



BACK YOUR ASSET

FEDERAL CONSTITUTION AND REGULATIONS

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Great Australian Party T/As



**THE GREAT AUSTRALIAN PARTY
DRAFT
NATIONAL CONSTITUTION AND REGULATIONS**

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**THE GREAT AUSTRALIA PARTY
DRAFT
NATIONAL CONSTITUTION**

**TO BE VOTED UPON AND RATIFIED BY MEMBERS OF
THE GREAT AUSTRALIA POLITICAL PARTY**

1. PARTY NAME AND CONSTITUTIONAL STANDING

1. The name of the Party is **THE GREAT AUSTRALIAN PARTY** or **GAP** whose name shall be adopted by the State divisions.
2. The Party's purpose shall be-
 - (a) To uphold the Commonwealth of Australia Constitution Act 1900 (UK);
 - (b) To 'Bridge the GAP' between city and country in all states and territories and unite us again in one indissoluble Commonwealth unless and until the Constitution is changed by a referendum;
 - (b) to achieve the objectives of the Party as set out in this Constitution;
 - (c) to secure the election of representatives to Federal and State Parliaments and to such Local Authorities as the Party may from time to time determine;
 - (d) to teach the Australian people how to secure and adopt the Commonwealth of Australia Constitution Act 1900, in our schools and through the ethos of our party's Constitution and ensure its paramount power and authority are continued;
 - (e) to reform the Judiciary and restore the Parliament of the Commonwealth to its paramount role as the ultimate Court of Appeal over and above all other courts whatsoever, in the Commonwealth;
 - (f) ensure that every Member and Senator sitting in the Parliament of the Commonwealth is educated in the Contents of the Commonwealth of Australia Constitution Act 1900, and Constitution, and its effect on the peace, order and good government of the Commonwealth;
 - (g) ensure that any non-compliant laws are disallowed upon Petition to either House of the Parliament of the Commonwealth and every Judgment of every Court with a Judge or Judges may be reviewed and disallowed by the Parliament of the Commonwealth if brought by Petition to either House within 40 days;

(h) ensure the Separation of Church and State is guaranteed by installing jury trial in the Federal Court of Australia, and guaranteed access to that court irrespective of the will of any Judge or Registrar;

(i) repair the Budget by restoring the Penal Action legislated into the Crimes Act 1914 (Cth) and being a Declaration of the existing law, in 1900, when the Commonwealth of Australia Constitution Act 1900 was made law, and having offenders pay the prescribed Penalties provided at Common Law for Breach of Statute and causing penalties to flow into the Commonwealth Consolidated Revenue;

(j) declare the International Covenant on Civil and Political Rights which is Schedule 2 to the Australian Human Rights Commission Act 1986 is the Australian Bill of Rights, overruling any inconsistent State law whatsoever;

(k) make Rules of Court consistent with the International Covenant on Civil and Political Rights.

(l) make the States again obey the law, and recognise the Parliament of the Commonwealth as paramount on pain of penalties for breaches of Commonwealth law.

(m) invoke a species of chapter 11 of the American Bankruptcy laws, suspending debt servicing to allow the company to recover. This new Act will protect and assist both large and small business including the prevention of any receiver and/or manager taking over any companies needing forbearance. Proper due process must be applied to Statutory Demands 459E, Corporations Act 2001(Cth) and Bankruptcy Notices under the Bankruptcy Act 1966, whilst a recovery plan is in progress. This will allow Directors to retain control with the protection of the Courts to ensure their survival in the best interest of shareholders and creditors;

(n) Fully protect our bio-security and stop the import of certain unprocessed foods; and

(o) Set up a sovereign bank which is Government Backed – “Australian Constitution Bank (ACB)”

3. This Constitution identifies the principles governing the conduct of the Party’s affairs and the bodies responsible for implementing them.

4. All Party documents, including any State Constitution, are subordinate to this Constitution.

1.5 The Party will establish a State Constitution compatible with the Federal Constitution to achieve the objectives of the Party and to identify the principles governing the

conduct of the Party's affairs and the bodies responsible for implementing them in a division.

