approval of State Executive.

6.2.2 State Executive may, if it considers exceptional circumstances exist, permit a Branch to be formed with less than ten members but in so doing may impose such conditions on the operation of the Branch as it may determine.

### **Branch may make rulings**

6.3 State Executive shall determine a State and Federal electorate within which a Branch is deemed to be located.

### **Obligatory branch meetings**

6.4 Subject to this Constitution, each Branch may manage and make rules for the management of its affairs.

6.5.1 Unless exempted in special circumstances by the relevant SEC each Branch shall hold at least two meetings in every year; one of which shall be the Annual General Meeting which shall be held between the first day of February and the last day of April in each year.

6.5.2 Fourteen clear days' notice of every meeting of the Branch shall be given by notice in writing to all the members of the Branch.

### **Quorum**

6.5.3 The quorum for any meeting of a Branch including the Annual General Meeting, shall be five members of the Branch.

### **Single branch electorate**

6.6 Notwithstanding as is otherwise herein provided a Branch being the only Branch within a House of Assembly electorate or a House of Representatives electorate (hereinafter called a 'Single Branch Electorate') may meet concurrently with the SEC or the FEC for that electorate but must sign and return separate AGM annual returns and sign in sheets.

### **Annual General Meeting of branch**

6.7.1 At the Annual General Meeting of the Branch the following officers and committee members shall be elected from the members of the Branch:-

- (a) President
- (b) Vice President
- (c) Secretary
- (d) Treasurer
- (e) Membership Officer
- (f) Committee of such number as the meeting resolves.

<b>Appointment of Auditor</b>	6.7.2	At the Annual General Meeting, the Branch shall additionally appoint an Honorary Auditor who shall not hold any other office in the Branch.
<b>Positions left vacant at AGMs</b>	6.7.3	When any positions which are to be filled at the Annual General Meeting have not been filled, a further meeting may be called for no later than 30 April of that year at which those positions may be filled.
<b>Branch Presidents limited term in office</b>	6.8	The President, Vice President and Secretary of a Branch shall not hold their respective offices for more than three consecutive years unless the SEC considered that special circumstances exist and approves otherwise.
<b>Parliamentarians and candidates not to be President or Secretary</b>	6.9	Members of Parliament and endorsed candidates for Parliamentary seats shall not hold office of either President or Secretary.
<b>Honorarium for branch secretary</b>	6.10	A Branch Secretary may be paid such honorarium as the Branch decides.
<b>Casual vacancy</b>	6.11	Any casual vacancy occurring in any position may be filled by the Branch at a General Meeting.
<b>Special General Meeting</b>	6.12.1	A Special General Meeting of a Branch shall be called by the President of that Branch within 14 days of receipt of a request in writing of the State Executive or five members of the Branch.
	6.12.2	In the event that such a meeting is not called in compliance with such a request the State Director shall proceed to call that meeting.
	6.12.3	The business of the meeting shall be limited to that specified in the request.
<b>Forwarding of branch resolutions</b>	6.13	Any resolution of a Branch affecting the Platform, Constitution, policy and administration of the Division or Party shall be forwarded to an Electorate Convention for further consideration.
<b>Branch records and annual returns</b>	6.14.1	A Branch shall keep such financial and other records as required by the State Executive.
	6.14.2	Branch records shall be made available upon request to the State Director or his or her authorised representative for examination.
	6.14.3	Not later than fourteen days after its Annual General Meeting in every year, each Branch shall forward to the State Director:- <ul style="list-style-type: none"> <li>(a) an audited financial statement which shall show details of revenue and expenditure for the financial year which ended on the preceding last day of December, and the amount of funds of the Branch in the form prescribed by the State Director</li> <li>(b) in the form prescribed by the State Director the names and addresses of the officers elected at the Annual General Meeting</li> <li>(c) a list in the form prescribed by the State Director setting out the names of the members who attended the meeting duly signed by each such member.</li> </ul>

- State Executive may waive requirements of the above positions** 6.15 If a Branch fails to comply with the above provisions or if any defect or irregularity occurs at or prior to the meeting of a Branch which would otherwise render the business of the meeting or the election of officers of the Branch invalid, the State Executive may waive the requirements of the above provisions and may declare the business of the meeting or the election of officers of the Branch to be valid notwithstanding any breach of the above provisions or any other defect or irregularity which may have occurred.
- Process for the closure of Branches**
- 6.16.1 At the request of a Branch the State Executive may initiate the closure of that Branch after conducting a consultation with members for a period of not less than one month.
- 6.16.2 If any Branch fails for a period of two years to call a meeting or to submit its Annual Returns under 6.14.3 the State Executive may initiate the closure of that Branch after conducting a consultation with members for a period of not less than one month.

## **ELECTORATE CONVENTIONS**

- Responsibilities**
- 7.1 There shall be a State Electorate Convention in each House of Assembly electorate herein called SEC and a Federal Electorate Convention in each House of Representatives electorate herein called FEC.
- 7.2 Each Electorate Convention shall be responsible within its electorate for:-
- (a) conducting the election campaign subject to direction from the Campaign Committee of the Division
  - (b) maintaining political activities and promoting the Objectives, Platform and policies of the Party and Division
  - (c) with the approval of the State Executive encouraging the establishment of Branches within the electorate.
- Composition of Electorate Convention**
- 7.3.1 Subject to clause 7.3.2 the Electorate Conventions for a House of Assembly electorate or House of Representatives electorate shall comprise all members (excluding Members-at- Large) and members of SAYLM within that electorate who on the date of the AGM of the Convention for that electorate:-
- (a) have been financial for the previous 3 months; and
  - (b) are enrolled on the State/Federal Electoral Roll at an address within that electorate, or in the case of members under the age of 18 had their place of residence within that electorate.
- 7.3.2 State Executive may determine that a Convention be comprised of members resident in the electorate or electorates immediately adjacent to the Electorate Convention's electorate as shall be selected by State Executive.
- Ex-officio members**
- 7.3.3 The Parliamentary Member for the electorate and/or the endorsed candidate for the electorate shall be a member of the Convention Committee.
- 7.3.4 In the event of any endorsed candidate for a State or Federal election being defeated at that election such candidate shall continue to be a member of such Convention Committee until a candidate for the next election in that electorate shall have been endorsed.
- Campaign Manager**
- 7.3.5 Following the endorsement of a candidate for the electorate, the President, Vice President and Secretary of the Convention Committee may, in consultation with the candidate appoint an Election Campaign Manager who shall thereupon become a member of the Convention Committee.
- Meeting requirements**
- 7.4.1 Each SEC and FEC shall hold at least one meeting in every year one of which shall be the Annual General Meeting.
- Annual General Meeting**
- 7.4.2 The Annual General Meeting of a Convention shall be held between the first day of May and the last day of June in each year.
- Notice requirements**
- 7.4.3 Written notice of meetings of the Electorate Convention shall be given to all member's entitled to attend and shall include the location, date and time of the meeting and shall state in detail,

insofar as possible, the business to be discussed at the meeting including any positions to be elected at the meeting and the closing date to nominate for those positions.

The notice period required for:

- (a) a General Meeting or Special Meeting is not less than fourteen days; and
- (b) the Annual General Meeting is not less than twenty-one days.

**Meeting procedures**

7.4.4 Meeting procedures governing the conduct of an Electorate Convention meeting shall be the General Standing Orders as approved by the State Executive.

**Chairman**

7.4.5 The Chairman of Electorate Convention meetings will be the President of that Electorate Convention, or in his or her absence a Vice President selected by the members present, or in their absence another member of the Electorate Convention as selected by the members present.

**Quorum**

7.4.6 The quorum for a meeting of an Electorate Convention shall be 15% of the members of the Electorate Convention or fifteen such members whichever is the lesser with a minimum of five such members.

**Dispensation from compliance**

7.4.7 The State Executive may in special circumstances dispense with the compliance by the Electorate Convention of a requirement of this clause.

7.4.8 Unless dispensation of State Executive has been obtained an Electorate Convention not complying with any requirement of this clause shall not be entitled to appoint delegates.

**Election of Officer Bearers and Delegates**

7.5.1 At the Annual General Meeting of an Electorate Convention the following officers and Committee shall be elected from the members of the Electorate Convention:-

- (a) a President;
- (b) Vice Presidents of such number as the meeting resolves but no greater than four;
- (c) a Secretary;
- (d) a Treasurer
- (e) a Campaign Officer
- (f) a Membership Officer;
- (g) Delegates to State Council as entitled under clause 7.5.2; and
- (h) Committee of such number as the meeting resolves.

**Delegates to State Council**

7.5.2 Delegates to the State Council shall also be elected from the members of the Electorate Convention according to the number of members of the Convention located within the electorate as at 5pm on the last business day of the preceding November as follows:-

- (a) in the case of a SEC:-
  - 0 to 100 members 1 delegate
  - 101 to 200 members 2 delegates
  - 201 to 300 members 3 delegates

301 to 400 members	4 delegates
401 to 500 members	5 delegates
501 to 700 members	6 delegates
701 to 900 members	7 delegates

and continuing to add one extra delegate for each 200 members or part thereof

(b) in the case of a FEC:-

0 to 200 members	3 delegates
201 to 400 members	4 delegates
401 to 600 members	5 delegates
601 to 800 members	6 delegates
801 to 1000 members	7 delegates
1001 to 1200 members	8 delegates
1201 to 1600 members	9 delegates
1601 to 2000 members	10 delegates

and continuing to add one extra delegate for each 400 members or part thereof

- (c) provided that the President shall be the first delegate
- (d) where two or more delegates are to be elected where possible at least one shall be a man and one shall be a woman
- (e) every delegate shall be responsible for nominating in writing a member of the Convention from which they are elected as alternate delegate to any State Council Meeting which the delegate is unable to attend and for providing to that alternate delegate a copy of that nomination which nomination shall be in a form as required by the State Executive. The alternate may vote at State Council on presentation of that nomination
- (f) no delegate shall be entitled to exercise more than one vote
- (g) A State Electorate Convention with 85 or more members shall elect 1 additional delegate to State Council at the Annual General Meeting
- (h) a Federal Electorate Convention with 340 or more members shall elect 1 additional delegate to State Council at the Annual General Meeting.

