

**THE NATIONAL PARTY OF
AUSTRALIA (WA) INCORPORATED**

CONSTITUTION

November 2015

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PART ONE – GENERAL

1. Name

1.1 The name of the Association is 'The National Party of Australia (WA) Incorporated'.

2. Definitions

2.1 In this Constitution, except to the extent that the context otherwise requires, the following expressions shall have the following meanings:

“**Act**” means the *Associations Incorporation Act 1987 (WA)* as amended;

“**Active Branch**” means a branch with not less than 7 members or where there are less than 7 members a branch as approved of by the State Council;

“**Annual Membership Subscription**” means the membership fee of a particular class of Member as agreed upon by State Council from time to time pursuant to Part 2 of this Constitution;

“**Assembly Electorate Council**” means the council provided for in Part 3 of this Constitution the Members of which are appointed as provided for in Clause 40.1.2 of this Constitution;

“**Australia**” means the Commonwealth of Australia;

“**Affiliate Member**” means a person to whom Part 2 of this Constitution applies;

“**Branch**” means a Branch of the Party in existence as at the date of adoption of this Constitution and those branches formed in accordance with Part 3 of this Constitution;

“**Branch Nominee Presentation Meeting**” means a meeting held in accordance with the relevant sections of Part 6 of this constitution.

“**Closing Date**” means the date and time fixed by State Council as provided in Part 6 of this Constitution;

“**Commissioner**” means the person appointed in accordance with the Act;

“**Common Seal**” means the common seal of the Party as provided for in Part 8 of this Constitution;

“**Commonwealth**” means the Commonwealth of Australia;

“**Constituent Body**” means the State Assembly Electoral Councils and/or the Branches of the Party;

“**Constitution**” means this Constitution;

“**Country Area**” means the geographical area including the Mining and Pastoral Region, Agricultural Region and South West Region as provided in section 16H of the *Electoral Act 1907 (WA)*;

“**Deputy President**” means the position of deputy president of the Party elected as required by Part 4 of this Constitution;

“**Dual Member**” means persons to whom Part 2 of this Constitution applies;

“Election Platform” means the policies and proposed ideas that are presented to the electorate during the campaigning phase of an election.

“Financial Year” means the period from 1 July to the next following 30 June;

“Honorary Life Member” means a person to whom Part 2 of this Constitution applies;

“House of Representatives” means the Lower House of Parliament of the Commonwealth of Australia;

“Legislative Assembly District” means a Legislative Assembly District of the State as prescribed by the Electoral Distribution Commissioners pursuant to the *Electoral Act 1907 (WA)*;

“Legislative Assembly Selection Meeting” means a meeting or meetings of the Assembly Electorate Council acting in accordance with Part 6 of this Constitution;

“Legislative Council Region” means a Legislative Council Region of the State as prescribed by the Electoral Distribution Commissioners pursuant to the *Electoral Act 1907 (WA)*;

“Local Government” means a Local Government established under the *Local Government Act 1995 (WA)*;

“Meeting” means any meeting of a Party Unit;

“Member” means a Member of the Party of a class of membership provided in Part 2 of this Constitution;

“Metropolitan Area” means the geographical area including the North Metropolitan Region, the South Metropolitan Region and the East Metropolitan Region as provided in section 16H of the *Electoral Act 1907 (WA)*;

“Nation” means Australia;

“Notice” means written notice given in accordance with Part 8;

“Opening Date” means the date that State Council has authorized the time from which nominations for pre-selection may be accepted .

“Ordinary Member” means an ordinary Member as provided in Part 2 of this Constitution;

“Ordinary Motion” means a motion at any meeting that is not a Special Motion;

“Parliamentary Member” means a Member of the Party who is a Member of Legislative Assembly, Legislative Council, House of Representatives or the Senate;

“Party” means the National Party of Australia (WA) Incorporated;

“Party Units” means those parts of the Party to whom Part 3 of this Constitution applies;

“Pensioner Member” means a person to whom Part 2 of this Constitution applies;

- “Perpetual Member”** means a person to whom in Part 2 of this Constitution applies;
- “Prescribed Form”** means a form prescribed in accordance with the provisions of this Constitution;
- “Proxy”** means a proxy appointed in accordance with Part 8 of this Constitution;
- “Resolution”** means a motion that has been passed by a simple majority of Members or their proxies entitled to vote at the meeting at which the motion was submitted;
- “Senate”** means the upper house of Parliament of the Commonwealth of Australia;
- “Special State Conference”** means a specially convened State Conference as provided in Part 3 of this Constitution;
- “Special Motion”** means a motion at any meeting that must be passed by Special Resolution;
- “Special Resolution”** means a special motion that has been resolved in the affirmative by 75% of the members present and entitled to vote and present themselves or by proxy; and of which not less than 28 days notice, or other period specified herein, has been given;
- “State”** means the State of Western Australia;
- “State Convention”** means the meeting of Members held in accordance with Part 3 of this Constitution;
- “State Conference”** means the meeting held in accordance with Part 3 of this Constitution and is the Annual General Meeting which is required by the Associations Incorporation Act of 1987;
- “State Council”** means the Unit of the Party provided for in Part 3 of this Constitution;
- “State Director”** means the person appointed by the State Council pursuant to Part 4 of this Constitution;
- “State Executive”** means the Unit of the Party as provided for in Part 3 of this Constitution;
- “State President”** means the Member elected as State President as required by Part 4 of this Constitution;
- “Supporter Member”** means a supporter Member as described in Part 2 of this Constitution;
- “Unfinancial Member”** means an unfinancial Member as described in Part 2 of this Constitution;
- “Urgent motion”** means a motion that does not appear on the conference agenda but is submitted in writing to state conference regarding issues that the movers regard as important enough that their urgent consideration by conference is required. For such a motion to be considered by State Conference for formal debate it must first be approved by a majority of delegates that it is in fact an Urgent Motion. If such a motion is approved it will be debated by State Conference under the agenda item reserved for urgent motions.
- “Young Nationals Member”** means persons to whom Part 2 of this Constitution applies.

3. Interpretation

3.1 In this Constitution:

3.1.1 a reference to a statute, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them occurring at any time before or after the date of this Constitution;

3.1.2 unless the contrary intention appears:

3.1.2.1 words importing a gender include every other gender; and

3.1.2.2 words in the singular number include the plural and words in the plural number include the singular;

3.1.3 unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;

3.1.4 if a period of time is expressed to be calculated from or after a specified day, that day is not included in the period;

3.1.5 a reference to a day is a reference to the twenty four (24) hour period commencing at midnight; and

3.1.6 a reference to a month is a calendar month and a reference to a year is a calendar year.

3.2 This Constitution and any rules that apply to the Party have effect as an agreement between the Party and each Member.

3.3 If there is any inconsistency between this Constitution and the Act, the Act prevails.

3.4 The Party may alter this Constitution pursuant to Clause 11 but not otherwise.

4. Structure of Party

4.1 The Party shall function throughout the State through its Branches.

4.2 The organisation of the Party shall comprise the following Party Units as referred to in Part 3:

4.2.1 Branches;

4.2.2 State Assembly Electorate Councils;

4.2.3 State Executive;

4.2.4 State Council;

4.2.5 State Conference, and

4.2.6 State Convention.

5. Party Governance

- 5.1 The Party is governed by its State Conference.
- 5.2 Between State Conferences and subject to directions passed by resolution at State Conferences, the State Council shall have the control of the affairs of the Party.
- 5.3 Between Meetings of the State Council and subject to directions passed by resolution at State Conferences and subject to directions passed by resolutions at State Council, the State Executive shall administer the activities of the Party.

6. Objectives

- 6.1 The Objectives of the Party are:
 - 6.1.1 to promote and attain a just, democratic, prosperous and secure society in which freedom of speech, worship and association are guaranteed and in which private enterprise may flourish;
 - 6.1.2 the devolution of power, wherever practicable, from the Commonwealth to the State and from the State to Local Government;
 - 6.1.3 to formulate an election platform and policies which embody these objectives and to create a climate of opinion favourable to that election platform;
 - 6.1.4 to select candidates of honesty and integrity, adhering to that platform, and secure their election to the Parliament of the State and the Parliament of the Commonwealth; and
 - 6.1.5 to form or participate in the Government of the State and the Commonwealth in accordance with this Constitution.

7. Powers

- 7.1 The Party shall have all of the powers of an association granted under the Act.
- 7.2 Subject to the Act, the Party may do all things necessary or convenient for carrying out its objectives and in particular, may:
 - 7.2.1 acquire, hold and dispose of real or personal property;
 - 7.2.2 open and operate accounts with financial institutions;
 - 7.2.3 invest its money in any manner that trustees can invest money pursuant to the *Trustees Act 1962*;
 - 7.2.4 raise and borrow money on the terms and in the manner it considers appropriate;
 - 7.2.5 secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - 7.2.6 appoint agents to transact business on its behalf;

- 7.2.7 enter into any other contract it considers necessary or desirable; and
- 7.2.8 act as trustee and accept and hold real and personal property upon trust but does not have the power to do any act or thing as a trustee that, if done otherwise than as a trustee would contravene the Act or this Constitution.

8. Income and Property of the Party

- 8.1 The income and property of the Party shall be applied solely to the promotion of its objectives.
- 8.2 Subject to this Clause 8, no part of the income and property of the Party thereof shall be paid or otherwise distributed, directly or indirectly, to members of the Party, except in good faith in the promotion of those objectives.
- 8.3 Remuneration (including superannuation) may be made or provided in good faith to agents, consultants, sub-contractors or employees of the Party or to other persons in return for actual services rendered.

9. Legal Proceedings

- 9.1 No Party Unit shall enter into legal proceedings on its own account without the consent of the State Council.