2. DEFINITIONS AND INTERPRETATION

1. In this Constitution, unless otherwise stated, is clearly intended to mean:

'body' means a committee or officer or Party Unit of the Party at national, divisional, regional or branch level;

'branch' means a group of members of the Party formed with the approval of the relevant State Executive and includes existing branches of the Party, as ratified by the State Executive;

'Campaign Committee' means the relevant National, State or Local Authority Campaign Committee established under clause 14 of this Constitution;

'division' means the organisation of the members of the Party within each State and Territory (and where applicable, means the organisation of the eligible members comprising Young GAP, formed with the approval of the relevant State Executive within each State/Territory);

'elected public office' or 'public office' means an elected position in a Federal or State Parliament, or Local Authority or other similar government body within Australia;

'endorsed candidate' means any person who has been granted Party pre-selection;

'Local Authority' means any City, Municipal or Shire Council within each State and/or Territory;

'majority' means more than half of the eligible persons voting;

'member' means a person who is enrolled as a financial member of the Party;

'National Adviser' means the National Adviser of the Party appointed by the National Executive from time to time;

'National Director' means the National Director of the Party appointed by the National Executive from time to time;

'National Executive' means the group of the members appointed or elected to the

position of National Executive under clause 9 of this Constitution from time to time;

'National President' means the National President of the Party from time to time;

'National Conference' means the meeting of the eligible members of the Party, called by the National Executive under clause 16 of this Constitution from time to time;

'officer' means a person who holds an office of the Party as appointed or elected under this Constitution from time to time;

'Party' means the unincorporated association known as The Great Australian Party;

'Party ballot' means a ballot open to members of the Party who are eligible under this Constitution;

'Party Unit' or 'unit' means any branch, region, division, State Executive, State Conference, National Executive, National Conference, or any other body of the Party, as constituted by this Constitution and/or any State Constitution; and

'Policy' means a public statement by the Party in promotion of the objectives of the Party;

3. Party Objectives

3.1 The principals and objectives of the party are as follows:

- (i) To bring about the necessary changes for fair and equal treatment of all Australians, within a system of government recognising and acting upon a need for Australia to be truly a part of the Commonwealth under Almighty God through Her Majesty's Heirs and Successors;
- (ii) to protect our sovereignty and democracy by adhering to the Commonwealth Constitution Act 1900 (UK);
- (iii) to acknowledge and respect the Aboriginal and Torres Strait Islanders as Peoples of this land under the Constitution of the Commonwealth in equity;
- (iv) 'GAP' supports people Initiated Referenda, giving the people of Australia, a voice to oppose or call for laws to be implemented and enforced;
- (v) our children are the future leaders of our young nation. They must be given every opportunity to a fair and equitable education to fully prepare them for the future. Our children must have equal opportunity at all levels of education and

must be taught our Commonwealth Constitution Act 1900 (UK);

- (vi) to actively pursue and promote treaties in compliance with the Commonwealth Constitution, investment and development as deemed appropriate and in the national interest and repeal those that are not in our best interests approved after Parliamentary debate;
- (vii) to honour and respect the men and women who have suffered and served or lost their lives in defence and protection of our country, and ensure that those who have given so much for their country and people, are cared for in time of need;
- (viii) to ensure those convicted of crimes endure appropriate penalties according to the law. To seek treaties with other countries, for those who are non-Australian citizens who have committed a criminal offence carrying a 1 year or longer prison sentence, be deported back to their country;
- (ix) reform 9.5 CDPP Act [Commonwealth Director of Public Prosecutions Act 1983] and once qualified, support private prosecutions against any person, who is believed to have committed an offence punishable under Australian law;
- (x) to uphold existing inherited law allowing access to firearms. The Party will through its national program, encourage and support eradication of vermin in approved jurisdictions. This will be open to registration of accredited license holders and landowners;
- (xi) to ensure our society remains benevolent and caring in its approach to our fellow citizens in genuine need;
- (xii) to treat all Australians equally and justly and support all aged pensioners as the pioneers of this country in need;
- (xiii) to support and advocate traditional family values and uphold the institution of the family in its fight against the many who aim to breakdown this important unit of any decent society. Zero tolerance to bullying in any form of society;
- (xiv) to restrict immigration at times when necessary as implemented by the Parliament;
- (xv) to stop foreign ownership of Australia's freehold, agriculture, resources and mining lease land. To stop and discontinue all fracking on Australian Land;