**Chair of Elections**

7.5.3 Notwithstanding clause 7.4.5, an Electorate Convention at its Annual General Meeting shall elect a Chairman who is not a candidate in the elections to chair the elections. That Chairman is not required to be a member of the Electorate Convention.

**Returning Officer**

7.5.4 The Returning Officer for any Electorate Convention election shall:-

- (a) be appointed upon the motion of the Chairman of the election, shall not be a candidate in any election for which he or she is the Returning Officer for, and, insofar as possible, should not be a member of the Electorate Convention; or
- (b) be the State Director or his or her nominee where the State Director so nominates.

**Nominations to be given in writing**

7.5.5 Nominations for elections contemplated under clauses 7.5.1 (a)- (g), 7.5.2 and 7.5.8 shall:

- (a) be given in writing to the Electorate Convention President and Secretary not less than seven days before the date the election is to take place; and,



- (b) be provided by the Secretary to voting members of the Electorate Convention at or before the meeting where the election is to take place and before balloting begins.

7.5.6 Where no nominations have been received for a position to be filled at an Electorate Convention Annual General Meeting the Chairman shall accept nominations from the floor.

**Casual vacancy**

7.5.7 Where any positions which are to be filled at the Annual General Meeting have not been filled, those positions shall be treated as casual vacancies.

7.5.8 Any casual vacancy occurring in any position may be filled by an Electorate Convention at a general meeting.

**Non-resident may nominate**

7.5.9 It shall be permissible for a non-resident member to be elected as an officer or delegate of a Convention in which he or she is not resident provided that he is a member of a branch deemed by the State Executive to be within that electorate.

**Honorary Auditor**

7.5.10 At the Annual General Meeting the Electorate Convention shall additionally appoint an Honorary Auditor who shall not hold any other office in the Electorate Convention.

**List of eligible members**

7.5.11 Before any meeting where an election is to be held, the Secretary shall cause a list of eligible voting members from the State Director or his or her nominee to be provided no greater than seven days before the meeting and this list shall be used to mark attendance at the meeting.

**Term limit**

7.5.12 Except where the State Executive in special circumstances approves, the President of an Electorate Convention shall not hold that office for more than three consecutive years.

**Prohibition on parliamentarians as office bearers and delegates**

7.5.13 A Member of Parliament or an endorsed candidate for a parliamentary seat shall not hold the office of either President or Secretary of the Electorate Convention in the electorate which he or she represents in Parliament nor for which he or she is an endorsed candidate, and wherever possible, shall not be a delegate to State Council from that Electorate Convention.

**Commencement of Delegate's term of office**

7.6.1 Except as otherwise provided by this clause, delegates to State Council take office at the commencement of the Annual General Meeting of State Council next succeeding the Annual General Meeting of the Electorate Convention at which they were elected. Until taking office they may attend meetings of State Council and by leave shall be allowed to speak, but shall not vote.

7.6.2 Delegates to State Council elected at the Annual General Meeting of an Electorate Convention which does not at the time of such meeting have delegates to State Council shall take office forthwith.

**Special General Meeting**

7.7.1 A Special General Meeting of an Electorate Convention shall be called by the President of the Electorate Convention within fourteen days of the receipt of the request in writing of:-

- (a) the State Executive, or
- (b) in the case of a SEC, or a FEC comprising not more than ten Branches, the President or Secretary of any Branch
- (c) in the case of a FEC comprising more than ten Branches, the Presidents or Secretaries of not less than three Branches.



- 7.7.2 In the event that such a meeting is not called in compliance with such a request the State Director shall proceed to call that meeting.
- 7.7.3 The business of the meeting shall be limited to that specified in the request.

**Forwarding of Electorate Convention resolutions**

- 7.8 Any resolution of an Electorate Convention affecting the Platform, Constitution, policy and administration of the Division or the Party, shall be forwarded to such of the Policy Coordinator or the State Executive as may be appropriate.

**Returns to be forwarded to State Director**

- 7.9 Not later than fourteen days after each Annual General Meeting each Electorate Convention shall forward to the State Director:-
- (a) an audited financial statement which shall show details of revenue and expenditure for the financial year ended on the preceding last day of March and the amount of the funds of the Electorate Convention in the form prescribed by the State Director
  - (b) in the form prescribed by the State Director, the names and addresses of the officers and delegates elected at the Annual General Meeting
  - (c) in the case of an SEC, a report of the activities and the difficulties encountered by the branches within the SEC.

**Duties of Secretary**

- 7.10 The Secretary of each Electorate Convention:-
- (a) keep the minutes of all meetings, including meetings of the Electorate Convention's Committee
  - (b) be responsible for the handover of all records to the subsequent Secretary
  - (c) ensure all eligible members receive notice to meetings and detailed agendas
  - (d) receive nominations for elections to be conducted by the Electorate Convention
  - (e) cause a list of candidates for election to be provided to members at the meeting where the candidates' election is to occur
  - (f) conduct correspondence with the State Director, supply such information as the State Executive may require and report and changes in officers and delegates.
- 7.11 The President of each SEC shall, if possible, visit each Branch within the boundaries of that SEC at least once in each year.

## **STATE COUNCIL**

### **Governing Body Composition**

- 8.1 The governing body of the Division shall be the State Council.
- 8.2 The State Council shall comprise:-
- (a) the President of the Division
  - (b) members of the State Executive who are not otherwise delegates to the State Council but excluding the Treasurer
  - (c) delegates or their alternates of each SEC
  - (d) delegates or their alternates of each FEC
  - (e) twelve delegates or their alternates of Liberal Women's Council
  - (f) twelve delegates or their alternates of the Young Liberal Movement
  - (g) twelve delegates or their alternates or Rural and Regional Council
  - (h) parliamentary delegates or their alternates being:-
    - (i) five members of the House of Assembly
    - (ii) three members of the Legislative Council
    - (iii) two members of the House of Representatives
    - (iv) two members of the Senate
  - (i) any Federal Minister from the South Australian section of the Federal Parliamentary Party
  - (j) Past Presidents of the Division
  - (k) five members of the Division nominated by the State Executive and approved by the State Council at its Annual General Meeting
  - (l) the Trustee elected at the Annual General Meeting of the State Council
  - (m) former State Premiers.

### **Multiple membership prohibited**

- 8.3.1 A delegate to State Council is ineligible in any one year to be elected or appointed subsequently to State Council by another body of the Division charged with the responsibility of so electing or appointing delegates.
- 8.3.2 A delegate to State Council is eligible in any one year to subsequent election to the position or positions of President of an SEC or FEC except that the membership to State Council conferred by such election shall rather be taken by the first alternate to State Council elected by such body.

### **Right of non- Delegates to attend and speak at State Council**

- 8.4 Any Member of Parliament or endorsed candidate may attend and speak at any meeting of State Council.
- 8.5 Any member of the Division may attend any meeting of State Council unless State Council otherwise resolves. Such a member shall not however speak without leave.
- 8.6 Any member of a Standing Committee of the Division may attend and speak at any meeting of State Council on such business as relates to the work of the Standing Committee.

<b>Member not to Act while a paid employee of Division</b>	8.7 Any member of the State Council who accepts any paid employment with the Division shall be ineligible for membership of the State Council during the continuance of such employment.
<b>State Council meetings</b>	8.8.1 Except as herein provided State Council shall hold at least four meetings each year.
	8.8.2 The first meeting on or after the 1st August shall be the Annual General Meeting.
<b>Meeting dates and times</b>	8.8.3 State Council may hold such further meetings as State Council or State Executive determines.
	8.8.4 The dates and time of State Council meetings shall be determined by State Council provided that if special circumstances exist State Executive may change the date and time of any such meeting or may cancel any such meeting.
<b>Quorum</b>	8.8.5 The quorum for any meeting of the State Council shall be one fourth of the delegates entitled to attend.
<b>Non-attendance of a member of State Council</b>	8.8.6 Any notification of the non-attendance of a member of State Council at the Annual General Meeting must be received in writing by the State Director at least four days before the date of the Annual General Meeting if that member is to be replaced by an alternate.
<b>Special General Meeting</b>	8.9.1 Special General Meetings of the State Council may be called by the State Executive or on the request in writing by thirty members of State Council.
	8.9.2 Except in the case of consideration of proposed amendments to the Constitution or Platform, fourteen days notice in writing of such Special General Meetings shall be given by the State Director unless the State Executive on account of urgency shall otherwise determine.
	8.9.3 Only the business specified in the notice calling such Special General Meeting may be considered at that meeting.
<b>Annual General Meeting</b>	8.10.1 At the Annual General Meeting of the State Council the following officers and delegates shall be elected from the members of the Division:- <ul style="list-style-type: none"> <li>(a) President of the Division</li> <li>(b) Four Vice Presidents of the Division</li> <li>(c) Six members of the Policy Committee</li> <li>(d) Six members of the Multicultural Committee</li> <li>(e) Five members and their alternate delegates of the Appeal Tribunal</li> <li>(f) One Trustee.</li> </ul>
<b>Calling for nominations</b>	8.10.2 Nominations for such positions shall be called by the State Director by notice in writing to the members of the State Council and the Secretary of each Branch of the Division not less than forty days prior to the Annual General Meeting.

