



# **Libertarian Party**

## **Federal Constitution**

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# Constitution of the Libertarian Party

## **1 IDENTITY AND STANDING**

- 1.1 This Constitution identifies and governs the Libertarian Party in Australia, including any subordinate bodies, hereafter referred to as the “Party”.
- 1.2 All members and subordinate bodies of the Party are jointly and severally bound by this Constitution.
- 1.3 No separate constitution may be adopted by any subordinate body unless required by law and, if so adopted, shall incorporate and be subject to this Constitution whether explicitly stated or not.
  - 1.3.1 That, for the avoidance of doubt, an Affiliate Member is not a subordinate body.
  - 1.3.2 That a state or territory subordinate body, being a Division of the Party, may become and operate as an Affiliate Member, as described in 4.3.
- 1.4 No part of the Party may adopt any rule, policy or procedure inconsistent with this Constitution except as required by law.
- 1.5 The party historically used the name “Liberal Democratic Party” with the abbreviation “Liberal Democrats” and may continue to do so in those electoral jurisdictions where it is eligible to do so.

## **2 PRINCIPLES**

- 2.1 The Libertarian Party is a political party that stands for individual liberty, free markets and small government.
- 2.2 It regards government as the principal threat to these values and therefore seeks to reduce its intrusion into our lives to the lowest level possible consistent with the preservation of a civilised society.

2.3 It aims to restore to individuals the right to make their own choices and to accept responsibility for their consequences, on the basis that they make better decisions than government.

2.4 The following Principles represent its enduring values.

Economic Principles

Free markets and freedom of choice

Small government, low taxation, limited government spending and regulation

Widespread ownership of private property

Social Principles

Civil society and volunteerism

Civil liberties and individual freedom

Individual liberty and personal responsibility under the rule of law

Government Principles

Constitutional liberal democracy

Ethical and impartial government under the rule of law

Devolution of power including decentralised government and competitive federalism

International Principles

Free trade in goods, services and capital

Free trade in ideas and culture

Freedom and human rights

### **3 OBJECTIVES**

3.1 The objectives of the Party are to:

- 3.1.1 Promote the Principles of the Party, and
- 3.1.2 Seek the election of its candidates to the
  - 3.1.2.1 Commonwealth House of Representatives and Senate
  - 3.1.2.2 NSW Legislative Assembly and Legislative Council
  - 3.1.2.3 Victorian Legislative Assembly and Legislative Council
  - 3.1.2.4 Queensland Legislative Assembly
  - 3.1.2.5 Western Australian Legislative Assembly and Legislative Council
  - 3.1.2.6 South Australian House of Assembly and Legislative Council
  - 3.1.2.7 Tasmanian House of Assembly and Legislative Council
  - 3.1.2.8 Legislative Assembly of the Northern Territory
  - 3.1.2.9 Legislative Assembly for the Australian Capital Territory, plus
  - 3.1.2.10 Local Government bodies in all jurisdictions.

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

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

## **4 MEMBERSHIP**

### **4.1 MEMBERSHIP CATEGORIES**

4.1.1 There shall be two categories of members:

4.1.1.1 Individual members: Individuals who have applied for and been accepted as members in their own right and not as representatives of an organisation or group.

4.1.1.2 Affiliate members: Divisions or Branches which are eligible to become Affiliate Members, and which are compliant with the Affiliate Membership Requirements, as described in 4.3.

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

## 4.2 INDIVIDUAL MEMBERSHIP

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

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

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

4.2.4 Individual membership shall include membership of both the Federal party and any Division (whether a subordinate body or Affiliate Member) to which the applicant is, by virtue of his or her location, entitled to belong.

4.2.4.1 Any individual member who was previously a member of a Division that was a subordinate body, shall automatically become a member of that Division if it is granted Affiliate Member status.