- (xvi) to restore tariff protection where appropriate, promote and encourage Australian industry and manufacturing and initiate financial support for small business and the rural sector, in particular in the interest of creating national wealth and employment;
- (xvii) complete overhaul of the transport industries and state law penalties implied to professional drivers including permits, legal diaries, rate reviewing etc to encourage a safe and well managed practical industry;
- (xviii) to take positive action on matters such as taxation reform, education, health, unemployment, crime, the environment;
- (xix) irrigate Australia and encourage the reinstatement of Co-Ops to encourage value-adding industries and/or manufacturing in Agriculture to support the end user customer values both domestic and international;
- (xx) to re-establish a publicly-owned rural/agricultural people's bank;
- (xxi) to abolish divisive and discriminatory policies, such as those related to Aboriginal and Multicultural Affairs;
- (xxii) to promote Religious Education based on faith in the interests of goodwill and peace.
- (xxiii) to oppose any religious law that opposes common sense and the will of the people;
- (xxiv) to promote clear and concise legislation around people being able to access any form of benefit without conforming to any civil conscription;
- (xxv) to promote a clear and concise food labelling system;
- (xxvi) 'GAP' opposes any form of civil conscription for the purpose of accessing the Aged Pension;
- (xxvii) 'GAP' opposes any privatisation of public assets as prescribed in section 51 Commonwealth Constitution;
- (xxviii) 'GAP' is committed to promote the protection of the farming sector in tough times;
- (xxix) 'GAP' will promote the review of the current Taxation system;

(xxx) 'GAP' will support immediate reform of the Family Court system for protection against all family members including the safety of children in alignment with mediation between conflicted parties according to the proper principles of contract in Marriage according to the Commonwealth Constitution;

(xxxi)to promote the election to public office of members committed to the objectives of the party and the law of the land; and

(xxxii)Totally reform the Bankruptcy Act 1966, with respect to involuntary Bankruptcy. All trustees to be required to obey these amendments and shall be subject to penal sanctions for non-compliance.

- 3.2
- (a) The Party is confident the objectives set out in clause 3.1 are achievable aims and objectives of the Party.
 - (b) In the event any of the objectives mentioned in clause 3.2 (a) are achieved in the future, in whole or in part, then the National Executive in conjunction with the State Executives shall be authorised and empowered by this Constitution, to delete here from or amend any such objectives of the Party, without the requirement to amend this Constitution as provided by clause 19.
 - (c) Members must be notified of any change of the objectives of the Party as soon as practicable.

4.1 The National Committee and any authorised officer of body of the Party under this Constitution, shall in conjunction with the State Executive have the following powers-

- (a)to establish a State Constitution in common with each division as may be determined by the Party from time to time in conjunction with this constitution;
- (b)to establish in any place within Australia, branches and regions and divisions of the Party in each State;
- (c)to provide, maintain, manage and carry on headquarters, clubs, social centres and places of meeting or recreation or instruction within the State/Territory as may be required, and to furnish, equip and provide supplies therefore;
- (d)when deemed necessary or convenient for and for the purposes of the Party, and subject to any such consent or approval as may be required, by law, to purchase, sell, exchange, lease, mortgage, improve, manage, develop, hire or otherwise acquire, deal with or turn to account all or any part of the property of the Party;

- (e) to construct, maintain, improve and alter any house, building or works necessary or convenient for any of the purposes or activities of the Party;
- (f) to take such steps by personal or written appeals, public meetings or otherwise, as may from time to time be deemed expedient for the purposes of procuring contributions to the funds of the Party in the nature of donations, membership fees, annual renewal subscriptions or otherwise;
- (g) to invest any moneys of the Party not immediately required for any of its objectives, in such a manner as may from time to time be determined;
- (h) to enter into any arrangement for joint working or co-operation or affiliation with any other party, association, society or body of persons whether incorporated or not carrying on work or having objectives similar to the work and objectives of the Party and to otherwise the operations of any such party, association, society or body, and to take over upon any terms all or any of the property, undertakings and liabilities of any such party, association, society or body;
- (i) to produce and publish and to distribute gratuitously or otherwise such books, newspapers, pamphlets, periodicals and other literature as may seem calculated to promote the objects of the Party;
- (j) to receive and accept donations, subscriptions and endowments or money or any form of property on behalf of the Party;
- (k)
 - (i) to raise money or to borrow money with or without security for the purpose of carrying out any of the objectives or powers of the Party, and also to lend money to such persons, companies, or bodies on such terms as may seem expedient and to guarantee and indemnify the performance of contracts by any person, company or body (including the payment or repayment to any bank or other lender on demand or otherwise of any moneys, loans, advances or banking accommodation and interests and charges) and to mortgage charge or otherwise encumber the whole or any part of the property of the Party in support of any such borrowing, guarantee or indemnity;
 - (ii) to draw, make, accept, endorse and discount bills of exchange and similar instruments for the purpose of or in conjunction with the exercise of the powers of the Party under paragraph (k) (i) of this clause;
- (l) to open any account with any bank and to operate by and in all usual ways any account;

- (m) to engage and dismiss employees and agents of the Party and fix their remuneration and terms of employment;
- (n) to grant and pay such pensions, salaries, gratuities or other payments to any person in recognition of services rendered to the Party as may from time to time be approved by the National Executive;
- (o) to appoint and to remove a trustee or trustees who shall be appointed by and who shall remain in office at the pleasure of the National Executive to receive and hold any property on behalf of the Party and to deal therewith as directed by the National Executive from time to time;
- (p) to do all such acts and things as are or may be incidental or conducive to the attainment or promotion of any of the objects of this Constitution or otherwise for advancing the interests of the Party or the exercise of any of the powers of the Party under this Constitution;
- (q) Provided however, notwithstanding these powers, it is expressly declared that only the National Executive will have the right and authority to exercise those powers set out in this clause 4.1 subparagraphs (a), (d), (g), (h), (k) and (o).