<b>Time for lodging nominations</b>	<p>8.10.3 Nominations in writing together with biographical particulars shall be:</p> <p>(a) lodged with the State Director by 5pm on a business day not less than twenty one days prior to the Annual General Meeting; and</p> <p>(b) lodged in a manner prescribed by the State Director.</p>
<b>Details to be provided to State Council</b>	<p>8.10.4 Particulars of nominees together with biographical details shall be forwarded by the State Director to members of the State Council not less than fourteen days prior to the Annual General Meeting, except to delegates elected pursuant to clause 12.6(c).</p>
<b>Order of elections</b>	<p>8.10.5 The elections for positions on the State Executive shall take place in the order in which the positions appear in this clause.</p>
<b>Voting procedure</b>	<p>8.10.6 For each position where there is more than one nominee (except in relation to the Vice presidents) there shall be a secret ballot according to the preferential system. The four positions of Vice President shall be separately determined on a similar basis where there are more than four nominees.</p>
<b>Flow-down procedure</b>	<p>8.10.7 A person who is unsuccessful in the ballot for one position may nominate at the Annual General Meeting of the State Council for another position upon which a vote remains to be taken.</p>
<b>Certain executive Member's limited term of office</b>	<p>8.10.8 No member of the State Executive other than the Treasurer and parliamentary representatives shall hold the same office for more than three consecutive years.</p>
<b>Auditor of the Division</b>	<p>8.10.9 At each Annual General Meeting State Council shall appoint an auditor of the Division.</p>
<b>Delegates to Federal Council</b>	<p>8.11.1 The delegates of the Division to the Federal Council of the Party of Australia shall be:-</p> <p>(a) The members of the State Executive; and</p> <p>(b) Such other delegates as permitted by the Federal Constitution who shall be appointed by the State Executive.</p> <p>8.11.2 State Executive shall have power to appoint alternate delegates to Federal Council when required.</p>
<b>Other powers and responsibilities</b>	<p>8.12 The powers and responsibilities of State Council shall, in addition to those specified in other parts of this Constitution include:-</p> <p>(a) to consider and to deal with resolutions on the Platform, policy and administration of the Party and Division</p> <p>(b) to amend the Constitution of the Division</p> <p>(c) to endorse candidates for parliamentary elections</p> <p>(d) to appoint Directors to Liberal Club Limited</p> <p>(e) to vary a decision of the State Executive</p> <p>(f) to fill casual vacancies in any elective position from State Council to Executive.</p>
<b>Meeting procedure</b>	<p>8.13.1 Notice of meetings for the State Council shall be sent to each member of the State Council not less than fourteen days prior to the date of that meeting, save and except that no such notice shall be required in relation to the Annual General Meeting in respect of delegates election pursuant to clause 12.6(c).</p>

**Authority to attend meetings**

8.13.2 Every member of the State Council present at any meeting thereof shall sign the attendance book which shall be the official record of attendance.

**Chairman**

8.13.3 Every person attending the meeting of State Council may be required by the Chairman to produce evidence of authority to attend and vote at such meetings.

**Chairman's vote**

8.13.4 The Chairman of all meetings of the State Council shall be the President and, in his or her absence one of the Vice Presidents nominated by the President and, in their absence a person elected from the delegates present.

**Sessional Orders**

8.13.5 At a meeting of the State Council the Chairman shall have a casting vote.

8.13.6 State Council shall determine sessional orders for the conduct of its meetings.

## **STATE EXECUTIVE**

### **Powers and Duties**

- 9.1 The State Executive shall:-
- (a) be responsible for the management and financial affairs of the Division on behalf of the State Council
  - (b) submit a comprehensive report to each meeting of State Council of its activities since the last meeting of State Council
  - (c) prepare and direct State and Federal election campaigns within the Division
  - (d) report to each meeting of the Campaign Committee on the campaigning activities of the Division
  - (e) appoint the State Director and decide his or her remuneration and terms of employment
  - (f) appoint annually a Vice President of the Division to Standing Committees of the Division where required by this Constitution
  - (g) appoint annually members to Standing Committees of the Division where required by this Constitution
  - (h) fill casual vacancies that may occur on Standing Committees of the Division
  - (i) appoint annually the Chairman of the Constitution Committee for the Division
  - (j) coordinate the activities of the Standing Committees
  - (k) nominate annually five members of the Division for membership of the State Council
  - (l) prescribe a Code of Conduct
  - (m) prescribe a Complaints and Dispute Resolution Policy
  - (n) be responsible for audited accounts of the Division to be completed prior to the Annual General Meeting of the State Council
  - (o) create any policies necessary for the effective implementation of this Constitution on behalf of the State Council.

### **Composition**

- 9.2.1 In addition to the members appointed by the Federal Constitution of the Party, State Executive shall comprise the following members:-
- (a) the President of the Division
  - (b) the Vice Presidents of the Division
  - (c) the State Parliamentary Leader
  - (d) the Senior Federal Minister or Shadow Minister from the South Australian section of the Federal Parliamentary Party
  - (e) The Rural and Regional Chairman
  - (f) the President of Liberal Women's Council
  - (g) the President of the South Australian Division of the Young Liberal Movement
  - (h) the Treasurer of the Division who shall not have a vote at State Executive or State Council.

<b>Appointment of Treasurer</b>	<p>9.2.2 The Treasurer of the Division shall:-</p> <p>(a) be appointed annually by State Executive at its first meeting held after the Annual General Meeting of State Council or as soon as possible thereafter</p> <p>(b) report to the next State Council meeting following the end of the Financial Year:-</p> <p>(i) that the audit of the Division has been completed</p> <p>(ii) whether the audit is unqualified or qualified and, if qualified, the reason or reasons for that qualification.</p>
<b>Casual vacancy</b>	<p>9.2.3 Any casual vacancy in any elected position from State Council to State Executive shall be filled by State Council according to such procedure as determined by the State Executive.</p>
<b>Executive meetings</b>	<p>9.3.1 The State Executive shall meet at least once in every calendar month.</p>
<b>President to be chairman</b>	<p>9.3.2 The President of the Division shall be Chairman of all meetings of State Executive.</p>
<b>Chairman in event of President's absence</b>	<p>9.3.3 In the President's absence, the Chairman of State Executive shall be one of the Vice Presidents nominated by the President or in their absence a Chairman shall be elected from the members present.</p>
<b>Chairman's vote</b>	<p>9.3.4 At the meeting of State Executive, the Chairman shall have a casting vote as well as a deliberate vote.</p>
<b>Nominees</b>	<p>9.3.5 If any member of the State Executive, other than the President or the Vice Presidents shall be unable to attend any meeting of the State Executive, that member may appoint a nominee who shall be, except in the case of the nominee of the State Parliamentary Leader and Senior Federal Minister or Shadow Minister, a member of State Council.</p>
<b>Record of attendance</b>	<p>9.3.6 The attendance of members of the State Executive at its meetings shall be recorded and that information included in the agenda for the Annual General Meeting of State Council.</p>
<b>Election of Campaign Committee</b>	<p>9.4.1 Following the Annual General Meeting of the State Council the State Executive shall, subject to the provisions of the following sub-paragraph, appoint a committee to assist in the preparation and direction of State and Federal election campaigns.</p> <p>9.4.2 The Committee shall consist of the President of the Division, who shall be the Chairman, the Treasurer, the State Parliamentary Leader or nominee, the Senior Federal Minister or Shadow Minister from the South Australian section of the Federal Parliamentary Party or nominee, a Vice President, the State Director, and at least two but not more than four other persons, at least one of whom shall be a woman, appointed by the State Executive.</p> <p>9.4.3 The Committee shall be responsible to the State Executive and shall report to the State Executive at such times and upon such matters as the State Executive may require.</p>

## **STANDING COMMITTEES**

### **FINANCE COMMITTEE Composition**

10.1.1 There shall be a Finance Committee which shall comprise:-

- (a) the Treasurer who shall be Chairman
- (b) such other members of the Division appointed annually by State Executive as it deems appropriate.

### **Function**

10.1.2 The function of the Finance Committee shall be:-

- (a) to assist the Treasurer in the raising and collection of major contributions to the Division
- (b) to initiate proposals for the raising of campaign funds for the maintenance of the Division
- (c) to carry out Audit and Compliance responsibilities of the Division, including but not limited to compliance with legislative requirements in relation to public funding
- (d) to review regularly all aspects of the Division's finances;
- (e) to oversee:
  - (i) the Division's financial controls and systems;
  - (ii) the preparation of the Division's financial statements and reports; and
  - (iii) the Division's process of identification and management of risk.
- (f) to report on its work to State Executive as required by State Executive from time to time and at such other times as it is objectively appropriate to do so.

### **POLICY COMMITTEE Composition**

10.2.1 There shall be a Policy Committee which shall comprise:-

- (a) the President of the Division
- (b) the Policy Coordinator (who shall be a Vice President)
- (c) the State Parliamentary Leader (or his or her nominee)
- (d) a delegate from each of:-
  - (i) the House of Assembly
  - (ii) the Legislative Council
  - (iii) the House of Representatives
  - (iv) the Senate
- (e) a delegate from the Liberal Women's Council
- (f) a delegate from the South Australian Division of the Young Liberal Movement
- (g) six members of the Division elected by State Council
- (h) a delegate from Rural and Regional Council.