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

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

#### 4.3 AFFILIATE MEMBERSHIP

##### 4.3.1 Facilitating Affiliate Members

4.3.1.1 Affiliate Members are required to fulfill the following requirements (Affiliate Membership Requirements):

4.3.1.1.1 That the Affiliate Member's constitution incorporates identical Principles and Objectives to the Party, as described in this constitution; and

4.3.1.1.2 That the Affiliate Member's constitution incorporates a limited geographic territory, that is identical to the geographic territory held as a subordinate body; and

4.3.1.1.3 That the individual members of the Affiliate Member shall comprise Party members from that same limited geographic territory; and

4.3.1.1.4 That the Affiliate Member shall be subject to this constitution, whether explicitly stated or not; and

4.3.1.1.5 Any other requirements set out or amended by the Federal Executive in Party by laws.

4.3.1.2 State or Territory Divisions who become Affiliate Members are, for the avoidance of doubt, distinct legal entities with

responsibility for compliance with electoral and legal requirements at their State or Territory level.

4.3.1.3 Affiliate Members shall not be entitled to vote on Party matters but may propose motions or agenda items to General Meetings of the Party, which motions must be placed onto the Agenda by the Federal Executive.

4.3.1.4 Any individual member of an Affiliate Member shall be an equivalent individual member of the Party. Any individual member of the Party shall be an equivalent individual member of the Affiliate Member.

#### 4.3.2 Becoming an Affiliate Member

4.3.2.1 Any constituted State or Territory Division of the Party or any constituted Branch of the Party which is compliant with this Constitution, and its by-laws applicable to Affiliate Membership, may apply to the Federal Executive to become an Affiliate Member of the Party.

4.3.2.2 The Federal Executive must not refuse any request to affiliate by a state or territory Division that meets Affiliate Membership Requirements.

4.3.2.2.1 Upon receiving a request to affiliate, from a state or territory Division, the Federal Executive shall notify members that a Division has commenced the affiliation process and shall provide progress updates, every sixty (60) days, to Party members, until the Division becomes an Affiliate Member or the affiliation process otherwise ends.



4.3.2.3 Upon the Federal Executive agreeing that the subordinate body has met the requirements of Affiliate Membership, the subordinate body shall be a separate entity, shall be an Affiliate Member, and will cease to be a subordinate body.

4.3.2.3.1 The subordinate body, prior to becoming an Affiliate Member, shall have three (3) months to demonstrate fulfillment of Affiliate Membership Requirements, from the date of written application to the Federal Executive. Failure to do so in the prescribed time shall terminate the process and the subordinate body shall not be permitted to try again for a period of 12 months.

4.3.2.3.2 The Federal Executive, upon receipt of a written application from a Division to apply for Affiliate Membership, must apply the Affiliate Membership by-laws, communicate with the Division regarding any requirements and continue to deal with the application in a timely fashion until the application is either successful or unsuccessful. The Federal Executive shall not act in any fashion that is obstructive, delaying, or acting in bad faith when carrying out this process.

4.3.2.4 Any Division of the Party which has met the Affiliated Membership Requirements may apply to the Federal Executive or a General Meeting to have their Affiliate Membership confirmed and upon receipt of confirmation is entitled to

operate as an Affiliate Member of the Party (as described in 4.3.3.4).

#### 4.3.3 Maintaining Affiliate Membership

4.3.3.1 An Affiliate Member is required to maintain compliance with their legal & regulatory obligations (e.g. their respective state or territory Electoral Act).

4.3.3.2 An Affiliate Member is required to maintain compliance with Affiliate Membership requirements described in this constitution.

4.3.3.3 An Affiliate Member is required to fulfill its obligations to the Party.

4.3.3.4 An Affiliate Member of the Party shall have the following rights:

4.3.3.4.1 To represent themselves as a Division or Branch of the Party; or as an Affiliate of the Party.

4.3.3.4.2 To use Party intellectual property and that this use is under license and without cost to the Affiliate Member. This includes (but is not limited to):

- Party name
- Party logo
- Party colours
- Party branding
- Party policies
- Party research

These rights shall be exercised in compliance with Party by laws.

#### 4.3.4 Suspension or Termination of Affiliate Membership

4.3.4.1 Affiliate Members who cease to be compliant with Affiliate Membership requirements shall be given a notice period of three (3) months to regain compliance.

4.3.4.1.1 Where an Affiliate Member has failed to remediate non-compliance with Affiliate Membership requirements, their Affiliate Membership shall be suspended and a further notice period of three (3) months shall be provided to remediate non-compliance with Affiliate Membership requirements.