10. Financial Governance

- 10.1 The financial year of the Party and its Party Units shall be the Financial Year provided that State Council may at the request of a Party Unit for good cause permit that Party Unit to use a different financial year.
- 10.2 State Council shall from time to time prescribe the accounting and financial reporting standards to be adopted and applied by all Constituent Bodies.
- 10.3 In April of each year State Executive shall prepare or cause to be prepared a budget for the Party's receipts and income for the next Financial Year and shall, prior to 30 June submit such budget to State Council for approval.
- 10.4 State Council may accept the budget with such amendments as it sees fit or it may refer the budget back to State Executive for further consideration, amendment and re-submission to State Council.
- 10.5 The Party shall not accept any subscription or donation which the subscriber or donor desires to make subject to any condition which involves the conferring of any personal or financial benefit on the donor. This sub-clause shall not apply to any condition which a donor may impose for the payment of the donation to any fund established by the Party in furtherance of its objectives.
- 10.6 The State Council, or any officer elected or appointed by the State Council, shall accept no subscription or donation which the subscriber or donor desires to make subject to any conditions, whether such conditions be expressed or implied, that are contrary to the principles or policies of the Party.

- 10.7 Any Member collecting money for the Party or for any Party Unit or for any purposes associated with the Party shall, as soon as may be convenient after such collection:
- 10.7.1 in the case of money collected for a Party Unit, notify the President, Chairman or Treasurer of that Party Unit;
 - 10.7.2 in the case of money collected for any other purpose, notify the Honorary Treasurer of the Party; and
 - 10.7.3 ensure that such money is forwarded forthwith to the appropriate party official so that it can be paid into the appropriate account.
- 10.8 The State Executive may employ those financial services which may be required to satisfy requirements under this Clause 10.
- 10.9 No person, committee, sub-committee or unit acting within or on behalf of the Party shall have authority to pledge the assets or credit of the Party without the prior and explicit approval of State Council.
- 10.10 Each Party Unit, the Parliamentary National Party and the Young Nationals may open a bank account(s) in their respective names. All bank accounts so opened shall require at least two properly authorised signatories to operate such accounts and these accounts shall be subject to the audit requirements of the Party.
- 10.11 Any member, whether an office bearer or not, who receives a donation for State or Federal electoral purposes, shall furnish necessary details to the State Director to comply with the relevant state or federal act.

11. Altering this Constitution

- 11.1 The Party may only alter this Constitution in accordance with this clause. Any attempt to alter, modify or repeal this Constitution is of no effect until all of the requirements under this Clause 11 have been complied with.
- 11.2 Any Party Unit may submit a special motion and an explanatory memorandum of that motion to State Council for the amendment, addition or alteration to the Constitution. If the motion does not clearly express the proposed amendment, addition or alteration to the Constitution, State Council may reword the motion in conjunction with the Party Unit.
- 11.3 The Constitution or a provision of the Constitution may only be modified or repealed by Special Resolution at a State Conference.
- 11.4 Within one month of the passing of a Special Resolution, the State President shall lodge with the Commissioner all relevant documentation as required under Section 17 of the Act.

12. Changing the name or objectives of the Party

- 12.1 The name and/or objectives of the Party may only be changed in accordance with the Act.

13. How Meetings Can Be Held

- 13.1 Except for State Conference all Meetings required to be held by this Constitution can be held by Members meeting personally, or by electronic means such as teleconferencing and the like.

PART TWO – MEMBERSHIP

14. Classes of Membership

- 14.1 The Party shall consist of the following classes of Membership:

- 14.1.1 Ordinary Members;
- 14.1.2 Dual Members;
- 14.1.3 Honorary Life Members;
- 14.1.4 Perpetual Members;
- 14.1.5 Pensioner Members;
- 14.1.6 Supporter Members;
- 14.1.7 Affiliate Members;
- 14.1.8 Parliamentary Members; and,
- 14.1.9 Young Nationals.

15. Ordinary Member

- 15.1 Ordinary Members shall be those persons who have the prescribed qualifications and whose application to become an Ordinary Member has been approved pursuant to Clause 17 of this Constitution.
- 15.2 An Ordinary Member shall be both a Member of the Party and a Member of a Branch.
- 15.3 If a person ceases to be a Member of the Party that person shall simultaneously cease to be a Member of the Branch.
- 15.4 Where a Branch is dissolved in accordance with this Constitution, the financial Members of that Branch can have their membership transferred to another Branch of their choice.
- 15.5 An Ordinary Member shall not be an Ordinary member of more than one (1) Branch at any one time.

16. Eligibility of Ordinary Members

- 16.1 Membership of the Party is open to persons who:
- 16.1.1 have attained the age of 18 years;
 - 16.1.2 support the objectives and election platform of the Party;

- 16.1.3 have agreed to be bound by this Constitution and to become a member of a Branch;
- 16.1.4 have signed an application for membership;
- 16.1.5 have paid the Annual Membership Subscription; and
- 16.1.6 have not been previously expelled from the Party or if having been previously expelled from the Party, then their membership is subject to approval by a resolution of the State Conference.

17. Application for Ordinary Membership

- 17.1 An applicant wishing to be an Ordinary Member shall complete and sign such membership application form as is prescribed by State Council from time to time.
- 17.2 The applicant shall deliver the application form together with the Annual Membership Subscription to the State Director.
- 17.3 If the application is incomplete or defective in any material particular, State Director shall return it to the applicant for completion or amendment.
- 17.4 The State Director shall refer the completed membership application to the next State Council meeting for approval.
- 17.5 If an applicant has been previously expelled from the Party, the State Director shall refer the application directly to the next State Conference for its decision on the application. The decision of State Conference is final.
- 17.6 Subject to any decision of State Council pursuant to Clause 17.4, within fourteen (14) days of receiving a properly completed application form and the subscription monies the State Director shall:
 - 17.6.1 assign to the applicant a membership number and enter the applicant's details in the register kept pursuant to clauses 27.1 and 27.3;
 - 17.6.2 send notice of the application, including a copy of the application form and applicant's membership number, to the Branch nominated by the applicant or assigned by the State Director; and
 - 17.6.3 deposit all monies received with the application into the appropriate bank account.
- 17.7 If an applicant does not indicate a preference as to which Branch the applicant wishes to join, State Director shall assign the applicant to the Branch nearest to the Applicant's residential address.

18. Rights and Duties of Ordinary Members

- 18.1 From the date of acceptance of an Applicant's application for Ordinary Membership as provided in Clause 17 a Member shall, subject to this Constitution and so long as the person remains an Ordinary Member:

- 18.1.1 be an Ordinary Member of the Branch upon which the application was accepted or such other Branch as the person may from time to time transfer to in accordance with this Constitution;
 - 18.1.2 use the Member's best endeavours to actively promote the objectives of the Party as stated in Clause 6.
 - 18.1.3 be entitled to attend and vote at meetings of the Branch of which the person is an Ordinary Member;
 - 18.1.4 be entitled to be elected to any office or to any committee of the Branch of which he or she is a Member of in accordance with Clause 18.1.1 and the Party;
 - 18.1.5 be entitled to apply for selection as an endorsed party parliamentary candidate in accordance with Part 6 of this Constitution;
 - 18.1.6 be entitled to be nominated as a delegate to any other Party Unit in accordance with this constitution;
 - 18.1.7 be entitled to attend, speak and vote at State Convention; and
 - 18.1.8 adhere to and comply with this Constitution.
- 18.2 A financial member may transfer from one branch to another at their own request, by submitting the prescribed form to the State Director.

19. Dual Member

- 19.1 Payment of the Dual Membership fee shall entitle the member's spouse or nominee over the age of 18 years, residing with him/her, to full membership privileges.
- 19.2 Approval of an application for Dual membership will be subject to the same eligibility requirements and approval as an Ordinary Member.
- 19.3 A Dual Member has all of the same rights and duties as an Ordinary Member.

20. Honorary Life Member

- 20.1 Honorary Life Members are those Members who have rendered distinguished and exceptional service to the Party and who, on the recommendation of State Council, have been elected as a Life Member at a State Conference or Convention.
- 20.2 An Honorary Life Member shall, during their lifetime, unless they resign, enjoy all the privileges and rights of an ordinary member, shall be exempt from the payment of the Annual Membership Subscription but shall otherwise be subject to the provisions of this Constitution.
- 20.3 An Honorary Life member is entitled to nominate their spouse as a Dual Member, who also shall be exempt from the payment of the Annual Membership Subscription.
- 20.4 No more than two (2) Honorary Life Members may be elected in any one year.

21. Perpetual Member

- 21.1 Perpetual Members are those Members who have paid a sum equal to at least ten (10) times the Annual Membership Subscription.
- 21.2 A Perpetual Member has all the rights and privileges of an ordinary member, during their lifetime, unless they resign, and shall not be liable for payment of the Annual Membership Subscription but shall otherwise be subject to the provisions of this Constitution.

22. Pensioner Member

- 22.1 Any person over seventy (70) years of age or in receipt of a social security or service pension as acknowledged by State Council is entitled to apply to become a Pensioner Member.
- 22.2 Approval of an application for a Pensioner Member will be subject to the same eligibility requirements and approval as an Ordinary Member.
- 22.3 A Pensioner Member has all of the same rights and duties as an Ordinary Member.

23. Supporter Member

- 23.1 Supporter Members may participate in the activities of a Branch but have no voting entitlement and shall not be included in assessing the Branch's delegate entitlement to Constituent Bodies.
- 23.2 Approval of an application for a Supporter Member will be subject to the same eligibility requirements and approval as an Ordinary Member.

24. Affiliate Member

- 24.1 A supporting organisation may become an Affiliate Member by submitting such membership form as is from time to time prescribed by State Council.
- 24.2 Affiliate Members may participate in activities of a Branch but have no voting entitlement and shall not be included in assessing the Branch's delegate entitlement to any other Party Unit.
- 24.3 An Affiliate Member must be given a minimum fourteen (14) days' notice of any motion by State Council to withdraw affiliation. Such motion may be opposed by a representative of the Affiliate Member.

25. Parliamentary Member

- 25.1 Parliamentary Members are Members who are also elected Members of any one of the House of Representatives or the Senate of the Commonwealth Parliament or the Legislative Assembly or Legislative Council of State Parliament. A Parliamentary Member shall have all the rights and duties of an Ordinary Member.

26. Young Nationals Member

- 26.1 Any person over the age of 18 years, and who has not had their 32nd birthday is entitled to apply to become a Young Nationals Member.

26.2 Approval of an application for a Young National Member will be subject to the same eligibility requirements and approval as an Ordinary Member.