### **Function**

10.2.2 The function of the Policy Committee shall be:-

- (a) to consider the Platform of the Division
- (b) to originate policy proposals for consideration by the State Council
- (c) to consider, advise upon and refer to State Council where desirable policy matters referred to it.



## **CONSTITUTION COMMITTEE**

### **Composition**

- 10.3.1 There shall be a Constitution Committee which shall comprise:-
- (a) the Chairman appointed by the State Executive
  - (b) a Vice President of the Division
  - (c) five of other members of the Division appointed by the State Executive

save that no sitting member of Parliament shall be eligible to be so appointed.

### **Function**

- 10.3.2 The function of the Constitution Committee shall be:-
- (a) to advise State Council and the State Executive in the interpretation of the Constitution of the Division
  - (b) to advise State Council in relation to proposals for amendment of the said Constitution
  - (c) to initiate proposals for amendment of the said Constitution.

## **CANDIDATE REVIEW COMMITTEE**

### **Composition**

- 10.3.3 The Constitution Committee shall not advise any member of the Division nor any Branch, Committee, Convention, Council or Movement but only State Council and the State Executive.

- 10.4.1 There shall be a Candidate Review Committee which shall comprise in relation to:-

- (a) a Senate or Legislative Council preselection, the following persons:-
  - (i) the President
  - (ii) the State Parliamentary Leader
  - (iii) the Senior Federal Minister or Shadow Minister from the South Australian section of the Federal Parliamentary Party
  - (iv) the four Vice Presidents
  - (v) the President of Liberal Women's Council
  - (vi) the President of the South Australian Division of the Young Liberal Movement
  - (vii) the Rural and Regional Chairman
- (b) a House of Assembly preselection, the following persons:-
  - (i) the President
  - (ii) the State Parliamentary Leader
  - (iii) the Senior Federal Minister or Shadow Minister from the South Australian section of the Federal Parliamentary Party
  - (iv) the four Vice Presidents
  - (v) the President of Liberal Women's Council
  - (vi) the President of the South Australian Division of the Young Liberal Movement
  - (vii) the Rural and Regional Chairman
  - (viii) the President of each Branch located within the electorate and the President of the SEC, or their respective nominees, being members of and, wherever possible, officers of the SEC or relevant Branch

- (c) a House of Representatives preselection, the following persons:-
  - (i) the President
  - (ii) the State Parliamentary Leader
  - (iii) the Senior Federal Minister or Shadow Minister from the South Australian section of the Federal Parliamentary Party
  - (iv) the four Vice Presidents
  - (v) the President of Liberal Women's Council
  - (vi) the President of the South Australian Division of the Young Liberal Movement
  - (vii) the Rural and Regional Chairman
  - (viii) the President of each SEC located within the electorate and the President of the FEC, or their respective nominees, being members of and, wherever possible, officers of the FEC or relevant SEC.

## Function

### 10.4.2 The function of the Candidate Review Committee shall be:-

- (a) prior to the calling of nominations for preselection for a particular electorate:-
  - (i) to interview and advise prospective candidates exhibiting an interest in or desire to seek parliamentary office as candidates of the Division at some future time
  - (ii) to consider and advise the State Executive as necessary on matters concerning the timing of preselection generally or specifically in relation to a particular electorate and other matters concerning selection of candidates as it sees fit
- (b) after calling of nominations for preselection for a particular electorate but prior to the holding of any necessary Electoral College or in the event of only one prospective candidate prior to the submission of that prospective candidate's name to the State Council for endorsement:-
  - (i) to interview and otherwise examine according to the circumstances all such prospective candidates are fit and proper persons for preselection and satisfy itself that such prospective candidates are fit and proper persons for preselection to an Electoral College or endorsement by State Council provided that the Candidate Review Committee shall not meet for this purpose where a Liberal Parliamentary Member is unopposed
  - (ii) to report to the State Executive with details of prospective candidates and advise if it considers that it would not be in the best interests of the Division for a particular candidate to present himself to an Electoral College or State Council for endorsement and the reasons therefore
  - (iii) to advise the State Executive if it considers it would be in the best interest of the Division that further nominations be called for any particular electorate

- (c) after the preselection of candidates to consider the performance of any candidates for a particular electorate other than the sitting Liberal Parliamentary Member for that electorate and in the event of unsatisfactory performance to advise the State Executive accordingly.

**MULTICULTURAL COMMITTEE  
Composition**

- 10.5.1 There shall be a Multicultural Committee which shall comprise:-
- (a) a Vice President of the Division who shall be Chairman
  - (b) six members of the Division elected by State Council
  - (c) three members of the Division appointed by the State Executive
  - (d) a delegate from the State Parliamentary Party
  - (e) a delegate from the South Australian section of the Federal Parliamentary Party.

**Function**

- 10.5.2 The function of the Multicultural Committee shall be to:-
- (a) review and advise the Division, and particularly make recommendations to the Policy Committee and State Executive in relation to multicultural matters
  - (b) foster mutual understanding between the Division and multicultural communities
  - (c) promote interest in multicultural issues within the Division and recommend ways to increase the ethnic membership of the Division.

**Miscellaneous provision applicable to  
Standing Committees**

- 10.6.1 All committees under this part shall be Standing Committees of the Division responsible to the State Council, save and except the Finance Committee which shall be responsible only to the State Executive.

**Nominees of President and  
Parliamentary Leader**

- 10.6.2 The President of the Division, the State Parliamentary Leader and the Senior Federal Minister or Shadow Minister when a member of a Standing Committee may alternatively send a nominee.

**Manner of business**

- 10.6.3 Subject to any direction given by the State Council or the State Executive, each Standing Committee may conduct its business in such a manner as it deems appropriate.

**Power to co-opt**

- 10.6.4 Each Standing Committee shall have power to co-opt other persons who may be able to assist the Standing Committee in its work but such persons shall not be entitled to vote at a meeting of the Standing Committee.

**Vote of chairman**

- 10.6.5 The Chairman of each Standing Committee shall have a deliberative as well as a casting vote.

**Meeting obligations**

- 10.6.6 Each Standing Committee shall meet at least once every two months.

**Minutes**

- 10.6.7 Each Standing Committee shall keep minutes of its proceedings.

**Reports**

- 10.6.8 Each Standing Committee shall report to State Executive on its work when required by the State Executive and with the exception of the Finance Committee, each Standing Committee shall report on its work to State Council at its Annual General Meeting.

**CDR COMMITTEE  
Composition**

10.6.9 The President of the Division, when a member of a Standing Committee, shall be the Chairman of that Standing Committee.

10.7.1 There shall be a Complaints and Dispute Resolution Committee (CDR Committee) which shall comprise:

- (a) the Chairman of the Appeal Tribunal who shall be the Chairman of the CDR Committee
- (b) such other members of the Appeal Tribunal elected annually by State Council save that none shall be a member of the State Executive.

**Function**

10.7.2 The CDR Committee may:

- (a) appoint a person to investigate the complaint or dispute
- (b) appoint an independent mediator to facilitate resolution
- (c) require the complainant:-
  - (i) to provide written details of the complaint or dispute
  - (ii) to be interviewed in connection with the complaint or dispute
  - (iii) to provide an affidavit or statutory declaration verifying on oath or affirmation the truthfulness of the complaint or dispute.

10.7.3 The CDR Committee shall be validly constituted by any three members present at any one time.

10.7.4 The function of the CDR Committee shall be:-

- (a) to process any complaint or dispute referred to it by the State Director
- (b) to determine a course of action in respect of such complaint or dispute.

10.7.5 The CDR Committee shall process the complaint or dispute in the manner set out in the Complaints and Dispute Resolution Policy prescribed by the State Executive.

10.7.6 The CDR Committee shall determine a course of action by a majority vote. The course of action shall be final and shall be reported to State Executive and all persons deemed by the CDR Committee to have an interest in the complaint or dispute.

10.7.7 Without limiting the power of the CDR Committee it shall have specific power to determine the following action:

- (a) counselling
- (b) requiring a formal apology
- (c) a formal warning
- (d) changing work arrangements
- (e) termination of employment
- (f) censure
- (g) suspension or
- (h) expulsion.

## **CAMPAIGN COMMITTEE**

### **Establishment**

- 11.1 There shall be a Campaign Committee established from time to time by the State Executive at such times and for such periods as the State Executive deems appropriate.

### **Chairman appointed by State Executive**

- 11.2 The Campaign Committee shall comprise:
- (a) the Chairman appointed by the State Executive.
  - (b) Such number of members of the Division appointed, having regard to the skills and experience of such members for and in Federal or State elections, by the State Executive as the State Executive deems appropriate.

Such appointments may be terminated by the State Executive at any time and without giving any reason therefor.

### **Manner of business**

- 11.3 The Campaign Committee shall conduct its business in such a manner as it deems appropriate.
- 11.4 The duties of the Campaign Committee shall be:-
- (a) to assist in the implementing of the campaign decisions of the State Executive.
  - (b) to initiate campaign proposals for the consideration of the State Executive.