4.2 The members of the National executive, the State Executive and any authorised officer or body of the Party are entitled to be indemnified out of the property of the Party against liabilities incurred by them in the execution or attempted execution or as a consequence of the failure to exercise any of the authorities, powers and discretions or by virtue of being members of the National Executive, the State Executive and any authorised officer or body of the Party except where any such person acts fraudulently or in bad faith or against the objectives or interests of the Party.

4.3 The Party is formed to carry out the objectives as set out in this Constitution and not for the purpose of trading or securing pecuniary profit to the members of the Party from the transactions thereof.

4.4 The income and property of the Party shall be applied solely towards the promotion of the objects and policy objectives of the Party as set out in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to the members of the Party provided that -

- (a) nothing shall prevent the payment in good faith or remuneration to any employees or agents or service providers of the Party or to any member of the Party in return for any services actually rendered to the Party or for goods supplied in the ordinary and usual course of business nor prevent the payment of interest

at a rate not exceeding the rate of interest paid for the time being by the Party's bankers in respect of term deposits having a maturity of 180 days on money borrowed from any member of the Party;

(b) the National Executive may, at its absolute discretion, reimburse any endorsed candidate for outlays or expenditure reasonably incurred by the endorsed candidate solely for the purpose of seeking elected public office;

(c) any member may receive a distribution or other remuneration from any trust established to hold property on behalf of the Party where the specific trust deed for that trust, expressly authorises the distribution or remuneration to a member of the Party provided however, that if the Party is dissolved or is to be dissolved in accordance with this Constitution, then the provisions of clause 4.5 will be deemed to apply.

4.5 If upon the dissolution of the Party, there remains after satisfaction of all its debts and liabilities any property, such property shall not be paid to or distributed among the members of the Party, but shall be given or transferred to some other institution or institutions having objects and objectives similar to the policy objectives of the Party and whose memorandum of association or constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Party under or by virtue of clause 4.4 hereof, such institution or institutions to be determined by ballot of the members of the Party at or before the time of dissolution and in default thereof, by application to the Federal Court of Australia for determination.

5. MEMBERSHIP

5.1 Membership of the Party is open to any person who:

(a) is 16 years or older, who agrees with the objects of the Party;

(b) is not excluded from membership under this Constitution;

(c) agrees to uphold and comply with this Constitution; and

(d) pays the prescribed membership application fee, as required by the Party from time to time as set out below per annum;

- 1) Family \$100.00
- 2) Couple \$65.00
- 3) Single \$50.00
- 4) Pensioner Concession \$10.00

(e) Provided however, the National Executive may, at its absolute discretion, reject an application for membership on the grounds that its acceptance would be against the Party's interests or conflict with the Party's objectives.

5.2 Any person applying for membership of the Party must complete and sign the Application for Membership form appearing in **Schedule "A"** to this Constitution or such other form as may be approved by the National Executive from time to time and lodge the application, together with the prescribed membership application fee with a State division or the Party.

(a) Applications for membership received by a division must be sent to the National Membership Officer of the Party who will update the National Membership database and relevant State database, passing on the updated state database to the relevant State Director;

(b) the relevant Director, after receipt of applications for membership, may-

- (i) approve or disapprove the application for membership at his/her absolute discretion, and his/her decision shall be final;
- (ii) defer making a decision on the application for membership until the next meeting of the State Executive; and
- (iii) in the case of deferring making a decision, may request the relevant State Director to make further enquiries.

(c) The relevant State Executive may only defer making a decision on an application for membership once and must make a decision either approving or disapproving the membership application at the State Executive meeting immediately following the meeting at which the membership application was deferred.

(d) When the State Executive approves an application for membership, the relevant Director must within a reasonable time-

- (i) enter the membership details in the membership roll or records of the Party;
- (ii) give written notice to the new member of approval and the date of approval of membership of the Party and that such membership is for a period of 12 calendar months from the date of approval of membership; and

- (iii) give written notice of the new member to the State Secretary of the relevant division and to the National Director.