26.3 A Young Nationals Member has all of the same rights and duties as an Ordinary Member.

26.4 Upon their 32nd birthday a Young National's membership automatically converts to that of an Ordinary Member.

27. Register of Members

27.1 The Party shall keep in up to date condition a register of its Members in accordance with the Act.

27.2 The State Director shall be responsible for the upkeep and maintenance of the register of Members and in the absence of a duly appointed State Director, the State President shall be responsible.

27.3 The register of Members shall contain the member's name and postal and/or residential addresses and any office they may hold in the association.

27.4 Any request to view the register by a Member, shall be in writing and submitted to the State Director, showing the name and address of the Member making the request.

27.5 Upon the request of a Member to view the register the following provisions shall apply:

27.5.1 The name of the Member making such request shall be made known to the next meeting of State Council following such request.

27.5.2 The person making the register available needs to be satisfied that the person making the request is a Member of the Party and shall advise them of the possible harmful consequences of publicising information contained within the register.

27.6 State Director shall have the authority to provide the Leader of State Parliamentary Members with the names of Branch office bearers upon request by that Leader and to provide to Branch office bearers the names and details of their Branch Members.

28. Annual Membership Subscription

28.1 State Conference shall from time to time prescribe the Annual Membership Subscription applicable to:

28.1.1 Ordinary Members;

28.1.2 Ordinary Members who are enrolled students whether or not they are in receipt of an allowance or similar grants from the Commonwealth of Australia (to be known as a concessional membership fee); and

28.1.3 all other classes of membership prescribed by Clause 14.1 of this Constitution, provided that State Conference may differentiate between the Annual Membership Subscription payable by each class of membership;

and such prescribed Annual Membership Subscription shall come into effect on 1 July next following the passing of the resolution prescribing that Annual Membership Subscription.

- 28.2 Annual Membership Subscriptions shall be due and payable as they fall due..
- 28.3 A Member wishing to renew his or her membership from year to year must pay the Annual Membership Subscription to the Party and the member's renewal will commence as at the date the State Director records the receipt of the Annual Membership Subscription pursuant to Clause 28.4.
- 28.4 Within seven (7) days of the receipt of the Annual Membership Subscription the State Director shall:
 - 28.4.1 record the receipt of the subscription in the register of Members kept pursuant to clauses 27.1 and 27.3; and,
 - 28.4.2 send notice of the renewal to the Member's Branch.

29. Failure to Pay Annual Membership Subscription

- 29.1 Any Member who fails to pay requisite Annual Membership Subscription within six (6) months of the date upon which it becomes due and payable shall be and become an Unfinancial Member.
- 29.2 An Unfinancial Member shall not be entitled to:
 - 29.2.1 attend speak or vote at any meeting of the Party or any of its Constituent Bodies; or
 - 29.2.2 hold or to continue to hold any office of the Party or of any of its Constituent Bodies; or
 - 29.2.3 transfer his or her membership from one Branch to another.

30. Suspension of Members

- 30.1 Members may be suspended by the Branch, of which they are a member, or by State Council, if such member:
 - 30.1.1 acts in any way that is considered to be, either by their Branch or by the State Council, detrimental or prejudicial to the interests of the Party;
 - 30.1.2 works for or publicly supports any candidate for any election other than an endorsed National Party candidate, except for an electorate where no Party candidate has been endorsed; or
 - 30.1.3 announces themselves as a Party candidate for any election without having applied for and obtained the endorsement of the Party.
- 30.2 A minimum twenty one (21) days' notice of the intention to suspend a Member must be given in writing. Such notice shall advise the subject matter of the complaint, the date, time and the place at which the Branch or State Council will meet to deal with the matter.
- 30.3 Any Member to which notice under Clause 30.2 is given, is entitled to attend on the date, time and place to which the notice provides to be heard on the intention to suspend them.

- 30.4 The suspension of a Member by a Branch shall be immediately reported to State Executive. The suspension shall be effective unless by Resolution of State Council the suspension is set aside.
- 30.5 The effect of suspension of a Member is that the Member's rights, duties and privileges conferred or imposed by this Constitution are suspended until either the suspension is set aside by State Council, and where not so set aside, then as determined in accordance with Clause 32 of this Constitution.

31. Expulsion of Members

- 31.1 Any Member of the Party is automatically expelled from the Party if the Member stands for election, or announces his intention to stand for election, in opposition to any Party Member who has been endorsed in accordance with Part 6 of this Constitution.
- 31.2 If the suspension of a Member has not been set aside by State Council pursuant to Clause 30.4, the suspension is to be referred to the next State Conference as an agenda item by State Council.
- 31.3 A suspended Member whose expulsion is being considered at State Conference shall have the right to address in person, or by their representative, State Conference insofar as it relates to that issue.
- 31.4 A minimum twenty one (21) days' notice must be given to a Member whose suspension is to be considered at State Conference. Such notice shall advise the Member of the subject matter of the complaint, the date, time and the place at which State Conference will deal with the matter.
- 31.5 Any Member to whom notice has been given under Clause 30.2 is entitled to attend on the date, time and place specified to appeal against a decision to suspend. If the State Conference upholds the suspension by resolution of the majority present and voting, the member shall be deemed to be expelled from the Party, otherwise the suspension shall immediately cease.
- 31.6 The effect of expulsion of a Member is the immediate cessation of that Member's rights, duties and privileges under this Constitution.

32. Cessation of Membership

- 32.1 A Member shall cease to be a Member if the Member:
- 32.1.1 is expelled from the Party; or
 - 32.1.2 continues to be an Unfinancial Member for a period greater than six (6) months; or
 - 32.1.3 resigns from the Party by written notice to the Branch of which that person is a Member.

PART THREE – PARTY UNITS

33. Party Units General

- 33.1 The organisation of the Party shall comprise the Party Units as outlined in Clause 4.2
- 33.2 A Party Unit is to abide by the General Rules in Part 8, unless a clause specific to it is outlined in this section Part 3.

34. Party Unit - Branches

34.1 Function

Branches shall advance the interests of the Party in every possible way, consistent with the objectives and policies of the Party.

35. Formation and Composition

35.1 Branches of the Party, comprising not less than ten members, may be formed in any locality with the approval of State Council

35.2 A new Branch may be created:

35.2.1 in an area outside the Metropolitan Area, provided that the proposed Branch is more than ten (10) kilometres from the town centre of an active Branch in the same Legislative Assembly District; or

35.2.2 In any metropolitan Assembly Electoral District, no more than one Branch shall be formed until financial membership of the Party in such electoral District exceeds fifty. The formation of additional Branches in the District shall be conditional upon financial membership increasing in multiples of fifty.

35.3 At the first general meeting of a new Branch the State President or their nominee shall be Chairman of the first general meeting and shall conduct the election of office bearers of the New Branch.

35.4 The new Branch shall come into existence upon the completion of the election of office bearers.

36. Boundaries

36.1 State Council may prescribe, or from time to time, change, by its own motion or at the request of a Branch, the geographic boundaries of a Branch. No such change shall be effected until twenty eight (28) days following notice of such proposed change has been given to the Branch or Branches whose boundaries are to be changed. Within that period of twenty eight (28) days a Branch may notify the State Director that it objects to the change and the matter shall then be referred to State Council.

36.2 State Council may, with the approval of general meetings of the Branches affected, by Resolution amalgamate two (2) or more Branches into one (1) Branch upon such terms and conditions as State Council deems fit.

37. Powers

37.1 Subject to this Constitution and to any direction of State Council, each Branch shall manage its own internal affairs.

37.2 Without limiting the generality of the foregoing, the powers of a Branch shall be to:

37.2.1 Delegate authority to committees;

- 37.2.2 Submit motions for State Conference agenda;
- 37.2.3 Make and submit resolutions for submission to State Council or Assembly Electorate Council;
- 37.2.4 Elect delegates from its members to State Conference and Assembly Electorate Council.;
- 37.2.5 Suspend members in accordance with this Constitution;
- 37.2.6 Organise fund raising campaigns, mobilise support and undertake promotional work in their area;
- 37.2.7 Assist Young Nationals' Development programmes.

37.3 No Branch shall affiliate with any outside body without the consent of State Council.

38. Rules

- 38.1 State Council may prescribe model rules for the conduct and management of Branches and State Council may amend, vary or repeal all or any parts of such rules.
- 38.2 The rules for Branches as prescribed by State Council shall be in full force and effect in each Branch however on the request of any Branch State Council may, by Special Resolution, amend or vary those model rules as they apply to the Branch requesting the amendment or variation.

39. Office Bearers

- 39.1 The following office bearers shall be elected at the inaugural meeting of each branch and at the annual general meeting of each Branch thereafter:
 - 39.1.1 the President of the Branch;
 - 39.1.2 the Vice President of the Branch;
 - 39.1.3 the Secretary of the Branch;
 - 39.1.4 the Treasurer of the Branch: or
 - 39.1.5 a Secretary/Treasurer, if the branch decides to amalgamate the positions.
- 39.2 Office bearers will hold office until the next annual general meeting.

40. Branch delegate appointments

- 40.1 The following Branch delegates shall be elected at the inaugural meeting of each branch and at the annual general meeting of each Branch thereafter:
 - 40.1.1 one (1) Conference delegate to represent every twenty (20) Ordinary Members of the Branch or portion thereof, with a minimum of two; and

40.1.2 one (1) Assembly Electorate Council delegate to represent every twenty (20) Ordinary Members of the Branch or portion thereof, with a minimum of two;

40.2 Branch delegate entitlement to all meetings other than Annual State Conference shall be determined by the enrolled financial membership as at 30 days prior to the relevant meeting. Branch delegate entitlement to Annual General Conference shall be determined by enrolled financial membership as at the preceding June 30.

40.3 At a general Branch meeting, a Branch may elect delegates to serve on any Selection Committee as required.

40.4 Except for Honorary Life Members, a person shall not be elected to or hold any position as an Office Bearer or delegate in any Branch unless that person is a financial Member of that Branch or they have recently applied to become a Member of that Branch in accordance with this Constitution.

41. Vacancies

41.1 If for any reason a vacancy occurs in any elected office or delegate of the Branch, the vacancy may be filled by a meeting of the Branch Committee. An office bearer, or delegate, so appointed shall hold office until the next general meeting of the Branch where the appointment shall be confirmed, or if not so confirmed, an election shall be held to fill the vacancy.