## **RURAL AND REGIONAL COUNCIL**

- Composition** 12.1 There shall be a Rural and Regional Council which shall comprise all members of the Division who are members of Branches outside the metropolitan area and who are registered in a manner prescribed by the State Executive as members of Rural and Regional Council, and other members co-opted by Rural and Regional Council.
- Registration** 12.2 Members of the Rural and Regional Council shall be eligible to participate and vote in any meeting or election contemplated within this clause or the Rural and Regional Council's Regulations, provided that they:-
- (a) are a financial member of the Division, and
  - (b) have been an appropriately registered member of the Rural and Regional Council for no less than three months at the time of the meeting or election
- For the purposes of reckoning three months, the month of the meeting or election and the month in which the member's registration is submitted shall be counted as whole months regardless of the exact day of either.
- Function** 12.3 The function of the Rural and Regional Council shall be:-
- (a) to coordinate the rural activities of the Division
  - (b) to promote a concern for the welfare of persons in rural areas
  - (c) to contribute to the development of policy in rural matters
  - (d) to demonstrate the involvement of the Division in rural affairs.
- Manner of business** 12.4 The Rural and Regional Council shall conduct its business in such a manner as it deems appropriate provided that any regulation relating to its operation shall be subject to ratification by State Executive.
- Annual General Meeting** 12.5 The Rural and Regional Council shall hold its Annual General Meeting each year as near as practicable prior to the Annual General Meeting of State Council.
- 12.6 At the Annual General Meeting of the Rural and Regional Council the following officers and delegates shall be elected by and from the members of the Rural and Regional Council:-
- (a) the Rural and Regional Chairman
  - (b) such other office bearer as may be required by its regulations
  - (c) twelve delegates to State Council
  - (d) a delegate to the Policy Committee of the Division
  - (e) an Executive as may be required by its regulations.
- Casual vacancy** 12.7 A casual vacancy occurring in any elected position from Rural and Regional Council, for which an alternate delegate is not allowed, shall be filled by the Rural and Regional Council.

- Forwarding of resolutions** 12.8 The Rural and Regional Council may submit resolutions to the State Council for its consideration.
- Affirmation of ongoing membership** 12.9 State Executive may require members of the Rural and Regional Council to reaffirm their intent to remain registered as a member of the Rural and Regional Council provided such a requirement:-
- (a) shall not be made more than once every five years; and
  - (b) shall occur between the time of the State Council Annual General Meeting and 30 November.

## **LIBERAL WOMEN'S COUNCIL**

- Composition** 13.1 There shall be a Liberal Women's Council which shall comprise all women members of the Division who are registered in a manner prescribed by the State Executive as members of Liberal Women's Council.
- Registration** 13.2 Members of the Liberal Women's Council shall be eligible to participate and vote in any meeting or election contemplated within this clause or the Liberal Women's Council's Regulations, provided that they:-
- (a) are a financial member of the Division, and
  - (b) have been an appropriately registered member of the Liberal Women's Council for no less than three months at the time of the meeting or election
- For the purposes of reckoning three months, the month of the meeting or election and the month in which the member's registration is submitted shall be counted as whole months regardless of the exact day of either.
- Function** 13.3 The function of the Liberal Women's Council shall be:-
- (a) to contribute to policy development;
  - (b) to promote the objectives, principles and policies of the Party in order to win elections;
  - (c) to encourage women to join the Party and facilitate women's participation at all levels and in all areas of the Division; and
  - (d) to recruit and mentor women members of the Division to help them win election to Federal and South Australian Parliaments.
- Manner of business** 13.4 The Liberal Women's Council shall conduct its business in such a manner as it deems appropriate provided that any regulations relating to its operation shall be subject to ratification by State Executive.
- Annual General Meeting** 13.5 The Liberal Women's Council shall, in July or August of each year but not less than 21 days prior to the Annual General Meeting of State Council, hold an Annual General Meeting at which there shall be elected from the membership of Liberal Women's Council:-
- (a) a President
  - (b) twelve delegates to the State Council
  - (c) one delegate to the Policy Committee of the Division
  - (d) an Executive as may be required by its regulations.
- Casual vacancy** 13.6 A casual vacancy occurring in any elected position from Liberal Women's Council, for which an alternate delegate is not allowed, shall be filled by the Liberal Women's Council.
- 13.7 The Liberal Women's Council may submit resolutions to the State Council for its consideration.
- Forwarding of resolutions** 13.8 State Executive may require members of the Liberal Women's Council to reaffirm their intent to remain registered as a member of the Liberal Women's Council provided such a requirement:-
- (a) shall not be made more than once every five years; and
  - (b) shall occur between the time of the State Council Annual General Meeting and 30 November.
- Affirmation of ongoing membership**



## **YOUNG LIBERALS**

- Objectives** 14.1 There shall be a South Australian Division of the Young Liberal Movement of Australia (hereinafter called the SAYLM).
- Eligibility to membership** 14.2 The Objectives of the SAYLM shall be the Objectives of the Division.
- 14.3.1 Any person aged between sixteen and thirty years and who supports the Objectives of the Young Liberal Movement may become a member of the SAYLM in accordance with the regulations of the SAYLM.
- Membership of SAYLM deemed membership of the Division** 14.3.2 An ordinary member of the SAYLM in accordance with the regulations of the SAYLM shall be deemed a member of the SA Division of the Party notwithstanding any other provision of this Constitution.
- Membership fees** 14.4 Membership fees collected by the Division on behalf of the SAYLM shall be disbursed in compliance with the regulations of the SAYLM.
- Council of SAYLM** 14.5 There shall be a Council of the SAYLM which shall be the governing body of the SAYLM and it shall comprise all eligible members of the SAYLM in accordance with the regulations of SAYLM.
- Annual General Meeting** 14.6 The Council of the SAYLM shall, in July or August of each year but not less than 21 days prior to the Annual General Meeting of State Council, hold an Annual General Meeting at which there shall be elected from the membership of the SAYLM:-
- (a) a President
  - (b) twelve delegates to the State Council of the Division
  - (c) an Executive as may be required by its regulations
  - (d) a delegate to the Policy Committee of the Division
  - (e) a delegate to the Federal Policy Committee of the Young Liberal Movement.
- Delegates to Young Liberals Federal Council** 14.7 The Council of the SAYLM shall elect from the members of the SAYLM six delegates to the Federal Council of the Young Liberal Movement in accordance with the regulations of the SAYLM.
- Conferences and Regional Councils** 14.8 The SAYLM shall hold such conferences and may hold such Regional Councils as be Regional, determined by the Executive of the Council of the SAYLM.
- Functions of Council** 14.9 The Council of the SAYLM shall arrange and coordinate the activities of the Young Liberal Movement.
- Manner of business** 14.10 The Council of the SAYLM shall conduct its business in such a manner as it deemed appropriate provided that any regulations relating to its operations shall be subject to ratification by the State Executive of the Division.
- Forwarding of resolutions** 14.11 The Council of the SAYLM may submit resolutions to the State Council of the Division for its consideration.

## **PARLIAMENTARY SECTION**

- State Parliamentary Party** 15.1.1 The State Parliamentary Party shall consist of members of the Division elected to the State Parliament as candidates endorsed by the Division and such other members of the Division who are elected to the State Parliament as the State Parliamentary Party shall agree subject to confirmation by State Council.
- South Australian section of Federal Parliamentary Party** 15.1.2 The South Australian section of the Federal Parliamentary Party shall consist of members of the Division elected to the Federal Parliament as candidates endorsed by the Division and such other members of the Division who are elected to the Federal Parliament as the Federal Parliamentary Party, as defined in the Federal Constitution, shall agree subject to confirmation by State Council.
- Governed by own rules** 15.2 The State Parliamentary Party shall appoint a Leader, Deputy Leader and other officers, and shall govern its affairs according to its own rules.
- Delegates to State Council** 15.3 In July of each year, the State Parliamentary Party and the South Australian section of the Federal Parliamentary Party shall forward to the State Director the names and addresses of the Parliamentary delegates and their alternates to the State Council and Standing Committees.
- State Parliamentary Party to implement platform** 15.4 The State Parliamentary Party shall be responsible for implementation of the Platform of the Division.
- Policy decision of State Council not to bind Parliamentary Party** 15.5 The State (and Federal) Parliamentary Party, although not bound by the policy decision of State Council, shall communicate its decision in respect of such decisions and the reasons therefore to the State Council within a reasonable time.
- State Parliamentary Party and State Executive to keep each other informed** 15.6 It shall be the duty of the State Parliamentary Party and of the State Executive of the Division to keep one another informed and to cooperate closely.

## **SELECTION OF PARLIAMENTARY CANDIDATES**

- State Executive to decide to contest electorate**      16.1.1    The State Executive shall decide whether the Division should contest an election in any Federal or State Electorate.
- 16.1.2    If the State Executive decide not to contest a particular electorate, the relevant Electorate Convention Committee may request the State Executive to reconsider the decision.
- Method of reversing executive decision**      16.1.3    State Council, on the motion of a dissatisfied Electorate Convention Committee may reverse the decision of the State Executive that a particular electorate not be contested.
- Eligibility of candidates**                      16.2      Any member of the Division shall be eligible to seek preselection of the Division provided that person has been a member of the Division for three months immediately prior to the date on which nominations shall close for the preselection or if State Executive shall have otherwise given special permission.
- Calling of nominations**                        16.3.1    The State Executive shall call for nominations for preselection for an electorate to be contested and fix the closing date for receipt of nominations.
- 16.3.2    Notice of the calling of nominations for preselection and the closing date shall be:-
- (a)      in the case of a preselection for the House of Representatives or the House of Assembly, forwarded to eligible voting members of the relevant Electorate Convention and the members of Branches deemed to be within the electorate
  - (b)      in the cases of a preselection for the Senate or Legislative Council, forwarded to all members of State Council
  - (c)      given publicly via the issuance of a press release by the State Director and by placement of the calling for nominations on the website of the Division.
- Calling of Electoral Colleges**                    16.4.1    State Executive shall call together such Electoral Colleges as may be necessary to preselect candidates and in consultation with the Electorate Convention for the electorate, may determine that a House of Assembly or House of Representatives Electoral College for that electorate be divided into more than one part.
- Form of nomination**                            16.4.2    Nominations for preselection shall be in a form approved by the State Executive and shall require from the nominee only those declarations and agreements as are contained in Appendix 1.
- 16.4.3    A minimum of 4 persons must sign the nomination form and they must, at the date of the nomination, be full financial members of the Division within the electorate for which the selection is being made.
- 16.4.4    The State Executive may require from a nominee such information as the State Executive deems necessary in order to determine the suitability of the nominee to become a candidate.
- 16.4.5    The nomination shall be lodged with the State Director accompanied by a nomination fee determined by State Council.