4.3.4.1.2 Where the Affiliate Member has failed to remediate non-compliance after a period of six (6) months, the status of their Affiliate Membership shall be dealt with at the next General Meeting.

4.3.4.2 Any organisation, that is not a Division, who ceases to be an Affiliate Member shall no longer retain any rights, as described in 4.3.3.4.

4.3.4.3 Any Division who ceases to be an Affiliate Member shall revert to being a subordinate body of the Party.

#### 4.4 GENERAL

4.4.1 A person wishing to become a member shall complete an application form or application forms as prescribed by the Federal Executive. The Federal Executive may prescribe the use of online forms available on the party's website. The person must specify details including full name, residential address and other details as prescribed by the Federal Executive. The person shall lodge such forms in a manner prescribed by the Federal Executive,

which may include submission via the party website. An organisation wishing to become an affiliate member shall apply in writing to the Secretary stating their agreement to comply with this constitution, including evidence of compliance with constitutional and by-law compliance and including a copy of the constitution.

4.4.2 An application for individual or Affiliate Membership is subject to acceptance by the Federal Secretary. In this the Secretary shall comply with any direction from a vote of members at a General Meeting (for Affiliate Membership) or the Federal Executive (for individual membership or Affiliate Membership if the matter has not already been dealt with by a General Meeting) and with this Constitution. A person or organisation whose application for membership has been accepted shall be advised accordingly. The Federal Executive may direct the Secretary to reject any application for membership (individual or Affiliate Membership) on the ground that its acceptance would be against the interests of the Party (for individuals) or is not in compliance with the requirements of this constitution (for Affiliate Membership – subject to 4.1.1.2).

4.4.3 The Federal Executive may suspend or expel any member at any time where the Federal Executive considers this to be in the interests of the Party. The procedures for suspension and expulsion of members shall be based on the principles of procedural fairness and natural justice. These procedures shall include either advising the person or organisation in writing of the suspension or expulsion, or, if the Federal Executive consider that a delay in the suspension or expulsion would not significantly damage the interests of the Party, advising the person or organisation in writing that the Federal Executive is considering a suspension or expulsion. In the latter scenario, the

person or organisation shall be requested to respond in a timely manner, and the Federal Executive shall endeavour to defer a decision on suspension or expulsion until any such response is received and considered.

- 4.4.4 A member convicted of a disqualifying electoral offence shall not be permitted to remain a member.
- 4.4.5 Subject to 4.4.3, the Federal Executive may suspend or terminate the membership of any individual or affiliate on the ground that it is against the interests of the Party.
- 4.4.6 Any member or subordinate body may recommend to the Federal Executive that an application for membership be rejected or a member suspended or expelled.
- 4.4.7 Any refusal to admit a person as an individual Party Member, and any suspension or expulsion from the Party of a Party Member, shall be accompanied by a statement of reasons which is made available to any Party Member on request to the Secretary. This statement shall include a majority opinion as well as any dissenting opinions.
- 4.4.8 A person ceases to be a member of the Party if he or she dies, resigns or is expelled from the Party by the Federal Executive.
- 4.4.9 A member may at any time by notice in writing to the Secretary resign his/her membership.
- 4.4.10 If a member of the Party ceases to be a member, the Secretary must make an appropriate entry in the register of members recording the date on which membership ceased.
- 4.4.11 Membership entitlements are not transferable. A right, privilege or obligation which a person or organisation has by reason of being a member

of the Party is not capable of being transferred or transmitted to another person or organisation, and terminates on cessation of membership.