42. Annual General Meeting

42.1 Each Branch shall hold an Annual General Meeting.

42.2 Such annual general meeting shall be called by the Branch President, or by 5 members of the Branch if one has not been called 8 weeks prior to the State Conference.

42.3 Each branch is required to give a minimum of 14 days' notice to all branch members when calling an Annual General Meeting.

42.4 Any Branch which has not held an annual general meeting for two (2) successive years is required to return all books and funds to State Council and shall be declared an 'inactive' Branch.

42.5 The order of business at an Annual General Meeting shall be:

42.5.1 Confirmation of minutes previous AGM;

42.5.2 Matters arising from minutes;

42.5.3 President's Report;

42.5.4 Treasurer's report;

42.5.5 Election of office bearers and delegates;

42.5.6 Election of branch committee members if required

42.5.7 Close.

42.6 Any other business should be transacted in a general meeting opened after the close of the Annual General Meeting

43. Other Branch Meetings

43.1 A general meeting of the branch may be called by the Branch President or a majority of the Branch Committee.

43.2 A general meeting of a Branch may be called at any time and reasonable effort must be made to give notice to all members

43.3 A committee meeting may be called by the Branch President, or by two other committee members at any time.

44. Quorum

44.1 At all meetings of a Branch (excluding Branch committee meetings) five (5) members of the Branch present, either in person, or via a teleconference link shall constitute a quorum.

44.2 A quorum for any committee of a branch shall be a majority of the members of the committee.

45. Branch Reports

45.1 The Secretary of a Branch shall, within fourteen (14) days of the holding of the inaugural of a the Branch and of each annual general meeting of the Branch, notify the State Director on the Prescribed Form, the names and addresses of all persons elected to any position (as officer, delegate or otherwise) and also shall, within fourteen (14) days, notify the State Director in writing of any alteration in the persons so elected.

45.2 The State Director shall forward that information to the President and Secretary of the Assembly Electorate Council in which the Branch is situated.

46. Finance

46.1 No Branch shall, except with the permission of the State Council use any of its funds for any purpose other than the promotion of the objectives and interest of the Party.

46.2 The State Council may from time to time grant to any Branch such sum or sums of money as it may think fit to enable the same to perform and carry out its functions and duties.

47. Dissolution

47.1 Should branch membership decline below seven financial members for a period of at least twelve months the branch may be dissolved at the discretion of State Council, provided the branch concerned agrees, and the remaining membership transferred to the nearest active branch.

47.2 A Branch shall have the right to be heard at State Council on any motion for the dissolution of that Branch.

47.3 Upon the dissolution of a Branch, State Council shall ensure that:

- 47.3.1 Any creditors of the Branch are paid;
- 47.3.2 the Branch accounts are closed and any remaining monies paid to the Party;
- 47.3.3 directions are made as to the transfer of Members of a dissolved Branch to other Branches;
and
- 47.3.4 all things necessary to wind up the affairs of the Branch are completed.

48. Disputes and Appeals

- 48.1.1 Any dispute between Members of a Branch pertaining to the affairs of the Branch shall be determined by the officer bearers of the Branch.
- 48.1.2 In the event of a dispute or difference arising in connection with the conduct or management of the affairs of a Branch, such dispute or difference shall be referred to the relevant Assembly Electoral Council, whose decision shall be final and conclusive. Pending the decision of Assembly Electorate Council upon any dispute under this clause, the regulations and decisions of the Branch shall be binding on all concerned.
- 48.1.3 An aggrieved Member wishing to appeal the decision of the Branch shall within 14 days of being notified of that decision notify in writing the Branch that the decision is to be appealed.
- 48.1.4 Upon receipt of a notice from an aggrieved Member that the Branch office bearers decision is to be appealed, the Branch shall include the appeal as an agenda item at the next Assembly Electoral Council.
- 48.1.5 If a Branch is not a member of an Assembly Electorate Council, the branch may refer the dispute or difference directly to State Council, with the appropriate notice as per the previous clauses.

49. Party Unit - Assembly Electorate Council (AEC)

49.1 Function

The functions of the Assembly Electorate Councils are to:

- 49.1.1 Pre-select candidates for Legislative Assembly Electorates
- 49.1.2 Provide support to their candidates and members of Parliament
- 49.1.3 To represent the concerns of their electorate to State Council, State Conference and their Members of Parliament.
- 49.1.4 Adjudicate regarding disputes in internal Branch matters.

50. Formation and composition

- 50.1 An Assembly Electorate Council may be formed within each Legislative Assembly District in the State which contains not less than three active branches of the party.
- 50.2 In the event of an Assembly District containing less than three active Branches, but having an aggregate total of at least fifteen members, State Council shall have the power to approve the formation of an Assembly Electorate Council.
- 50.3 Each Assembly Electorate Council shall represent those Branches whose boundaries are wholly or partly situate within the boundaries of each Legislative Assembly District.
- 50.4 State Council shall have the power by Special Resolution, where a geographic area of a Branch is covered by two (2) or more State Assembly Electorate Councils to determine what Assembly Electorate Council the Branch is to be within.
- 50.5 Delegates to Assembly Electorate Councils shall be elected by the active branches in the electorate.
- 50.6 All members of parliament whose electorate is wholly or partially within the boundaries of an Assembly Electorate Council are members of that Assembly Electorate Council and entitled to vote.

51. Powers

- 51.1 Subject to this Constitution the rules of the Assembly Electorate Council and to any direction of State Council each Assembly Electorate Council shall manage its own internal affairs.
- 51.2 Without limiting the generality of the foregoing, the powers of an Assembly Electorate Council formed under the previous section shall be to:
- 51.2.1 Delegate authority to committees;
 - 51.2.2 Submit motions for conference agenda;
 - 51.2.3 Make resolutions and submit them to State Council, State or Federal Parliamentary Party, or Parliamentary Members;
 - 51.2.4 Elect delegates from within its members to State Conference and State Council;
 - 51.2.5 Deal with resolutions submitted by constituent Branches;
 - 51.2.6 Pre-select Legislative Assembly Candidates in accordance with Part 6 of this Constitution;
 - 51.2.7 Organise fund raising campaigns, mobilise support and undertake promotional work in their Assembly Electorate Districts;
 - 51.2.8 Assist Young Nationals' Development programmes.

52. Rules

- 52.1 The Assembly Electoral Council is subject to this Constitution and any standing orders as in Part 8.

53. Office Bearers

53.1 The following office bearers shall be elected at the inaugural meeting of each Assembly Electorate Council and at the annual general meeting of each Assembly Electorate Council thereafter and to hold office until the next annual general meeting;

53.1.1 the President of the Assembly Electorate Council;

53.1.2 the Vice President of the Assembly Electorate Council;

53.1.3 the Secretary of the Assembly Electorate Council;

53.1.4 the Treasurer of the Assembly Electorate Council; or

53.1.5 a Secretary/Treasurer, if the Assembly Electoral Council decides to amalgamate the positions.

53.2 Upon election an Assembly Electorate Council President shall become ineligible to be a Branch delegate. All other office bearers shall be eligible to continue as delegates.

54. Assembly Electorate Council Delegate Appointments

54.1 An Assembly Electorate Council which has 3 or more active branches can elect at its Annual General Meeting four delegates to State Council and four delegates to State Conference being three members and one Young Nationals member, provided the Assembly Electorate Council has held appropriate elections and duly notified the Party of the results of the elections.

54.2 Where an Assembly Electorate Council has not held the required Annual Meeting to select its four delegates to State Council, State Council is empowered to appoint two delegates from within the Assembly District to serve on State Council for six months until a properly convened meeting of the Assembly Electorate Council is held.

54.3 An Assembly Electorate Council formed by State Council under Clause 50.2 can nominate to State Council and State Conference one delegate for every twenty, or portion of twenty, financial branch members, to a maximum of two delegates, and in addition one Young Nationals delegate. These delegates shall be endorsed by State Council for a period of twelve months.

55. Annual General Meeting

55.1 Each Assembly Electorate Council shall hold an annual general meeting.

55.2 The annual general meeting of each Assembly Electorate Council shall be called by the President or 3 members of the Council, providing that, if conflict should exist, the Council members shall prevail.

55.3 Any Assembly Electorate Council which has not held an Annual Meeting for two successive years is required to return all books and funds to State Council. and the council shall be declared inactive.

56. Other Meetings

56.1 Meetings of any Assembly Electorate Council shall be held as deemed necessary by each respective Council. A reasonable effort must be made to give notice to all active Branches within the Assembly Electorate Council and all persons entitled to attend and vote.

57. Special meetings

57.1 Special meetings of an Assembly Electorate Council may be called:

57.1.1 if, in the opinion of the President of that Council, the circumstances require such a meeting to be called, and a minimum four (4) days' notice of that meeting is given to every active Branch; or

57.1.2 on the request of five (5) or more delegates representing three (3) or more active Branches and the Secretary of that Council gives a minimum seven (7) days' notice of that meeting to every active Branch represented by that Council.

58. Quorum

58.1 A quorum for any Assembly Electorate Council is constituted when a majority of active Branches represented by that Council is present.

58.2 A branch is present when one or more delegates, or their proxy, representing that Branch attends in person or via teleconference link.

59. Proxies

59.1 Voting at Meetings of the State Assembly Electorate Council can be by way of proxy in accordance with Part 8.

60. Dissolution

60.1 Should there cease to be three active Branches or less than 15 Members when a State Assembly Electorate Council was formed with less than three active branches, the State Assembly Electorate Council may be dissolved at the discretion of State Council.

60.2 Upon the dissolution of a State Assembly Electorate Council the State Council shall ensure that:

- 60.2.1 any creditors of the State Assembly Electorate Council are paid;
- 60.2.2 the accounts of the State Assembly Electorate Council are closed and any remaining funds paid to the Party;
- 60.2.3 all things necessary are completed to finalise the affairs of the State Assembly Electorate Council.