- Not a candidate until nomination accepted by State Executive** 16.4.6 A person who has been nominated in accordance with this clause shall be deemed a candidate within the meaning of this Constitution when his or her nomination has been accepted by the State Executive. The State Executive shall not accept a nomination without first receiving the advice of the Candidate Review Committee therein.
- State Executive may refuse nomination** 16.4.7 The State Executive may refuse to accept a nomination in circumstances where it considers such a refusal to be in the best interest of the Division and shall not be bound to give its reasons.
- Selection of Legislative Council and Senate Candidates** 16.5.1 Candidates for the Senate and Legislative Council shall be selected by the members of the State Council, meeting as an Electoral College.
- State Council to decide number of candidates** 16.5.2 At the meeting of the State Council at which the preselection is to be made the State Council shall decide the number of candidates who shall compose the Party's team for the Senate or Legislative Council election.
- 16.5.3 The State Council shall select the team by the following method:-
- (a) the first member of the team shall be determined by secret exhaustive ballot in accordance with the provisions of Appendix 3
  - (b) from the remainder of the candidates the second member of the team shall be similarly determined by secret exhaustive ballot
  - (c) such further candidates as are necessary to make the team shall be similarly determined in the order which they are selected.
- Selection of House of Representatives or House of Assembly candidates** 16.6.1 A candidate for a House of Representatives or House of Assembly electorate shall be selected by the House of Representatives or House of Assembly Electoral College which shall comprise:-
- (a) All members (excluding Members-at-large) and members of SAYLM who on the date on which nominations close for the pre-selection for the Electorate to which the college relates:
    - (i) have been financial for the previous 12 months and
    - (ii) are enrolled on the State/Federal Electoral roll at an address within the electorate to which the college relates.
- Notwithstanding paragraph (i) of this sub-clause (a), a member or a member of the SAYLM who has not been financial for the previous 12 months or any part thereof but who was a member or a member of the SAYLM for the previous financial year and whose payment of arrears is received by the Director by the 30th day of September may be eligible to be a member of the Electoral College from the date of receipt of payment.
- This amendment shall be retrospective in effect.
- (b) Subject to sub-clause (c) of this clause, all members of State Executive except the Treasurer.
  - (c) Where the number of members of the electoral college provided for in sub-clause (a) of this clause is fifty or less:-
    - (i) the President and Vice Presidents of the Division or their nominees who shall be members of State Executive,

- (ii) the Chairman of Rural and Regional Council or their nominee where the electorate is outside the metropolitan area,
- (iii) the Chairman of Liberal Women's Council or their nominee,
- (iv) the President of the SAYLM or their nominee.

<b>Delegate limited to one such college</b>	16.6.2 A member of a House of Representatives or House of Assembly Electoral College shall not participate in any other House of Representatives or House of Assembly Electoral College being held in respect of the same general election.
<b>Voting procedure</b>	16.6.3 The Electoral College shall select the candidate by a preferential ballot in accordance with the provision of Appendix 2.
<b>General provisions concerning preselections notice convening Electoral College</b>	16.7.1 A notice convening a meeting of an Electoral College shall be sent to each member of the college and shall include a list of the candidates who have nominated and a statement in biographical form approved by State Executive.
<b>Period of notice</b>	16.7.2 The period of notice required to be given shall be determined by State Executive.
<b>Chairman</b>	16.7.3 The President shall be Chairman of all Electoral Colleges and in his or her absence one of the Vice Presidents nominated by the President and in their absence the Chairman shall be elected from the delegates present.
<b>Record of proceedings</b>	16.7.4 The Returning Officer shall record the proceedings of the Electoral College and, where that Returning Officer is not the State Director, shall deposit that record with the State Director.
<b>Conduct of Electoral College</b>	16.7.5 Prior to the ballot being taken the Electoral College shall:- <ul style="list-style-type: none"> <li>(a) appoint a Returning Officer to preside over the ballots and three scrutineers to scrutinise the count</li> <li>(b) give each candidate an opportunity to address the College for five minutes and in an order determined by lot</li> <li>(c) require the candidates to answer questions of the College for a time to be determined by the College. Each candidate shall have 30 seconds to answer a question after the time limit has expired provided that question has been asked before the limit has expired</li> <li>(d) if it so desires, require any candidate to address it again or answer further questions.</li> </ul>
<b>Spoilt Ballot Papers</b>	16.7.6 If any voter, before returning his or her ballot paper, satisfies the Returning Officer that he or she has spoilt the ballot paper by mis take or accident he or she may on giving it up, receive a new ballot paper from the Returning Officer who shall cancel the spoilt paper in the presence of the voter.
<b>Details of voting not to be disclosed during College proceedings</b>	16.7.7 <ul style="list-style-type: none"> <li>(a) Details of voting during the course of balloting, shall not be disclosed to the College.</li> <li>(b) Scrutineers shall not during the course of the balloting in any way approach or communicate with other members of the College.</li> </ul>

**Ballot papers to be retained pending appeal and then destroyed**

16.7.8 After the completion of the scrutiny all the ballot papers shall be placed in a sealed packet, duly certified by the Returning Officer and the scrutineers present at the taking of the ballot, and forwarded to the State Director who shall retain such ballot papers for one calendar month and they shall then be destroyed, unless within such period an appeal has been lodged by any candidate in which case they shall be retained until the Appeal Tribunal shall have given its decision.

**Candidate not to participate as delegate**

16.7.9

- (a) A candidate for preselection shall be ineligible to participate as a member of the Electoral College, by which he or she seeks preselection.
- (b) If the candidate is an ex-officio member of an Electoral College he or she shall not be entitled to nominate an alternate but if he or she would otherwise be entitled to nominate an alternate such nominee shall be appointed:
  - (i) by the State Executive if the candidate is the President or Vice President of the Division
  - (ii) by the Rural and Regional Council, the Liberal Women's Council or the Council of the SAYLM respectively if the candidate is the the Chairman of Rural and Regional Council, the President of the Liberal Women's Council or the President of the SAYLM.

**Electoral College may vary the procedures**

16.7.10

- (a) Procedures for the conduct of the Electoral College, not inconsistent with this clause, may be determined by the Electoral College.
- (b) If any of the procedures herein provided for the conduct of an Electoral College are not reasonably capable of performance, the Electoral College may vary the same by a resolution approved by not less than two thirds of the delegates present and voting on such resolution.

**Notification of Electoral College alternate delegate**

16.7.11 Any notification of the non-attendance of a member of the Electoral College (including State Council when it meets as an Electoral College) must be received in writing by the State Director by 5 pm on a business day at least four days before the date of the Electoral College if that member is to be replaced by an alternate.

## **APPEAL TRIBUNAL**

### **Unfair treatment or irregularity – Appeal Tribunal**

- 16.8.1
- (a) If a candidate alleges irregularity in respect of the composition of an Electoral College he or she may, within 7 days of the receipt by him or her from the State Director of a list of members of the College, appeal to the Appeal Tribunal by lodging with the State Director a written statement of facts constituting the alleged irregularity
  - (b) If a candidate does not lodge an appeal within the time prescribed by this section, he or she will thereafter be precluded from maintaining an appeal against the composition of an Electoral College
  - (c) If a candidate alleges unfair treatment prior to or at the Electoral College or grave irregularities in the taking of any ballot at the Electoral College, he or she may within seven days after the result of such ballot appeal to the Appeal Tribunal against the selection by lodging with the State Director a written statement of facts constituting the alleged unfair treatment or grave irregularity, who shall forward copies to the Returning Officer and to the candidate or candidates selected at the ballot
  - (d) In the event that the date by which an appeal must be lodged falls on a weekend or public holiday the period for lodgement of an appeal shall be extended to 5pm on the next following business day.

### **Composition**

- 16.8.2 The Appeal Tribunal shall comprise five members, at least two of whom shall be a man and at least two of whom shall be a woman, elected from the members of the Division at each Annual General Meeting of State Council save that no sitting Member of Parliament, endorsed candidate or staff member of a Parliamentary Member shall be eligible to be so elected or serve on the Tribunal.
- 16.8.3 The Appeal Tribunal may appoint a person to investigate the appeal and to submit to it a written report thereon.
- 16.8.4 The Appeal Tribunal shall hear such evidence as it may call and consider all evidence and submissions placed before it. Any person deemed by the Appeal Tribunal to have an interest in the appeal shall have the right to present evidence, to make submissions, to representation by counsel and to cross examine witnesses.

### **Record of proceedings**

- 16.8.5 The Appeal Tribunal shall cause a record of proceedings to be taken which shall be kept in the custody of the State Director. That record of proceedings shall be available for perusal by the State Executive and any person deemed by the Appeal Tribunal to have an interest in the appeal.

- 16.8.6 The Appeal Tribunal shall be validly constituted by any four members present at any one time.