(e) the relevant Director must give written notice to any unsuccessful applicant of the decision to disapprove that applicant's application for membership.

- 5.3
- (a) No person may claim to be a member, or claim to hold to be entitled to exercise any right of membership given by virtue of this Constitution or the State Constitution of any division, unless they are actually enrolled as a member of the Party according to the provisions of this Constitution.
 - (b) In the event that the status of a person's membership enrolment needs to be determined, then the membership roll maintained by the relevant Director in accordance with the requirements of this Constitution shall be prima facie evidence of a person's membership of the Party and the date of that membership.
- 5.4
- (a) Life Membership may be conferred on a member of the Party nominated by any State Executive and approved by the National Executive and thereafter, that member shall be deemed to be a financial member of the Party for life. However, no more than one member may be nominated for life membership by any State Executive in any one year.
 - (b) Any member that has been approved for lifetime membership, that member shall be recorded on record separate from this Constitution.
- 5.5
- (a) A member of the Party shall not be a member of any party or of any organisation whose name is published by the National Executive under clause 5.5 (b).
 - (b) National Executive may from time to time publish the names of persons or organisations which the National Executive declares to be opposed to the objectives or interests of the Party.
 - (c) National Executive may expel or exclude from the Party any person who-
 - (i) While being a member of the party, retains or accepts membership of another political party; and/or
 - (ii) While being a member of the party, retains or accepts membership of any organisation whose name is published by the national Executive under clause 5.5 (b); and/or

- (iii) While being a member of the party, by or through the member's acts or statements, causes damage to the good name and reputation of the party or brings the party into disrepute.

5.6 Each member shall be bound to uphold and comply with the Party's Constitution and its regulations at all times.

5.7 Members must not act against the objectives or interests of the party and, in particulate, must not -

- (a) Falsely state or give the impression that a person is an endorsed candidate of the party whether directly, or by the use of the words "Great Australian Party" or "GAP" or similar words; or

- (b) Sensitive information gained by the virtue of party membership, unless required by law.

5.8 (a) no member shall be permitted or authorised to communicate directly or indirectly with the media concerning any Party policy matter or the indirectly with the media concerning any party policy matter or the internal affairs of a branch, a region or, a division, unless first properly authorised by the National Executive or the relevant State Director;

- (b) By virtue of their position or office in the Party, the following offices will automatically have authority to communicate with the media on political issues provided such communications accord with Party policy-

- (i) National President
- (ii) National Vice-President
- (iii) National Secretary
- (iv) National Treasurer
- (v) National Registered Officer

5.9 (a) Membership of the party is for a period of 12 calendar months beginning on the date of approval of the application for membership by the Party and ending on that date 12 months later

- (b) At least 30 days prior to the end of the member's current membership period, the relevant Director of that division must notify the member -

- (i) that the member's annual subscription fee is due; and

- (ii) the due date for payment of the membership fee.

- (c) Members must pay the annual membership fee before the end of the member's then current membership period to be able to vote, seek office or hold any public office as a member of the party.
- (d) A member who fails to pay the annual membership fee before the end of the current membership period, will not lose continuity of membership if the annual fee is paid within 30 days after the end of the previous membership period.
- (e) New members will have full voting rights after one calendar month after the date of joining.

5.10 Membership fees may be paid to the party by way of cheque, bank order or debit, credit card or such other means as determined by the party from time to time.

5.11 No member of the party shall make any material offer or reward to any person as an inducement to any person to become a member of the Party and no person who has accepted such an offer or reward shall be accepted thereby as a member of the Party.

- 5.12
- (a) A National Compliance Committee shall be established, consisting of members of the National Executive and State Director for the relevant divisions to deal with any conduct or act by a member which is detrimental to the Party or any of its objectives.
 - (b) The National Compliance Committee may, upon the complaint in writing from any State Executive of a member's division, or from members of that division, investigate the complaint to determine whether or not the member concerned has committed any conduct or act detrimental to the Party or any of its objectives.
 - (c) Before making any determination in relation to the complaint, the Party shall give the member concerned not less than 14 days' notice of the complaint in writing, of the date, time and place at which the meeting of the National Compliance Committee to consider the complaint will be held, addressed to the member's last known address appearing on the records of the Party. The member shall be entitled to appear in person or by tele-conference before the National Compliance Committee and to be heard in answer to such complaint.
 - (d) The National Compliance Committee may, having found that the member has acted against the interests of the Party, in accordance with the gravity of the breach;

- (i) take no further action;
- (ii) issue a reprimand;
- (iii) issue a restraining order;
- (iv) suspend any or all of the member's rights for a specified or indefinite period;
- (v) expel and exclude the member from the Party for such period as the National Compliance Committee may determine, and its decision shall be final and binding on the member.