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

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

## **5 PARTY ORGANISATION**

### **5.1 FEDERAL EXECUTIVE**

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

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

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

5.1.3.1 Promote the party's Principles.

5.1.3.2 Improve public perceptions of the Party.

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

5.1.3.4 Set membership fees.

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

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

- 5.1.3.7 Form such permanent or temporary committees as may from time to time be required.
- 5.1.3.8 Perform all such acts and do all such things as appear to be necessary or desirable for the proper management of the affairs of the Party.
- 5.1.3.9 Exercise all such functions as may be exercised by the Party, other than those functions required by this Constitution to be exercised by a General Meeting of members.
- 5.1.4 The Federal Executive shall:
  - 5.1.4.1 Receive and consider motions and recommendations from Federal Conferences.
  - 5.1.4.2 Recommend to the Federal Conference the appointment of an auditor.
  - 5.1.4.3 Present policies it has adopted to the Federal Conference for ratification or rejection.
  - 5.1.4.4 Receive the Federal share of Individual Membership fees which are to be paid by each member directly into the relevant Federal, state or territory Division (or Affiliated Member) Administration Bank account with the Federal share (as set out in this constitution) remitted to the Federal Administration Bank account on a quarterly basis by the relevant State or Territory Division (subordinate body or Affiliate Member).
    - 5.1.4.4.1 Each Division (whether a subordinate body or an Affiliate Member) shall retain 50% of the Individual Membership revenue and remit 50% in accordance with 5.1.4.4 from the 1<sup>st</sup> of July, 2023.

5.1.4.4.2 The percentage, of the Individual Membership revenue, to be retained by each Division and remitted (as described in 5.1.4.4) shall be reviewed at each annual General Meeting.

5.1.4.5 Act as the Dispute Resolution Committee which hears and determines disputes in accordance with the principles of procedural fairness and natural justice, and with reference to other relevant dispute clauses in this Constitution. Any member of the Party may lodge a dispute in writing to the Secretary. The Disputes Resolution Committee will consider all formal written disputes received by the Secretary and respond in a timely manner. The decisions of the Dispute Resolution Committee are binding on all Party members.

5.1.5 No member of the party, including individual members of the Federal Executive, shall have the authority to act or speak on behalf of the Party without the approval of the Federal Executive.

## 5.2 SUBORDINATE BODIES

5.2.1 Subject to there being sufficient members, interest and organisation, the Federal Executive may approve the establishment of subordinate bodies of the Party.

5.2.2 The Federal Executive may delegate to subordinate bodies certain powers including the power to:

5.2.2.1 Select candidates for Federal, State, Territory or local government elections.

5.2.2.2 Operate a bank account.

5.2.2.3 Raise and accept donations.



- 5.2.2.4 Formulate policies specific to the region.
- 5.2.2.5 Recommend to the Federal Executive the appointment of a Registered Officer for the region.
- 5.2.3 Each such subordinate body shall operate subject to this Constitution and within the powers delegated to it.
- 5.2.4 The Federal Executive may withdraw a delegation, in whole or part, at any time.

## **6 OFFICE BEARERS**

### **6.1 FEDERAL EXECUTIVE**

- 6.1.1 The Federal Executive shall elect from among its members the office-bearers of the Party, being:
  - Federal President
  - Federal Vice-President
  - Federal Secretary
  - Federal Assistant Secretary
  - Federal Treasurer
- 6.1.2 No more than two office-bearer positions may be filled by one member of the Federal Executive.
- 6.1.3 The Federal Executive shall elect a Federal Registered Officer.
- 6.1.4 The Federal President shall:
  - 6.1.4.1 Be the Senior Executive Officer of the Party.
  - 6.1.4.2 Chair all Federal Executive and Federal Conference meetings of the Party.
  - 6.1.4.3 Be a member “ex officio” of all committees.

6.1.5 The Federal Vice-President shall:

6.1.5.1 Perform the duties of the President during his/her absence or at his/her request.

6.1.5.2 Be a member “ex officio” of all committees.

6.1.6 The Federal Secretary shall:

6.1.6.1 Have overall responsibility for correspondence in connection with the Party.

6.1.6.2 Ensure the maintenance of a register of members as directed by the Federal Executive.

6.1.6.3 Record all appointments of office-bearers and members of the Federal Executive.

6.1.6.4 Ensure that minutes are taken of all proceedings at Federal Executive meetings and general meetings of the Party including the Federal Conference.

6.1.6.5 Present such minutes to the subsequent corresponding meeting for approval as a true and accurate record and retained as its principal record.

6.1.7 The Federal Treasurer shall:

6.1.7.1 Have overall responsibility for the care of the Party’s finances.

6.1.7.2 Ensure that all membership fees, donations and other monies collected are promptly paid into a bank account approved by the Federal Executive.