### **Chairman to be elected**

- 16.8.7 The Appeal Tribunal shall elect a Chairman from its members who shall only have a deliberative vote.

### **Restrictions of membership of Tribunal**

- 16.8.8 The State Executive may appoint a legal practitioner to assist the Tribunal.

### **Course of action**

- 16.8.9 In the case of appeals related to House of Assembly and House of Representatives decisions no persons shall sit as members of the Appeal Tribunal if they shall have been:-



- (a) members of the Electoral College if it is a decision of the Electoral College that is the subject of the appeal
- (b) members of the State Executive if it is a decision of the State Executive that is the subject of the appeal.

16.8.10 After consideration of the foregoing the Tribunal shall determine a course of action by a majority vote. The course of action shall be final and shall be reported with reasons by the Chairman of the Appeal Tribunal to State Executive, State Council and all persons deemed by the Appeal Tribunal to have an interest in the appeal. A member of the Tribunal shall be entitled to report to State Council expressing a view in concurrence with the majority or dissenting there from.

16.8.11 Without limiting the power of a Tribunal it shall have specific power to declare which candidate or candidates shall succeed in the election, or to direct that a fresh ballot be taken and may give all directions necessary for its determination to be put into effect by the State Executive.

**Endorsement of Parliamentary Candidates**

16.9 The State Council shall endorse candidates for Parliamentary elections.

**Power to withdraw endorsements**

16.10 At any time after the endorsement of a candidate the State Executive or State Council may withdraw such endorsement.

**Endorsed candidates to receive united support**

16.11 Candidates endorsed by State Council shall be the candidates of the Division for the election for which they have been endorsed and shall receive the united support of the Division.

**State Executive may vary procedures in special circumstances**

16.12 Notwithstanding the procedures provided herein for preselection and endorsement of candidates State Executive shall be at liberty if special circumstances exist to vary such procedures as it deems appropriate.



## **FINANCE**

- Trustees to hold property** 17.1.1 The property of the Division shall be vested in three Trustees who shall be the President and Treasurer of the Division for the time being and one other Trustee elected at the Annual General Meeting of the State Council.
- Trustees to be indemnified** 17.1.2 The Trustees of the Division shall be indemnified by the Division against, and it shall be the duty of the Division to pay, all liabilities, costs, losses and expenses incurred by a Trustee and arising out of the appointment of such Trustee provided he or she shall not have acted dishonestly and shall not have been guilty of serious wilful misconduct.
- Bank Account** 17.2 The Banking Account of the Division shall be under the control of the State Executive who shall appoint signing officers.
- State Campaign Account** 17.2.1 The State Director shall establish and keep as a separate account a State Campaign bank Account (“SCA”) for State Electoral purposes. That account shall be under the control of the State Executive. All political expenditure as defined shall be paid from the SCA.
- The State Director shall maintain a ledger identifying the funds held in the SCA on behalf of any Branch, Committee, Convention, Council or the SAYLM and shall only expend such funds with the agreement of the Branch, Committee, Convention, Council or the SAYLM.
- 17.2.2 Branches, Committees, Conventions, Councils and the SAYLM shall not have any bank account into which or from which political expenditure is paid.
- 17.2.3 For the sole purpose of gaining information the State Director shall be a signatory to each bank account of Branches, Committees, Conventions, Councils and the SAYLM and no such bank account shall be opened or maintained without the prior knowledge of the State Director.
- 17.2.4 Each gift as defined that is an amount of money received by or on behalf of the Party or a candidate for election to the House of Assembly or Legislative Council and is intended for political expenditure shall be paid into the SCA unless the gift is made or received in contravention of any relevant law or is otherwise a gift that must not be paid into the SCA in accordance with any relevant law.
- Political Expenditure** 17.2.5 No political expenditure shall be agreed, committed or incurred for or on behalf of any candidate or group of candidates for election to the House of Assembly or to the Legislative Council without the prior written authorisation of the State Director.
- Gifts and Loans** 17.2.6
- (a) No gift or two or more gifts with an amount or value of more than \$200 and no loan or two or more loans of \$1,000 or more made by the same person or from a person other than a financial institution solely or substantially for a purpose related to a House of Assembly election or a Legislative Council election shall be accepted unless the recipient

records contemporaneously the amount or value thereof, the date on which it was made and the name and address of the person making it. The recipient shall provide that record to the State Director within 7 days of receiving the gift, gifts, loan or loans.

(b) In the case of a gift or loan made for a purpose related to a House of Assembly election or a Legislative Council election by an incorporated or unincorporated association or out of a trust fund or out of the funds of a foundation or by or on behalf of a body corporate the recipient shall record contemporaneously:-

- (i) the name of the association or the title or other description of the trust fund or the name of the foundation or the name of the body corporate; and
- (ii) the names and addresses of the members of the executive committee of the association or of the trustees of the fund or of the funds of the foundation or of the members of the body corporate's board; and
- (iii) the name of any parent, subsidiary or related body corporate of the body corporate;

as the case requires.

17.2.7 No member shall receive an amount (including the value of a gift, loan or bequest) of money more than \$500 for entry to an event that:

- (a) is intended to raise money for the benefit of the Party; and
- (b) is advertised or promoted as an event at which, or in connection with which, attendees will be given access to:-
  - (i) a Minister of the Crown of the State of South Australia or a Member of the Parliament of South Australia; or
  - (ii) a member of staff of a Minister of the Crown of the State of South Australia or a Member of the Parliament of South Australia.

<b>Funds not to be distributed to members</b>	17.3	No part of the funds of the Division shall be distributed whether in payment of money, property or otherwise to the members of the Division or to relatives of the members of the Division and this prohibition shall apply in the event of the Division being wound up.
<b>Subscriptions to be forwarded to State Director</b>	17.4.1	Subject to clause 14.5, the proceeds of membership fees shall be directed to the State Director for the expenses of the Division.
<b>Treasurer only to collect major contributions</b>	17.4.2	Only the Treasurer of the Division, or such other persons appointed by State Executive, shall collect major contributions to the Division.
	17.4.3	The State Executive may deal with such matters of an administrative nature relating to the collection of subscriptions as it deems necessary.
<b>Branch funds</b>	17.5.1	Subject to clauses 17.2.1, 17.2.2, 17.2.3, 17.2.4, 17.2.5, 17.2.6 and 17.2.7 a Branch shall be entitled to retain and use for its own expenditure other than political expenditure any money which it raises from special functions and any donations received by it in excess of the members' subscriptions.

17.5.2 A Branch shall not apply any of its funds for any purposes other than the promotion of the Objectives and interests of the Division.

**State Executive may take control of financial affairs of nonoperative branches**

17.6 If any Branch or Electorate Convention fails for a period of two years to call a meeting or conducts its affairs in a manner, which in the opinion of the State Executive, is detrimental to the interests of the Division, State Executive may authorise the State Director to take possession of all books, records, bank accounts and monies of the Branch or Electorate Convention.

**Restriction on Branch or Convention expenditure**

17.7 A Branch or Convention shall not incur expenditure exceeding its funds without the approval of the State Executive.

**State Executive may authorise payments to Branch or Committee**

17.8 The State Executive may authorise payments by the Division to a Branch or Convention of the Division for anticipated expenditure unable to be met by the funds of the Branch or Convention.

## **AMENDMENTS TO THE CONSTITUTION OF PLATFORM OF THE DIVISION**

### **Constitution and Platform may be varied by two-thirds majority**

- 18.1 This Constitution or the Platform of the Division with the exception of
- (a) this clause 18.1 insofar as it relates to the amendment of clauses 5.8.3 to 5.8.5 inclusive and clause 18.2; and
  - (b) clauses 5.8.3 to 5.8.5 inclusive and clause 18.2
  - (c) may be amended at the Annual General Meeting of State Council or at a Special General Meeting of State Council of which not less than twenty eight days' notice in writing has been given and provided that such amendment is approved by a majority of not less than two thirds of those members present and voting.

- 18.2 This clause 18.2 and
- (a) clauses 5.8.3 to 5.8.5 inclusive; and
  - (b) clause 18.1 insofar as it relates to the amendment of clauses 5.8.3 to 5.8.5 inclusive and clause 18.2
- may only be amended if that amendment is approved by a resolution of the members of the State Parliamentary Party.

### **Recommittal of resolution to amend Constitution**

- 18.3 A motion for the recommittal of any resolution to amend the Constitution, may be put at any time before the close of the meeting at which such resolution has been considered, if a notice of the motion for recommittal signed by at least twenty members of the State Council has at least one hour previously been delivered personally to the Chairman of the meeting, who shall advise members of such notice at the earliest opportunity.

## **STATE DIRECTOR**

### **State Director**

- 19 The State Director shall:-
- (a) be responsible to the President of the Division
  - (b) be responsible for the proper and efficient administration of the Division
  - (c) perform such other duties as may be prescribed by the State Executive.