5.13 No person shall be supplied with or have access to the names of members of the Party without the prior authority in writing of the National Executive, in accordance with guidelines determined by the National Executive from time to time and as prescribed by law.

6. REGIONS

6.1 There shall be regions of the Party formed in accordance with the provisions of this Constitution.

- 6.2
- (a) The State Executive in conjunction with the National Executive will create region status, based on geographical areas or electorates within a division.
 - (b) An application for formation of a region shall be in the form approved by the State Executive from time to time.

7.3 The function of a region shall be:

- (a) to promote the objects and policies of the Party;
- (b) to encourage, co-ordinate and support (in conjunction with other Party Units) the expansion and development of the Party in each division;
- (c) to promote and co-ordinate the education and training of the Party members in each division;
- (d) to work for the election to public office of the endorsed candidate of the Party, and for that purpose to co-operate with all the branches within the electorate and with committees in organising the electorate to that end;

- (e) to recruit new members for the Party in the region;
- (f) to raise funds for the purposes of the Party and for the promotion of its objects;
- (g) to secure the enrolment of every person eligible as an elector and the removal from the Electoral Roll of the names of all unqualified or ineligible persons;
- (h) to report and make submissions and recommendations to the State Executive of the division to advance and promote the objects and policies of the Party;
- (i) to keep the members informed of relevant information relating to the Party, its objectivities and policies;
- (j) to notify the members of details of any general or special meeting of the members of the Party or any National Conference or any State Conference to be held or any other notice required to be given to the members from time to time in accordance with this Constitution; and
- (k) to carry out any other functions which may be assigned to it under this Constitution and any State/Territory Constitution.

7. DIVISIONS

- 7.1 There shall be a division of the Party in each State and Territory consisting of the members of the Party resident therein and, subject to this Constitution and the relevant State Constitution, the management and control of the affairs of the division shall be vested in the State and Territory Executive of the division, as provided under Clause 7.2.
- 7.2 The National Executive will co-ordinate the establishment -
- (a) of a State Constitution for each division which will, so far as may be practicable, have similar provisions to this Constitution, save and except for those provisions which must comply with the requirements of any State legislation or law; and
 - (b) approve and ratify the State Constitution conferring the following powers-
 - (i) to exercise all or any of the powers of the Party, subject to any express power reserved to the National Executive and the provisions of clause 8.3, as are conferred by this Constitution, within the boundaries

of its division;

(ii) to delegate all or any of its powers to a State Executive of the division or such other body or Party Unit to be established from time to time, as it may deem expedient with the exception of any power or duty which is expressly reserved to the National Executive;

(iii) to make rules or regulations for the conduct of the management and control of its division and Party Units and

(c) appoint members of the Party to the position of State Director, and such other position(s) as the National Executive may determine from time to time, and co-ordinate the election of State Executive, constituted in such a manner as the relevant State/Territory Constitution shall determine

7.3 The National Executive shall at all time, have the power to veto and change the decision of the State Executive or any other Party Unit, person or body exercising any power under the State/Territory Constitution and to exercise all or any of the powers of the State Executive under the State/Territory Constitution and/or its rules or regulations at any time, if the National Executive, in its absolute discretion, considers it necessary in the best interests of the Party or to ensure compliance with the Party's objectives.

7.4 Subject to this Constitution, and to the control of the State Executive of the division, or as otherwise provided in clause 8.3, the management of the affairs of the party in each division shall be vested in the State Executive of the division.

7.5 The members of the National Executive shall be deemed members ex-officio of the State Executive of each division.

8. NATIONAL EXECUTIVE

8.1 There shall be a National Executive of the Party which shall comprise:

(a) The National President, and four appointed National Executive members.

(b) The National President will have a two-year tenure or until resignation, who cannot be voted out nor removed. Subsequent presidents will be voted upon at each National Conference which will be a minimum every 2 years or 3 years minimum.

(c) The initial appointment of the four National Executive positions will be at the National AGM.

- (d) If any position becomes vacant due to resignation or expulsion the remaining National Executive members will appoint a new Executive member or members.
- (e) The National President shall hold veto powers on all of these matters.
- (f) All members of the National Executive including the National President will hold all voting rights.
- (g) The National President will always be a member of the National Executive.
- (h) The National Executive will appoint the National Director.