61. Appeals and disputes

- 61.1 In the event of a dispute or difference arising in connection with the conduct or management of the affairs of an Assembly Electorate Council, such dispute or difference shall be referred to State Council, whose decision shall be final and conclusive. Pending the decision of State Council upon any dispute under this clause, any decision of the Assembly Electorate Council shall be binding on all concerned

62. Party Unit - State Conference

- 62.1 Function

State Conference is the supreme governing body of the Party. The functions of the State Conference are:

- 62.1.1 the election of the State President, the Deputy President and Conference Elected Delegates to the State Executive;
- 62.1.2 in the event that the State Council decides not to hold a State Convention, the State Conference shall determine the Party's policies;
- 62.1.3 deciding on any changes to the Constitution;
- 62.1.4 appointment of auditor; and
- 62.1.5 deal with any matters referred to it under this constitution.

63. Formation and membership

- 63.1 The following Members are entitled to attend, speak at, vote at State Conference and shall comprise the delegates of State Conference:
 - 63.1.1 delegates from branches and Assembly Electorate Councils appointed in accordance with this Constitution;
 - 63.1.2 members of State Executive;
 - 63.1.3 all Parliamentary Members;
 - 63.1.4 one (1) Metropolitan Branch Ordinary Member; and
 - 63.1.5 one (1) Metropolitan Branch Young Nationals Member.

64. Powers

- 64.1 State Conference is the supreme governing body of the Party. Conference shall debate and determine resolutions on the Conference agenda.
- 64.2 Subject to this Constitution, State Conference may delegate to State Council authority to deal with all or any matters.

65. Rules of State Conference

- 65.1 State Conference shall from time to time by Special Resolution prescribe rules relating to the conduct and management of State Conference including but not limited to:
 - 65.1.1 the keeping of proper registers of delegates;
 - 65.1.2 identification and qualification of delegates attending State Conference;
 - 65.1.3 standing orders and procedures at State Conference;
 - 65.1.4 the conduct of voting and ballots including the appointment of scrutineers.

66. Office bearers

- 66.1 The following office bearers shall be elected annually at State Conference:
 - 66.1.1 the State President;
 - 66.1.2 the Deputy President;
 - 66.1.3 2 conference elected male delegates to State Executive; and
 - 66.1.4 2 conference elected female delegates to State Executive.
- 66.2 State Conference has the authority to approve the elected Young Nationals' President being a member on State Executive.

67. State Conference Meeting

- 67.1 The State Conference, shall be held within four (4) months after the end of the Party's financial year.
- 67.2 State Council may, by Special Resolution and subject to the approval of the commissioner appointed to administer the Act, postpone holding State Conference to a date or dates within nine (9) months of the end of the Party's financial year:
 - 67.2.1 to facilitate the Party's ability to properly contest any election or by-election to be held in that year, or
 - 67.2.2 on the recommendation of the Federal or State Parliamentary Leader, to accommodate a political imperative that would make it inopportune to hold a State Conference within the time limit prescribed by clauses 67.1 and 67.2.

- 67.3 The order of business at an Annual General Conference shall be:
- 67.3.1 confirmation of minutes of the previous State Conference and any business arising;
 - 67.3.2 reports on the activities and operations of the Party during the preceding twelve (12) months, including the President's and Treasurer's Reports and any issues arising;
 - 67.3.3 the election of Office Bearers;
 - 67.3.4 appointment of an Auditor who shall hold a certificate from a recognized accounting institution;
 - 67.3.5 considering motions from Constituent Bodies regarding any special business of which notice has been given and requires deliberation by delegates only;
 - 67.3.6 approval (or not) as to whether to include proposed urgent motions on the agenda; and
 - 67.3.7 such other special business as the Conference shall permit.
- 67.4 If State Council has decided to hold a State Convention, immediately following the State Conference, the following agenda items shall be dealt with at State Convention, otherwise these items shall be included in the agenda for the State Conference.
- 67.4.1 ordinary motions as appears on the agenda, and
 - 67.4.2 urgent motions that are approved by State Conference.

68. Special State Conference

- 68.1 State Council shall, or at the written request of not less than 10 Branches who have so resolved at a special or general meeting of their Members, convene a Special State Conference. State Council has the discretion to convene a Special State Conference of its own volition as and when it deems fit.
- 68.2 Notice of such Special State Conference shall be given within (14) days, and the meeting held no more than fifty six (56) days, after receipt by the State President of such request.
- 68.3 If State Council fails to give notice of such Special State Conference within fourteen days of receipt of a valid requisition from not less than 10 Branches whose Members has so resolved, then a majority of the Branches making the request may themselves call a Special State Conference.
- 68.4 A Special State Conference shall be conducted and run as a State Conference.

69. State Convention

- 69.1 Function: The function of the State Convention is to allow the broader party membership to debate matters to do with party policy.
- 69.2 At a State Convention, all party members are equally entitled to debate policy items on the agenda.

69.3 Only delegates to State Conference can vote on constitutional changes, election of office bearers or matter that are specifically referred to State Conference.

70. Notice

70.1 Not less than twenty eight (28) days' notice of the business to be dealt with at a State Conference, or Special State Conference, shall be given to the Secretary of all Party Units.

70.2 Notice given pursuant to Clause 70.1 shall state the nature of the business to be dealt with at a Special State Conference. Only the business outlined in that notice shall be dealt with at a Special State Conference.

70.3 Not less than sixty three (63) days prior to the date of each State Conference, the State Director shall give notice in writing to all Constituent Bodies of the closing date for the receipt of motions to be considered for including in the State Conference agenda. That closing date shall be not less than thirty five (35) days prior to the date of State Conference.

71. Quorum

71.1 A quorum for any State Conference shall be twenty five (25) delegates or their proxies. If such quorum is not present within 30 minutes of the appointed commencement time, the Conference shall stand adjourned to such time as those present decide.

72. Voting on Motions

72.1 Subject to this Constitution, all Ordinary Motions of State Conference may be passed by a simple majority of all delegates entitled to vote. All motions at a Conference shall be determined by a show of hands but it shall be competent for any delegate, before the next business is called on, to demand a ballot and, if the demand is supported by 20% or more accredited delegates, the ballot shall be taken forthwith and shall determine the question.

73. Proxies

73.1 If any delegate of State Conference representing a Branch, the Young Nationals, an Assembly Electorate Council or the Metropolitan Branch is unable to attend State Conference, a proxy may attend as the representative of that delegate, provided such proxy shall be appointed in the manner prescribed in Part 8.

74. Finance Reporting

74.1 The Party shall submit to the State Conference the Party's accounts showing the financial position of the Party at the end of the immediately preceding financial year.

75. Appeals and disputes

75.1 The State Conference is the ultimate arbiter for any disputes or appeals within the Party.

76. Party Unit - State Council

76.1 Function

76.1.1 The State Council is responsible for the management of the party between State Conferences.

77. Formation and Membership

77.1 State Council shall consist of the following members:

77.1.1 the State President;

77.1.2 the Deputy President;

77.1.3 all Parliamentary Members;

77.1.4 the Young Nationals President;

77.1.5 the Honorary Treasurer;

77.1.6 the Corporate Director;

77.1.7 the Policy Director;

77.1.8 2 conference elected male delegates to State Executive

77.1.9 2 conference elected female delegates to State Executive

77.1.10 delegates from Assembly Electorate Councils appointed in accordance with this constitution

77.1.11 one (1) Metropolitan Branch Ordinary Member;

77.1.12 one (1) Metropolitan Branch Young Nationals' member.

77.2 The Members of State Council shall hold office until their successors are appointed.

77.3 Any member of State Council failing to attend three consecutive meetings without leave of absence shall cease to be a member.

77.4 Should any vacancy occur in the State Council from death, sickness, resignation or any other cause, the State Council shall take steps to ensure the vacancy is filled.

78. Powers

78.1 Subject to the directions of any State Conference, State Council shall have entire control of the activities and funds of the Party and, between Conferences, the interpretation of the Constitution, Rules, Objectives and Election Platform of the Party.

78.2 State Council shall decide each year whether it shall hold a State Conference which shall be followed immediately by a State Convention, or a State Conference only.

78.3 State Council shall be empowered to make interim arrangements to deal with matters about which this Constitution is not specific, or has become inappropriate through legislative change (eg: the

Electoral Act). State Council shall ensure that appropriate amendments to the Constitution are presented to the next Conference to rectify the reasons for such interim arrangements.

- 78.4 State Council shall have absolute discretion to delegate such powers and/or duties as it considers fit, to any component part of the organization, including committees.
- 78.5 The State Council shall appoint a State Director.
- 78.6 The State Council, in the discharge of its responsibilities of management of the Party, shall have power to appoint or remove on such terms and conditions and for such periods as it may, in its discretion, see fit, any employees, managers, management consultants, agents or other paid personnel provided that this power shall not extend to the appointment or removal of an Auditor.
- 78.7 State Council shall approve the remuneration of the Auditor.
- 78.8 State Council may, from time to time, make regulations and issue orders not inconsistent with this Constitution and such shall be binding on all members and officers of the Party. A copy of such regulations and/or orders shall be posted to each active Branch and to the State and Federal National Party Parliamentary Parties.
- 78.9 State Council shall consider all applications for endorsement as per Part 6 of this constitution.

79. Rules

- 79.1 State Council shall meet not less than four (4) times per year for ordinary meetings, not including State Conference.

80. Office Bearers

- 80.1 In addition to the office bearers elected at State Conference, State Council shall, at its first meeting following State Conference, elect:-
- 80.1.1 A member of the Party as Honorary Treasurer. The Treasurer's role shall be the general supervision of the funds of the Party.
- 80.1.2 A member of the Party as Corporate Director. The Corporate Director shall have the responsibility for the raising of funds for the Party.
- 80.1.3 A member of the Party as Director of Policy.
- 80.2 The Treasurer, Corporate Director and Director of Policy shall hold office until the elections for their respective positions at the first State Council Meeting after Annual General Conference.

81. Meetings

- 81.1 Ordinary meetings of State Council may be called at any time by the President, or ten members of State Council, petitioning the State Director for such a meeting.
- 81.2 A minimum of 14 days' notice is required for an ordinary State Council meeting.

81.3 An urgent meeting of State Council may be called at any time by the President, or ten members of State Council, petitioning the State Director for such meeting. Not less than four days' notice shall be given of such meeting by letter, telephone, electronic means or hand, to every member of State Council stating the nature of the business to be considered. The decisions of an urgent meeting shall be binding on all members of the Party.