6.1.7.3 Ensure that all payments authorised by the Federal Executive are made.

- 6.1.7.4 Ensure that correct accounts are kept showing the financial affairs of the Party, including full details of receipts and expenditure.
- 6.1.7.5 Ensure the maintenance of an accurate and current register of Party assets.
- 6.1.7.6 Present to each meeting of the Federal Executive a statement of income and expenditure for the period since the prior meeting.
- 6.1.7.7 Present each year to the approved auditor the Party's accounts for auditing.
- 6.1.7.8 Present at the Federal Conference a duly audited balance sheet and a profit and loss account covering the financial year ending in the calendar year preceding the Federal Conference.
- 6.1.7.9 Ensure the Party complies with such financial reporting obligations as are required by law.
- 6.1.7.10 Consult with Divisions (subordinate bodies and Affiliate Members) on matters relating to the sharing of Individual Membership fees and recommend to the annual General Meeting what the percentage, to be retained by each Division and remitted (as described in 5.1.4.4), should be.
- 6.1.8 The Federal Registered Officer: shall undertake such functions as are required by legislation.
- 6.1.9 The Federal Executive may direct the Federal Registered Officer as to the nomination of candidates for elected office and the Registered Officer shall comply with such direction.

## **7 FEDERAL EXECUTIVE MEETINGS**

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

## **8 GENERAL MEETINGS**

- 8.1 There shall be one General Meeting each year known as the Federal Conference, to be held at a time and place determined by the Federal Executive.
- 8.2 Special General Meetings may be called by the Federal Executive and shall be called if requested by a petition carrying the signatures of not less than 25 percent of individual voting members. Such meetings shall be held at least four weeks and no more than eight weeks from the date when the request was received.
- 8.3 All members shall be entitled to attend the Federal Conference in person or remotely. The Federal Executive must ensure that a form of technology is in use at each General Meeting which gives members a reasonable opportunity to observe and speak remotely.

- 8.3.1 The Federal Executive must ensure that a form of technology is in use at each General Meeting that allows voting members to observe and speak remotely.
- 8.4 Only financial members who have held financial status for at least six continuous months immediately prior to a General Meeting and who attend a General Meeting in person or remotely (each a "Voting Member"), shall be entitled to vote at a General Meeting. The Federal Executive must ensure that a form of technology is in use at each General Meeting which gives Voting Members the ability to vote remotely. A Voting Member is entitled to vote through only one of the permitted methods at a time. For the avoidance of doubt, no member may vote more than once. All resolutions before a General Meeting shall be decided by a simple majority of votes cast except where this Constitution provides otherwise. Where a vote is tied the Chairman shall have a casting vote.
- 8.5 The Federal Secretary shall ensure that all members are notified of each General Meeting not less than four weeks prior to its occurrence. The notice of the General Meeting must advise members how they may exercise their right to attend and vote remotely.
- 8.6 All matters for decision at a General Meeting shall be submitted to the Federal Secretary not less than two weeks prior to the meeting.
- 8.7 Federal Conferences shall be open to observers unless closed (entirely or for certain sessions) by decision of the Federal Executive or resolution of the meeting.
- 8.8 The agenda for the Federal Conference shall be as determined by the Federal Executive but shall include the following:
- 8.8.1 A report by the Federal President.
- 8.8.2 A report by the Federal Secretary.
- 8.8.3 Receipt and consideration of the minutes of the prior Federal Conference.
- 8.8.4 Receipt and consideration of the Federal Treasurer's report including financial accounts.

- 8.8.5 Elections to fill such vacancies on the Federal Executive as fall due.
- 8.8.6 The appointment of an auditor.
- 8.8.7 Consideration of policies adopted by the Federal Executive and their approval or rejection without amendment.
- 8.8.8 General business.
- 8.9 There shall be no quorum for general meetings.
- 8.10 Unless proper notice has not been given or the holding of the meeting is seriously hampered by events beyond the control of the Federal Secretary or Federal Executive, general meetings shall not be adjourned.
- 8.11 Special General Meetings may permit attendance in person and remotely or via remote attendance only.
- 8.12 All members shall be entitled to attend Special General Meetings.
- 8.13 Observers may be permitted to attend Special General Meetings by decision of the Federal Executive.