8.2 The National Executive's duties and responsibilities are -

- (a) to manage, direct, organize and co-ordinate the policies, functions and administration of the Party;
- (b) to interpret the meaning of any rules and regulations and any matter relating to the Party on which those rules and regulations are silent, in accordance with this Constitution;
- (c) to ensure compliance with the Federal Electoral Act and any other legislation effecting the Party from time to time;
- (d) to ensure compliance by the State Executive of each division with the relevant State Electoral Act and any other legislation effecting the party in any division from time to time and, in this regard, the State Executive of each division shall be required to provide a certificate of compliance in such form approved by the National Executive from time to time, on an annual basis or more often as required by the National Executive, at its absolute discretion.

- 8.3
- (a) The National Executive may meet to discuss business and adjourn and otherwise regulate its meetings and proceedings as and when it thinks fit.
 - (b) A member of the National Executive may participate and vote in National Executive meetings by tele-conference or video-conference or other electronic means if he/she requests.
 - (c) At all meetings of the National Executive, the National President or his/her nominee shall preside as chairman.

- (d) Should any member of the National Executive be unable to attend any meeting he/she may be writing under his/her hand addressed to the National President appoint another member of the National Executive to be his/her proxy to vote on any issue or make any decision.
- (e) At all meetings of the National Executive, a quorum shall consist of three members present in person or by proxy.

- 8.4
- (a) The National Executive may delegate any of its powers to a body or committee comprising members of the Party;
 - (b) Everybody or committee shall, in the exercise of the powers so delegated, conform to any regulations which may from time to time be imposed upon it by the National Executive and shall hold office for such period as the National Executive or this Constitution shall determine;
 - (c) The National Executive may empower anybody or committee so appointed to make final decisions upon any question and take action thereon;
 - (d) The National Executive may employ any staff or engage any person or consultant, on contract or otherwise, to assist the National Executive to carry out or undertake its duties under this Constitution; and

- 8.5
- (a) The Registered Officer of GAP will be appointed by the National Executive.
 - (b) On vacating the position, nominations for a short list to be voted on by the National Executive.
 - (i) National President;
 - (ii) National Vice President;
 - (iii) National Secretary;
 - (iv) National Treasurer;
 - (v) National Registered Officer
 - (c) A member may hold more than one officer position in the Party at any one time.

8.6 If, in the opinion of the National Executive, the wellbeing of the Party

and/or the electoral standing of the Party is being or is likely to be prejudiced and/or there has been a breach of this Constitution and/or a State Constitution by any member holding any office or officer position in the Party, including any member comprising the National Executive, the State Executive, any region, any Party Unit or any member of Young Nation, then the National Executive may, subject to the provisions of clauses 9.4 (f) and (g) by unanimous vote or by majority vote (as the case may be) of the National Executive Members present in person or by conjunction and in conjunction with the relevant State Executive of the relevant division, determine to remove that member from the office or the officer position(s) and make such other determination as the National Executive deems fit.

- 8.7 If, in the opinion of the National Executive, the wellbeing of the Party and/or the electoral standing of the Party is being or is likely to be prejudiced and/or there has been a breach of this Constitution and/or a State/Territory Constitution by the serious financial mismanagement or insolvency or otherwise of a State division or any Party Unit, the National Executive may request the presentation of a financial report on the affairs of a division or any Party Unit by an independent auditor. On the presentation of an adverse report and following the making of its own enquiries, the National Executive, may at its absolute discretion, determine to involve itself in the affairs or conduct of that division by taking any or all of the following actions:
- (a) appointment of an administrator or body or committee to assume the control and management or otherwise of that division or Party Unit;
 - (b) rescission or amendment of any financial decisions or otherwise made by the State Executive or governing or other body of that division or Party Unit;
 - (c) termination of involvement of the State Executive or governing or other body in the affairs or conduct or management of that division or Party Unit.
- 8.8 (a) The National Executive will, at the request of a majority of the State Executives of the relevant divisions call a general or special meeting of the members of the Party or a National Conference to debate, and if considered appropriate, vote on any issue of concern relating to the objectives and/or the policies of the Party and/or the amendment to this Constitution.
- (b) Unless in the case of urgency, or as the National Executive shall otherwise determine, the Party shall give at least 28 days' notice to the

members of the date, time and place of any general or special meeting of the members of the Party or a National Conference and at least 14 days' notice of the business to be transacted thereat. Any proposal to amend this constitution shall require compliance with the provisions of clause 19 of this Constitution.