82. Quorum

82.1 One third of the members of State Council plus one (1) constitutes a quorum for any State Council meeting.

83. Proxies

83.1 If any Member of State Council representing the Metropolitan Branch, or a delegate from an Assembly Electorate Council that is unable to attend a State Council meeting a proxy may attend as the representative of that Member, provided such proxy shall be appointed in the manner prescribed in this constitution.

84. Accounting and finance

84.1 The funds of the Party shall be paid into a bank account(s) and such account(s) may be operated as State Council shall determine.

84.2 State Council shall authorise a budget annually, for the operation of the Party. All sums of money for payment, as approved under the budget, may be made by cheque or electronic means. Any payment must be authorised in writing by any two of the following:- State President, Deputy State President, Treasurer, State Director.

85. Party Unit - State Executive

85.1 Function

State Executive shall be a standing committee of State Council and shall always be directed by, and responsible to, State Council and between State Councils shall administer the activities of the Party.

86. Formation and Membership

86.1 The State Executive shall comprise:

86.1.1 the State President;

86.1.2 the Deputy President;

86.1.3 the State Parliamentary Leader or their parliamentary nominee;

86.1.4 the State Parliamentary Leader of the Legislative Council or their parliamentary nominee;

86.1.5 the Treasurer;

86.1.6 the Policy Director;

- 86.1.7 the Corporate Director;
- 86.1.8 2 conference elected male delegates;
- 86.1.9 2 conference elected female delegates;
- 86.1.10 the Young Nationals' President.

- 86.2 The parliamentary nominee is the parliamentarian that the Party Leader of either house of the Western Australian parliament nominates to be their representative on State Executive. That nominee shall then be a member of State Executive and the relevant Parliamentary Leader shall cease to be a member of State Executive.
- 86.3 If the relevant Parliamentary Leader receives approval from the State Council to nominate himself or another Party Parliamentarian from the appropriate house onto the State Executive, then the former parliamentary nominee shall cease to be a member of State Executive.

87. Powers

- 87.1 Subject to the direction of any resolutions passed at a State Conference or by State Council the State Executive shall administer the affairs of the Party.
- 87.2 State Executive shall only be empowered to decide matters requiring routine determination under this Constitution where time does not permit the State Council to make the necessary decisions itself. Decisions of State Executive so taken shall be valid and remain in force unless determined otherwise by State Council at the meeting to which the decision is reported.
- 87.3 Where the time in which a matter that relates to the governance of the Party is to be dealt with does not permit a meeting of State Council to be convened to deal with the matter, then the State Executive can deal with the matter by resolution, which decision shall be valid and remain in force unless determined otherwise by State Council at its next meeting.
- 87.4 State Executive may from time to time appoint sub-committees for such special purposes as shall be specified at the time of appointment of the sub-committee provided that each such sub-committee shall cease to exist at the commencement of the State Executive Meeting occurring next after the State Conference.
- 87.5 The Chairman of each sub-committee shall be a member of State Executive but other members of the sub-committee may be either members or non-members of the State Executive.
- 87.6 The State Executive shall at next ordinary meeting of State Council fully report to State Council on the activities of the State Executive in such form and in such manner as State Council shall from time to time require.

88. Meetings

- 88.1 The State Executive shall meet at least monthly and 7 days' notice shall be given for all ordinary meetings.

88.2 The State President may convene a special meeting of the State Executive at any time on the giving of 24 hours' notice.

89. Quorum

89.1 A quorum for meetings of State Executive shall be a majority of members.

90. Proxies

90.1 There are no proxy entitlements for State Executive members.

91. Financial Reporting

91.1 State Executive shall table financial records of the Party at each ordinary State Council meeting.

PART FOUR – PARTY OFFICERS

92. President, Deputy President, and Delegates to State Executive

92.1 There shall be a separate ballot at State Conference for the following:

92.1.1 the State President of the Party; and

92.1.2 the Deputy President of the Party.

92.2 Voting for the positions of President, Deputy President, and the Conference elected male and female delegates to the State Executive shall be in accordance with Part 8.

92.3 If any of the positions elected at State Conference become vacant from any cause whatsoever State Council shall elect Members as required to act in those vacant positions until the next State Conference.

93. Rules

93.1 State Council shall from time to time prescribe rules relating to the duties, responsibilities and entitlements of each of the State President, the Deputy President and the Honorary Treasurer.

94. Appointment of State Director

94.1 State Council may appoint a State Director for such term, such salary and on such terms and conditions as the State Council sees fit. State Council shall have the right to terminate the services of the State Director.

95. Responsibilities

95.1 Unless otherwise provided in this Constitution the State Director shall be responsible to and be subject to the direction and control of the State Executive.

95.2 The State Director may be a non-voting member of any *ad hoc* committee formed by the Party, either by appointment or invitation.

PART FIVE – STATE PARLIAMENTARY REPRESENTATION

96. General

96.1 Members of the Party who are elected members of State Parliament shall operate collectively as the Parliamentary National Party.

97. Election of State Parliamentary Officers

97.1 Immediately after each general election, and at such other times as the majority of State Parliamentary Members may determine, State Parliamentary Members shall, upon due notice, meet to elect a Leader, Deputy Leader, Leader in the Legislative Council and Secretary.

98. Working Relationship of Parliamentary Members and the Party

98.1 It shall be the duty of the respective State Parliamentary Members and the Party to keep one another informed on all political matters and to co-operate closely. There shall be regular meetings between the respective State Parliamentary Leaders and the State President.

99. Powers and Functions of State Parliamentary Members

99.1 State Parliamentary Members may appoint sub-committees and make such rules as they deem necessary for the proper conduct and management of their affairs.

99.2 State Parliamentary Members shall endeavour to secure the adoption of the Objectives of the Party and Party Policies.

99.3 No State Parliamentary Member shall oppose or decline to support any motion or Parliamentary Bill aimed at pursuing the Objectives of the Party. Any Parliamentary Member offending this rule shall be liable to suspension and expulsion from the Party.

100. Coalition Government or alliance

100.1 No decision to enter into a Coalition Government or alliance shall be made except at a Special Meeting of State Council as prescribed hereunder.

100.2 Prior to any State General Election the State President shall call a special meeting of State Council which shall determine what planks of the Election Platform (if any) it regards as of urgency at that time. The Leader of the Parliamentary National Party shall be advised, in writing, of the decision of the meeting and such matters shall be incorporated into the policy speech presented by the Leader at the subsequent election.

100.3 The planks of the Election Platform regarded as urgent by the special meeting shall form the basis of any policy negotiations between the Leader of the Parliamentary National Party and the Leader of any other Party for the formation of a Coalition Government or alliance.

100.4 If details regarding coalition have not been finalised prior to any State General Election, the result of which makes a Coalition Government or alliance possible, a Special Meeting shall be held to decide whether or not the National Party shall combine with some other Party to form a Government. The

question shall be decided in the affirmative if one more than half of those present and entitled to vote are in favour.

100.4.1 If a resolution in favour of the formation of such a composite Government is not carried as aforesaid, no member of the National Party shall take part in any such composite Government.

100.4.2 If the formation of such a composite Government is agreed to, the Leader of the Parliamentary National Party shall make the necessary arrangements with the Leader of the other Party and, as soon as such arrangements are completed, shall report fully on the same, in writing, to the State Council.

100.5 In the event of a change of Government brought about by a by-election or other extraordinary cause, the Clause 100.3 shall apply.

100.6 No decision to withdraw from a Coalition Government or alliance shall be made except by a majority decision of a Special Meeting of State Council called specifically to consider such withdrawal.

101. Coalition in Opposition

101.1 No decision to enter or withdraw from a coalition in opposition shall be made except by a majority decision of a Special Meeting of State Council called specifically to consider such entry or withdrawal.

102. Federal Parliamentary Representation

102.1 The National Party of Australia (WA) shall be affiliated with the National Party of Australia unless and until such affiliation is terminated by a majority decision of a State Conference.

102.2 While such affiliation exists, the Party shall seek to implement items of Federal policy through the Federal Parliamentary Party or the Federal Council of the National Party of Australia.

102.3 In the event of the National Party of Australia (WA) ceasing to be affiliated with the National Party of Australia, State Council shall draft rules for the guidance of West Australian Federal Parliamentary Members in conjunction with such members. Such rules will be confirmed at the next State Conference of the Party.

PART SIX – SELECTION & ENDORSEMENT OF CANDIDATES

103. Introduction

103.1 The State Council shall have sole authority to determine, from time to time, the Legislative Assembly seats to be contested by the Party at any state election.

103.2 The State Council shall have sole authority to determine, from time to time, which Legislative Council Regions are to be contested by the Party at any state election and how many candidates will be endorsed for each region.

103.3 The State Council shall have sole authority to determine, from time to time, which House of Representative seats are to be contested by the Party at any federal election.

103.4 The State Council shall have sole authority to determine, from time to time, the number of candidates to stand for the Party in any federal election for the Senate.

103.5 The State Council shall have the absolute power to complete and announce all candidate endorsements for the Party for state and federal elections.

104. Calling of Applications

104.1 The State Council shall have sole authority to call for applications from persons seeking the endorsement of the Party to contest any state or federal elections, and fix the Closing Date within which such applications will be received.

104.2 Applications shall be advertised by such means as shall be deemed necessary by State Council. The Secretaries of the relevant Assembly Electorate Councils and Branches concerned shall be notified that applications have been called.

104.3 State Council may authorise a duly appointed committee or office-bearer to seek suitable applicants for endorsement.

104.4 State Council may at any time extend the Closing Date within which applications may be received whether or not the original closing date for the receipt of applications has passed.

104.5 Every member seeking endorsement as a candidate for the Party shall, in writing, undertake absolutely to adhere to the National Party Constitution, Rules, Objectives and Election Platform then existing and established for the life of the Parliament to which they seek election.

104.6 State Council shall prescribe the form of application and such application shall include provision for such promises, undertakings, indemnities and other obligations financial and otherwise as State Council shall see fit.

104.7 Any member eligible and wishing to contest an electorate in respect of which applications for nomination have been called shall use the prescribed form.

104.8 All applications shall be lodged with the State Director prior to the closure date or such extended time as State Council may approve and shall be accompanied by a non-refundable nomination fee of such amount as prescribed by State Council.