## **9 ELECTIONS**

- 9.1 Elections for one third of the Federal Executive plus casual vacancies (if any) shall be conducted at each Federal Conference.
- 9.2 Only Voting Members shall be permitted to vote in elections for the Federal Executive. The Federal Executive must ensure that a form of technology is in use at each General Meeting which gives Voting Members the ability to vote in elections remotely. A Voting Member is entitled to vote through only one of the permitted methods at a time. For the avoidance of doubt, no member may vote more than once.
- 9.3 Nominations for election to the Federal Executive shall be submitted to the Secretary not less than two weeks prior to the Federal Conference.

- 9.4 Members standing for election to the Federal Executive must be nominated and seconded by financial members and signify their consent to the nomination.
- 9.5 Only individual members recognised as “Financial” by the Federal Executive for two preceding years may nominate for the Federal Executive unless exempted from this limitation by the Federal Executive.
- 9.6 A casual vacancy on the Federal Executive may be filled by the Federal Executive until the next Federal Conference when it shall be filled by election. The term of any member so elected shall be the remainder of the term of the member whose departure created the casual vacancy.
- 9.7 The method of voting for the Federal Executive shall be optional preferential, conducted by secret ballot.
- 9.8 Candidates for election to the Federal Executive may each appoint one scrutineer to observe the counting of votes.
- 9.9 A Returning Officer may be appointed to conduct the election. The Returning Officer shall not be entitled to vote.
- 9.10 A member of the Federal Executive may be removed by a unanimous vote of all other members of the Federal Executive on two occasions not less than one or more than three months apart. Any member of the Federal Executive so removed shall for a period of six months be ineligible to be appointed or elected as a member of the Federal Executive. A member of the Federal Executive may not be otherwise suspended or removed.

## **10 DEALING WITH CONFLICTS OF INTEREST**

- 10.1 A conflict of interest will exist if an Individual Member of the party holds a position within a Federal or Division Executive and also:
- Is an elected member of a federal or state parliament

- Is a paid staffer working for an elected member of a federal or state parliament
- Receives a financial remuneration (as an employee or contractor) from the Party, an Affiliated Member, or an associated entity of the Party
- Be a member of the Party's Federal Executive and a Division executive concurrently.

10.1.1 A member may not enter into a new conflict of interest under any circumstances and must prevent any described conflict of interest from arising. For the avoidance of doubt, any person newly elected to the Party's Federal Executive or a Division executive who currently has a paid staffer role or paid remuneration from the party, would have to resign from the role that has generated the conflict. Any current member of the Party's Federal Executive or a Division executive must resign from their existing executive position before accepting a new executive position or a new remuneration that would breach 10.1.

10.1.2 Where a conflict described in 10.1 is already in existence, the Individual Member who is conflicted should attempt to remove the conflict of interest as soon as practicable, but must resolve the conflict no later than the following AGM of the Party.

10.2 The Federal Executive shall create, maintain, and update (from time to time) by laws for the management of matters relating to the prevention, mitigation, and remediation of conflicts of interest and perceived conflicts of interest. This may include the use of or reference to an acceptable Australian industry standard for managing conflicts of interest.

10.2.1 By-laws cannot derogate from the predetermined categories set out in 10.1 or the response to them in 10.1.1-10.1.2.



- 10.3 This section (section 10) shall not be applicable to any conflict of interest scenario that exists wholly and exclusively within a single Division that is an Affiliated Member of the Party, where that Division's constitution includes conflict of interest management provisions that are deemed satisfactory by the Party's Federal Executive and by 75% majority at an Affiliate Member General Meeting.

## **11 AMENDMENTS TO THE CONSTITUTION**

This Constitution may be changed by:

- 11.1 A motion on notice from the Federal Executive to a general meeting; and
- 11.2 Approval of that motion by ninety (90) percent of votes cast at the general meeting in the case of a change to the Principles, by fifty (50) percent of votes cast in the case of a change to the percent of Individual Membership fees to be retained by Divisions, or seventy-five (75) percent majority in any other case.