## **MISCELLANEOUS**

- Alternate Delegates** 20.1 Wherever this Constitution requires alternate delegates to be elected by any meeting such alternate delegates shall act in the order in which they are elected.
- Delegates not bound to vote as directed** 20.2 Delegates or their alternate delegate shall not be bound to vote on any particular matter by a direction of the body from which they are delegates.
- Marginal notes** 20.4 The Marginal notes appearing in this Constitution are for ease of reference only and do not form part of this Constitution.
- System of voting** 20.5 The systems of voting set out in Appendices 3 and 4 to this Constitution shall be used where such use is provided for in this Constitution provided that the State Council, in circumstances which it deems to be special, may vary the same by a resolution approved by not less than two thirds of the delegates present and voting.
- Metropolitan area** 20.6 Wherever reference is made to 'metropolitan area' in this Constitution it shall mean the metropolitan area as identified by the Australian Electoral Commission, Adelaide.
- Gender** 20.7 Unless the contrary intention appears, every word in the masculine gender shall be construed as including the feminine gender and every word in the singular shall be construed as including the plural and vice versa.
- Friends of the Party** 20.8 There shall be a category of persons known as "Friends of the Party" who are not members of the Division but who on payment of a contribution, the minimum level of which is to be set by State Executive, are entitled to receive such services as the State Executive determines.
- Deemed service** 20.9 Notwithstanding any thing appearing to the contrary any notice in writing required under this Constitution, or particulars of nominees together with biographical details, shall be deemed to be sufficiently given to any persons:-
- (a) if duly posted by pre-paid post in an envelope addressed to the member at his or her last known address, or
  - (b) transmitted by email to an address provided by the member in a form approved by State Executive and as it appears in the Secretariat's records for that member.
- Notice in writing, or particulars of nominees together with biographical details, by post in accordance with sub clause 20.9 (a) shall be deemed to be received on the sixth clear business day after posting.
- Notice in writing, or particulars of nominees together with biographical details, by email in accordance with sub-clause, 20.9 (b) shall be deemed to be received on the date of transmission provided transmission occurs on a business day before 5.00pm, and otherwise shall be deemed to be received on the next business day after transmission.
- Definitions** 20.10.1 Wherever reference is made to "business day" in this Constitution it shall mean any day Monday to Friday excluding public holidays.

20.10.2 For the purpose of clause 20.10.4(h) “administrative expenditure” means expenditure relating to the administration and operation of the Party.

20.10.3 For the purpose of clauses 17.2.4, 17.2.6 and 17.2.7 “gift” means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money’s worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include:

- (a) an annual subscription or compulsory levy paid to the Party by a person in respect of the person’s membership of the Party; or
- (b) a payment under public funding or special assistance funding; or
- (c) a disposition of a kind prescribed pursuant to the Electoral Act 1985 (SA) as amended from time to time.

20.10.4 For the purpose of clauses 17.2.1, 17.2.2, 17.2.4, 17.2.5 and 17.5.1 “political expenditure” means expenditure incurred in connection with an election held under the Electoral Act 1985 (SA) as amended from time to time for any of the following purposes:-

- (a) the public expression of views on a political party, a candidate in an election or a member of the House of Assembly or the Legislative Council by any means; or
- (b) the public expression of views on an issue in an election by any means; or
- (c) the production of any political material (not being electoral advertisements or notices or containing political commentary that is required under the Electoral Act 1985 (SA) as amended from time to time to include the name and address of the author of the material or of the person who takes responsibility for the publication of the material, as the case requires); or
- (d) the carrying out of an opinion poll, or other research, relating to an election or the voting intentions of electors; or
- (e) any purpose prescribed pursuant to the Electoral Act 1985 (SA) as amended from time to time,

but does not include:-

- (f) expenditure that is a GST payment; or
- (g) expenditure of an electorate allowance or another allowance, expenses or benefit under the Parliamentary Remuneration Act 1990; or
- (h) administrative expenditure.

20.10.5 If the definition of “administrative expenditure”, “gift”, or “political expenditure” or any monetary sum expressed under the Electoral Act 1985 (SA) is amended from time to time the definition in clauses 20.10.2, 20.10.3 or 20.10.4 or the monetary sum expressed in this Constitution is thereby amended mutatis mutandis.

## **APPENDIX 1**

### **“DECLARATIONS AND AGREEMENTS REQUIRED OF NOMINEES”**

I declare that all information provided on this form is true and correct in every detail. I declare that I am not a member of any other political party.

I declare that I am not disqualified from being chosen or from sitting as a member of State/Federal Parliament.

I acknowledge that I am aware that in order to retain my membership of the Division I must pay the levy stipulated in clauses 5.8.3, 5.8.4 and 5.8.5 of this Constitution in respect of any financial year during which I am a member of the State Parliamentary Party in the manner and at the time or times provided therein.

In the event of my being endorsed by the Division as a parliamentary candidate:

I agree to contest the election, to be bound by the Constitution of the Division and to uphold the platform of the Division.

I agree in regard to my campaign to accept and abide by the decisions and rulings of the Division.

I agree to accept and abide by the State/Federal Fundraising Code approved by State Council.

I agree to be personally responsible for any expenditure incurred by me without the prior express authority of the relevant Electorate Convention Committee, Campaign Committee, State Executive or State Director as appropriate and I further agree to indemnify the Division against any liability arising from such unauthorised expenditure.

I agree to accept responsibility for any statements made or authorised by me in my campaign and I further agree to indemnify the Division against all actions, claims, damages and costs arising from any such statements.



## **APPENDIX 2**

### **PREFERENTIAL BALLOT**

The following provisions shall apply to all ballots conducted where the preferential system of voting is used:-

- 1 In each of the compartments provided on the ballot paper for the purpose of voting the voter shall place the number "1" in the square opposite the name of the candidate for whom he or she votes as a first preference and shall give contingent votes for all the remaining candidates by placing, as the case requires, the figures "2", "3", "4" (and so on as the case requires) in the squares opposite their names respectively so as to indicate by numerical sequence the order of his or her preference for them.
- 2 A candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected.
- 3 If no candidate has received an absolute majority of first preference votes, the Returning Officer shall make a second count. On the second count the candidate who has received the fewest first preference votes shall be excluded and each ballot paper counted to him shall be counted to the candidate next in order of preference indicated by number on each such ballot paper.
- 4 If any candidate has an absolute majority of votes after the second count he or she shall be declared elected, but if no candidate then has an absolute majority of votes the process of excluding the candidate who has the fewest votes and counting each of his or her ballot papers to the continuing candidate next in order of the voting, members' preference shall be repeated until one candidate has received an absolute majority of votes.
- 5 If on any count two or more candidates have equal number of votes and one of them has to be excluded that candidate amongst them who had the least number of votes at the last count at which they had not an equal number of votes shall be excluded. If such candidates had an equal number of votes at all preceding counts or there was no preceding count the Returning Officer shall determine then by lot which of them shall be excluded.
- 6 Where more than one candidate is required to be selected:-
  - (a) to choose the second candidate from the remaining candidates:-
    - (i) those candidates shall retain their first preference votes;
    - (ii) the first preference votes counted to the first successful candidate shall be taken and distributed to the candidates indicated next in order of preference as first preference votes;
    - (iii) that count shall then proceed in the manner indicated in clause 2 to 5 of this Appendix.
  - (b) to choose the third and subsequent candidate in the team the count shall proceed as before with the preferences of each previously chosen candidate being taken into account in choosing subsequent candidates.
- 7 Where an Electoral College is divided into more than one part all votes for the whole Electoral College shall be counted at the same time.
- 8 In the case of any dispute as to the conduct or scrutiny of the ballot it shall be decided by the Returning Officer by reference to the provisions of the Commonwealth Electoral Act.

### **APPENDIX 3**

#### **EXHAUSTIVE BALLOT**

The following provisions shall apply to all ballots conducted where an exhaustive ballot system of voting is used:-

- 1 All eligible candidates shall first be heard by the State Council, Electoral College, or State Electorate Convention (all hereinafter called "The Electoral College") in accordance with the Constitution.
- 2 The Electoral College will then proceed to a secret ballot.
- 3 The Returning Officer shall see that each member of the Electoral College receives a ballot paper bearing the same number and marked by his or her signature or initials.
- 4 Each member of the Electoral College shall then write on that ballot paper the name of the one candidate for whom he or she wishes to vote.
- 5 Each member of the Electoral College shall be responsible for seeing that his or her ballot paper is in the ballot box.
- 6 The votes shall then be counted by the Returning officer and the Scrutineers, a record being kept of the ballot.
- 7 If any candidate receives an absolute majority of formal votes cast he or she shall be declared the selected candidate.
- 8 If no candidate has an absolute majority of formal votes cast the candidate who has the lowest number of votes cast shall be eliminated.
- 9 Where the total of the votes cast for two or more candidates receiving the lowest number of votes is less than the number of votes cast for the candidate receiving the next lowest number of votes, the first mentioned candidates shall be eliminated.
- 10 After the elimination of a candidate or candidates in accordance with rules 8 and 9, the names of the remaining candidates shall be submitted to the Electoral College and the selection shall proceed in accordance with the foregoing rules.
- 11
  - (a) Where two or more candidates receive an equal number of votes and each such candidate receives fewer votes than any other remaining candidate, then each member of the Committee shall write on a ballot paper provided the name of the tying candidate having such number of votes for whom he or she wishes to vote
  - (b) The candidate who has the lowest number of votes cast, shall be eliminated
  - (c) Where an equality of votes prevents such selection, the procedures described in Rules 3 to 10 and this rule shall be repeated with the names of all candidates remaining in the ballot (including the tying candidates).
  - (d) If three failures to break the same "tie" occur, the names of the tying candidates shall be placed in a container and one shall be withdrawn by the Chairman. The candidate whose name is withdrawn shall be eliminated.
- 12 The procedures described in the foregoing rules shall be continued as necessary until one candidate has received an absolute majority, in which event he or she shall be declared the selected candidate.
- 13 Where the number of formal votes cast is an even number, an absolute majority shall be half that number plus one; where the number of formal votes cast is an odd number, an absolute majority shall be half that number plus one half.
- 14 At any time during the conduct of the ballot the Electoral College may resolve by a simple majority to recall those candidates remaining in the ballot and hear them further.



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