105. Procedures on Receipt of Applications

105.1 Upon receipt of each nomination form the State Director shall examine each application and either accept that the application has been correctly filled out or refer the application to the State Executive if the State Director is of the opinion the application is incomplete or defective.

105.2 The State Director shall refer all valid applications for endorsement as a candidate for a Legislative Assembly District to the relevant Assembly Electorate Council, and any relevant branches.

106. Enquiry & Verification

106.1 State Council may authorise a duly appointed committee to investigate applicants for endorsement as candidates.

- 106.2 The Chairman of the committee appointed to investigate applications for endorsement shall report the result of their enquiries to the State President.
- 106.3 If there is a deleterious finding against an applicant, the State President shall advise the applicant of the findings prior to any Selection Meeting. The State President will then advise the relevant party unit responsible for holding the selection meeting of the results of the report.
- 106.4 The State President shall report the findings to State Council immediately prior to any selection process, providing those candidates are still standing for pre-selection.

107. Legislative Assembly Selection Meeting

- 107.1 A Legislative Assembly Selection Meeting shall be held within each Legislative Assembly District by each Assembly Electorate Council formed under Clause 50.1 for the sole purpose of pre-selecting a candidate or candidates for a Legislative Assembly Electorate Election or to fill a Legislative Assembly candidate vacancy.
- 107.2 In circumstances where an Assembly Electorate Council has been formed under Clause 50.2, State Council shall be the party unit that conducts the Legislative Assembly Selection Meeting.

- 107.2.1 Under these circumstances constitutional Branches within these Assembly Districts shall be encouraged to hold a Branch Nominee Presentation Meeting. The branches may or may not recommend a preferred candidate, or candidates, to State Council for its consideration.
- 107.2.2 In the case that a branch considers and resolves a formal resolution regarding their preferred candidate or candidates, the secretary of the Branch shall immediately advise the State Director of the name(s) of the recommended applicants.

- 107.3 The Legislative Assembly Selection Meeting shall be held as required giving not less than thirty (30) days' notice of any proposed meeting.
- 107.4 In order to be eligible to vote at a Legislative Assembly Selection Meeting, a delegate must have been a Member of an associated Branch of that Assembly Electorate Council for not less than six (6) months before the Opening Date for nominations for that Legislative Assembly seat.
- 107.5 In order to be eligible to vote at a Branch Nominee Presentation Meeting, the branch member must have been a Member of the Branch for no less than six (6) months before the Opening Date for nominations for that Legislative Assembly seat.

108. Candidate Selection

- 108.1 At Selection Meetings, applicants for endorsement shall make their presentations in alphabetical order.
- 108.2 Selection shall be made by the exhaustive ballot system, if more than one applicant. The procedure for an exhaustive ballot is that each Branch Delegate writes the name of one applicant on the ballot

paper and, if any applicant secures a majority of the votes, that applicant is chosen for endorsement by State Council. If no candidate has a majority, the applicant with the lowest number of votes is eliminated and another ballot taken. The procedure is repeated until one applicant secures a majority.

- 108.3 If a tied vote results at the conclusion of a Selection Meeting, delegates shall be asked to vote again. If a tied vote still results, all applicants' names involved in the tied vote shall be forwarded to State Council to determine the final endorsement.
- 108.4 The meeting may recommend to State Council that none of the applicants be endorsed.
- 108.5 Following a Legislative Assembly Selection Meeting, the Secretary of the relevant Assembly Electorate Council shall immediately advise the State Director of the name(s) of the recommended applicants.
- 108.6 Except with the special permission of State Council, no applicant shall be endorsed unless that applicant has been a member of the Party for a period of at least one year.
- 108.7 State Council shall consider the Legislative Assembly Selection Meeting recommendation from the relevant Assembly Electorate Councils.

109. Confidentiality of Candidate

- 109.1 Any candidate for endorsement may request that their application remain confidential, until the relevant selection committee meeting commences.

110. Cancellation of Endorsement

- 110.1 State Council may at any time cancel the endorsement of any candidate without necessarily giving any reason to the candidate and call for fresh nominations. If time does not permit the calling of fresh nominations, State Council may endorse, any other person, or persons, in lieu of the candidate whose endorsement has so been cancelled.

PART SEVEN – YOUNG NATIONALS

111. General

- 111.1 Members of the Party who are defined as Young Nationals as per Part 2 of this constitution may operate collectively as the Young Nationals.
- 111.2 The Young Nationals are not defined as a separate Party Unit within this constitution.

112. Powers and Functions of Young Nationals

- 112.1 Subject to this Constitution and to any direction of State Council, the Young Nationals shall manage their own internal affairs.
- 112.2 Without limiting the generality of the foregoing, the powers of the Young Nationals shall be to:

- 112.2.1 Submit motions to State Conference and State Convention;

112.2.2 provide delegate representation from party units as defined elsewhere in this constitution;

112.2.3 Organise fund raising campaigns, mobilize support and undertake promotional work for the Party; and,

112.2.4 Organise meetings and occasions for its members to promote fellowship.

113. Rules

113.1 State Council may prescribe model rules for the conduct and management of the Young Nationals and State Council may amend, vary or repeal all or any parts of such rules.

114. Officer Bearers

114.1 The following office bearers shall be elected at the annual general meeting of the Young Nationals:

114.1.1 the President of the Young Nationals;

114.1.2 the Vice President of the Young Nationals;

114.1.3 the Secretary of the Young Nationals;

114.1.4 the Treasurer of the Young Nationals:

114.1.5 or a Secretary/Treasurer, if the Young Nationals decide to amalgamate the positions.

114.2 Office bearers shall hold office until the next annual general meeting.

114.3 Any casual vacancies in the Office Bearer positions may be filled at the next properly convened meeting.

114.4 The President of the Young Nationals shall be a member of the State Executive (and hence State Council) once approved by State Conference.

115. Annual General Meeting

115.1 The Young Nationals shall hold an Annual General Meeting within 28 days before State Conference.

115.2 Such annual general meeting shall be called by the Young Nationals President, or by 5 members of the Young Nationals by giving 14 days notice to all Young Nationals members.

115.3 If the Young Nationals have not held an annual general meeting for two (2) successive years they are required to return all books and funds to State Council and shall be declared 'inactive'.

115.4 The order of business at an Annual General Meeting shall be:

115.4.1 Confirmation of the minutes of the previous AGM;

115.4.2 Matters arising from the minutes;

115.4.3 President's Report;

115.4.4 Treasurer's report;

115.4.5 Election of office bearers;

115.4.6 Election of Young Nationals Committee members if required

115.4.7 Close.

115.5 Any other business should be transacted in a general meeting opened after the close of the Annual General Meeting.

115.6 The Young Nationals Committee will consist of the Office Bearers and any other members that have been elected at the discretion of the Annual General Meeting.

116. Other Meetings

116.1 A general meeting of the Young Nationals may be called by the President of the Young Nationals or by a majority of the Young Nationals Committee.

116.2 A general meeting of a Young Nationals may be called at any time and reasonable effort must be made to give notice to all members.

117. Quorum

117.1 At all meetings of the Young Nationals (excluding Young Nationals committee meetings) five (5) members of the Young Nationals present, either in person, or via a teleconference link shall constitute a quorum.

117.2 A quorum for any committee of the Young Nationals shall be a majority of the members of that committee.

118. Young Nationals Reports

118.1 The Secretary of the Young Nationals shall, within fourteen (14) days of the holding of each Annual General Meeting of the Young Nationals, notify the State Director of the names and addresses of all persons elected to any position (as officer, delegate or otherwise).

118.2 The Secretary of the Young Nationals shall, within fourteen (14) days, notify the State Director in writing of any alteration in the persons so elected.

119. Finance

119.1 The Young Nationals shall not, except with the permission of the State Council, use any of its funds for any purpose other than those listed in this constitution.

119.2 The State Council may from time to time grant to the Young Nationals such sum or sums of money as it may think fit to enable the same to perform and carry out its activities.

PART EIGHT – General Rules

120. General Rules of Debate

- 120.1 Debate shall proceed only by way of members speaking for or against motions put one at a time to the Chairman of the meeting.
- 120.2 Any member desiring to speak shall stand up, if able, and, on the Chairman's call, address the Chairman respectfully.
- 120.3 Whenever the Chairman rises during a debate, any member then speaking, shall sit down.
- 120.4 A Chairperson wishing to enter the debate on a substantive motion shall have an appropriate person occupy the chair for the duration of debate on that motion.
- 120.5 A motion for discussion shall be introduced to the meeting by the mover of the motion who shall state the motion and shall have the right to explain the motion before the Chairman calls for another member to second the motion. A motion that does not have the support of a seconder shall lapse without further discussion and the meeting shall move on to its next item of business.
- 120.6 Once having been moved and seconded, a motion belongs to the meeting and may only be withdrawn if there is no objection from any member at the meeting.
- 120.7 The mover of a motion shall not speak for more than three (3) minutes, nor any other speaker speak for more than two minutes on that motion. The meeting may, by resolution without debate, grant an extension of time to any speaker.
- 120.8 Each member may speak only once to each new matter but may raise points of order and may, by leave, ask and answer questions and give explanations.
- 120.9 A member who moved the original motion shall have a right of reply. This right of reply may be exercised only once and then only at the end of the debate on an amendment or immediately before the original or substantive motion is put to the meeting, or it may be exercised after the formal motion - 'That the question be now put' - has been carried by the meeting.
- 120.10 The Chairperson may seek the agreement of the meeting that a complex or composite motion be debated in the form of separate motions or suggest that it be considered in "committee"
- 120.11 When a motion is passed for a meeting to go into "committee", there is discussion about the subject without formal meeting procedure. Members can discuss amongst themselves the merits or otherwise of the motion. A motion needs to be passed for the Meeting to come out of "committee" to again address the motion according to formal procedure.
- 120.12 No speaker shall digress from the subject under discussion, and, after due warning, the Chairperson may rule that the speaker be no longer heard. Imputations of improper motives, all personal reflections on members and the use of offensive or unbecoming words, shall be deemed "disorderly" and after due warning, the Chairperson may rule that the speaker be no longer heard.
- 120.13 No member shall interrupt another while speaking, except to raise a point of order, or to move the formal motion - 'That the speaker be no longer heard'.

- 120.14 Any member may raise a point of order during the debate, and the member then speaking shall sit down until the point of order has been decided. The member rising to a point of order shall state concisely the point of order and the Chairperson, without further discussion, shall give a ruling which shall be final unless a motion of dissent is carried by the meeting.
- 120.15 Any member may move a motion of dissent from the Chairperson's ruling and, after being seconded, shall concisely state the reason. Only the mover and the Chairperson may speak to the motion which shall then be put to the meeting by the Chairperson.
- 120.16 At any time during the debate, after a person has finished speaking, any member may, without notice, move an amendment, a variation in standing orders, a motion for the meeting to go into "committee" or any usually accepted formal procedural motion and that motion shall be considered and decided as an intervening separate question. The motion shall be seconded and, if formal, shall be put to the meeting without debate.
- 120.17 An amendment may be moved on any motion. The Chairperson shall refuse to receive any amendment which is a direct negative or which does not preserve the substance and intent of the original motion. The amendments shall be decided one at a time. After debate, the Chairperson shall put the amendment to the meeting and, if carried, it shall supersede and embody the original or earlier substantive motion to become the substantive motion being decided by the meeting. When an amendment has been decided, further amendments may be moved which, if carried, shall, in turn, produce new substantive motions. These substantive motions may be further debated and then resolved.
- 120.18 A member who has spoken to the original motion or an earlier amendment before the introduction of the amendment under consideration may speak to the amendment provided the speech is restricted to that amendment. The mover of the original motion is entitled to speak to any amendment but has no special status.
- 120.19 If a formal or procedural motion calling for the adjournment of the debate is resolved in the negative, the mover shall be allowed to speak again on the question under debate. If the motion is resolved in the affirmative, the mover shall have the right of resuming the debate at the ensuing meeting. No member shall move at the end of his speech a formal or procedural motion, the effect of which is to restrict debate.
- 120.20 If the formal motion - 'That the question be put' is moved and carried, any right of reply shall be given and the question shall be put to the vote.
- 120.21 After a substantive motion or amendment has been moved and seconded, speakers shall normally be taken, in order, negative and affirmative. However, at the discretion of the Chairperson, up to three consecutive speakers in either the affirmative or negative may be heard. The mover of the original motion, having exercised the right of reply in consideration of the substantive motion, shall close the debate.
- 120.22 Unless this Constitution otherwise provides, a motion shall become a resolution of a meeting after a simple majority of those voting, and entitled to vote, have indicated by a show of hands they are in favour of the motion. If at least 20% of those present and entitled to vote demand a ballot to decide a resolution, a ballot shall be held. In the event of a tied vote, the status quo shall remain.

120.23 Any objection to the validity of any vote must be made and decided before proceeding to the next business.

120.24 Debating procedures not covered by these rules shall be determined by State Council. Until a determination is made, the practice of the Parliament of Western Australia shall be followed.

121. Meeting and accounting recording keeping

121.1 Minutes shall be kept by all Party Units for all their meetings and committee meetings, and must be ratified at the next meeting of that Party Unit.

121.2 Each Party Unit shall keep or cause to be kept full and accurate records relating to all monies held, received or expended by the Party Unit, and provide financial reports as required.

122. Voting

122.1 Notwithstanding anything otherwise provided in this Constitution no Member, delegate, proxy delegate or office-bearer whether acting personally or in some other capacity shall be entitled to cast more than one (1) vote in respect of any motion proposed, or any ballot, poll or election conducted, at any conference or meeting of any Party Unit.

122.2 Parliamentary Members of the Party representing all or part of the area covered by the Electoral District shall be entitled to vote.

122.3 At meetings of Party Units the Chairman shall have a deliberative vote only. In the event of an equality of votes the status quo shall remain.

123. Rescinding motions

123.1 A substantive motion that has become a resolution of a meeting of any unit of the Party may be rescinded only in one of the following ways, with the proviso that the resolution has not been acted upon:

123.1.1 By a motion on at least seven (7) days' notice to a subsequent meeting of the same unit, and a majority vote to rescind at that meeting.

123.1.2 Where it can be shown the resolution is in breach of the law or the Constitution and Rules of the Party, the meeting can vote to declare the resolution null and void.

123.1.3 When a majority of at least four-fifths of a meeting vote to rescind a previous resolution of the same meeting.

123.2 Notwithstanding this clause, a substantive motion carried at a State Conference supersedes any substantive motion on the same subject carried at a previous State Conference.

124. Rules of Proxies

124.1 State Council may make such rules as it thinks fit in relation to the appointment of proxies in circumstances other than those set out in this clause.

- 124.2 Where any Member is unable to attend any Meeting in person to which voting by a proxy is permitted under this Constitution, that Member shall be entitled to appoint a proxy to attend and vote at the Meeting in that Member's place.
- 124.3 Any Member is eligible to be appointed to be proxy for and to attend and vote in place of an absent delegate.
- 124.4 A delegate to State Conference cannot also act as proxy for an absent delegate.
- 124.5 There are no proxy entitlements for any branch members or office bearers at Branch meetings.
- 124.6 Members of Parliament, conference elected officials, plus the Treasurer, the Corporate Director and the Director of Policy, have no proxy entitlement.
- 124.7 State Council delegates from Assembly Electorate Councils have proxy entitlement when sitting at State Council but do not have proxy entitlement when sitting at meetings of their originating councils.
- 124.8 Appointees to the committees of any Party Unit have no entitlement to proxy representation unless the relevant unit expressly authorises such entitlement.
- 124.9 In the case of a Legislative Assembly Selection Meeting, a Branch Delegate may not appoint a proxy to attend if the Branch Delegate's spouse or *de facto* spouse, is an applicant for endorsement. For the purpose of making an appointment in those circumstances, such Branch Delegate shall be deemed to be not to be in attendance and unable to vote.
- 124.10 A Member shall not at any time act as a proxy for the delegates of more than one Party Unit.
- 124.11 For the avoidance of doubt, in the event of a delegate from one Party Unit to another Party Unit (e.g. Branch to Conference, or Assembly Electorate Council to State Council) being unable to attend the relevant meeting, he may be represented by a proxy who shall be a financial member of the Party and a member of the same Party Unit (e.g. in the case of a Branch delegate a member of the same Branch).
- 124.12 The appointment of a proxy pursuant to this clause shall be made by the Member or, failing that, by the most senior available office bearer of the Unit of the Party the Member represents.
- 124.13 All appointments of proxies shall be in writing and signed by the delegate who is to be represented, or the officer bearer making the appointment and bear the date of the appointment and shall otherwise include such information and be in such form as may be prescribed by State Council.

125. Rules for election of Office Bearers

- 125.1 If there is more than one nominee for any office bearer's position of a Party unit, a ballot shall be held. The ballot for a single vacancy shall be by preferential voting where there is more than one nominee for the vacant position. The ballot for multiple positions shall be by the Borda's method which involves counting the numbers against each nominees name and the nominee with the lowest totals shall be elected. Where there is a tied result a count back of first and/or subsequent preference votes shall be undertaken.

125.2 In the event of a tied vote that cannot be separated by a count back for any elective office-bearer position in any unit of the Party, a second ballot shall be held. If a tied vote still results, the matter shall be decided by the drawing of lots.

125.3 Nominees' names shall be listed in alphabetical order.

125.4 In voting, all Nominees shall be numbered in order of preference.

126. Appointing a meeting chair

126.1 The President of any unit will normally be the Chairman of any meeting of that unit. In the absence of the President, his Deputy or a Vice-President shall act as Chairman. In the absence of the President and Vice-President(s), the relevant meeting or Conference shall elect one of their number to act as Chairman.

127. Time Limitation on Lodging Appeal

127.1 Subject to this Constitution, an appeal on any matter including but not limited to appeals against the validity or not of the meetings of Party Units or the validity of the election of office bearers (including delegates), must be lodged with the State Director within ten (10) days of the date of the meeting or event.

128. Common Seal & Execution of Documents

128.1 The Act provides that a common seal is only required for contracts which, if made between natural persons, would be required to be made in writing and under seal. In Western Australia, it is not necessary to seal any contract made between natural persons. On this basis, it is not necessary for an incorporated association to use a common seal to execute contracts in this State.

128.2 The Common Seal of the Party shall be kept in the custody of the State Executive and shall not be used except by the authority of the State Council.

128.3 The Party may execute a document, under authority of the State Council, if the seal is fixed to the document and the fixing of the seal is witnessed by:

128.3.1 the State Director and the State Treasurer; or

128.3.2 any two (2) members of the State Executive.

128.4 A record of all use of the Common Seal shall be kept.

129. Notices

129.1 All notices required to be sent or given to Members and/or Party Units are to be in writing, unless otherwise stated in this Constitution.

129.2 A Written Notice may be served on or given to a person or Party Unit:

129.2.1 by delivering it to the person personally, delivering it to the President of the Party Unit; or

129.2.2 by sending it by pre-paid post to the address of the person, the President of the Party Unit;
or

129.2.3 by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving on them notices under this Constitution.

129.3 Unless otherwise provided in this Constitution, any Party Unit may nominate which of the above methods Notices may be served.

129.4 For the purpose of this Constitution, a Notice is taken, unless the contrary is proved, to have been given or served:

129.4.1 in the case of a notice given or served personally, on the date on which it is received by the addressee; and

129.4.2 in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post; and

129.4.3 in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

130. Dissolution

130.1 The delegates may, at a Special Conference duly convened for that purpose, resolve upon the dissolution of the Party, by Special Resolution of such delegates as are either present in person or represented by proxy. A decision by such Conference to dissolve the Party shall be conveyed, in writing, to every member of the Party. Thereafter, the Party shall be deemed to exist only for the purpose of winding up the business and distributing the assets (if any) as hereunder.

130.2 If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the Act which has similar objectives and which is not carried out for the purpose of profit or gain to its individual members, and which association shall be determined by resolution of the members. Upon the final distribution of assets, the State Council shall submit to a Special Conference a Statement of the distribution duly audited and the Conference, having dealt with the same, may give instructions as to the disposal of the books and records of the Party and the Party shall then stand finally dissolved.