- (c) Any notice required to be given or sent by the Party to the members in relation to any general or special meeting of the members of the Party or a National Conference or any other matter or purpose hereunder may be given or sent by the Party, by or through the National Executive or the State Executive of any division or by anybody authorised by the National Executive, to the branch or branches of the divisions, which branch or branches shall notify its branch members by newsletter or by mail or by advertisement in a newspaper in regular circulation in the area of that branch or as otherwise determined by the branch or as directed by the National Executive from time to time and such notice shall be deemed good, proper and effective notice to the members of the Party under this Constitution.
- (d) At all general or special meetings of the members of the Party, or at a National Conference, a quorum shall consist of fifty members provided that a majority of the divisions are represented by members present in person or by proxy.
- (e) Should any members of the Party be unable to attend any general or special meeting of the Party or a National Conference, he/she may, by writing under his/her hand addressed to the National President, appoint some other person being a member of the Party of his/her division to act as his/her proxy, and such person shall vote on his/her behalf accordingly provided always that unless the proxy authority is made in favour of the Chairman of the meeting or the National Conference (who may hold an unlimited number of proxy authorities), an individual member (not being the Chairman of the meeting or the National Conference) shall not hold more than 5 proxy authorities for members who are unable to attend the meeting or the National Conference.
- (f) Regulations governing proxy authorities and the proxy form appear in **Schedules "F" and "G"** respectively to this Constitution. The National Executive may approve or prescribe such other regulation(s) or proxy form concerning proxy authorities from time to time, at its absolute discretion.
- (g) Regulations governing all meetings of the Party and the National

Conference are set out in **Schedule “D”** to this Constitution. Regulations governing meetings of all other Party Units, save for the National Executive, are set out in **Schedule “E”** to this Constitution. The National Executive may approve or prescribe such other regulation(s) concerning meetings of the Party or a Party Unit or a National Conference from time to time at its absolute discretion.

9. DETERMINATION OF POLICY

9.1 The National Executive shall have the responsibility for determining and from time to time revising the National Policy for the Party. The National Policy shall state the Party's philosophical position on the policy issues required to meet the objectives of the Party and shall set out the principles against which the policy shall be formulated and a statement of the detailed means and programs by which the objectives of the National Policy are proposed to be met and achieved by the Party.

9.2 In determining the National Policy for the Party and considering any revision of it, the National Executive shall consult with an Advisory Committee on National Policy in such manner as the National Executive shall determine. The Advisory Committee on National Policy will take submissions and recommendations from members, branches, regions and divisions of the Party in relation to National Policy direction or any change of policy or policy direction from time to time.

10.3 The Advisory Committee on National Policy shall comprise-

- (a) Members of the National Executive;
- (b) National President;
- (c) State Director of each division;
- (d) State President of each State division or their respective nominee(s);
- (e) Such other member or members as may be nominated by the National Executive from time to time.
- (f) All decisions and/or recommendations of the Advisory Committee on National Policy shall be by majority vote of the Committee members present in person or by proxy.

9.4 Should any member of the Advisory Committee on National Policy be unable to attend any meeting, he/she may, by writing under his/her hand addressed to the

chairman, appoint some other person who is a member of the National Executive from time to time or a member of the State Executive to act as his/her proxy.

- 9.5 (a) There shall be a Joint Advisory Committee on State policy in each division comprising representatives of the National Executive and the State Executive to determine matters of policy to be formulated in relation to State issues.
- (b) The powers and functions of such Joint Advisory Committee on State Policy and the method of its operation shall be determined by the State Constitution of the division, subject to the provisions of this Constitution.
- (c) The State Director or his/her nominee shall from time to time, after consultation with the Joint Advisory Committee on State Policy, authorise the announcement of policy or policies of the Party for his/her State or division.
- 9.6 Any member of the Party who disagrees with a policy or decision of the Party shall remain wholly free to express and advocate his/her own views, except on occasions when he/she is communicating in a public capacity as a representative of the Party, in which event he/she may express his/her own views, but make it clear that they do not reflect those of the general membership of the Party and provided further, such views are not opposed to the objectives or interests of the Party or causes damage to the good name and reputation of the Party or brings the Party into disrepute in breach of clause 5.5(c) of this Constitution.

10. FINANCE

- 10.1 The Party shall abide by all relevant laws including electoral and association laws in relation to financing the operations of the Party.
- 10.2 The Party's finances shall be the responsibility of a National Finance Committee comprising such member or members of the Party as may be determined by the National Executive, at its absolute discretion, from time to time.
- 10.3 Functions of the National Finance Committee shall be-
- (a) to prescribe the method of appointment of trustees, the method of collection, investment, distribution and disbursement of donations, membership fees, electoral funding, bequests and other funds of the Party, the delegation of such powers and functions and such other requirements deemed necessary for the financing of the operations of the Party;
- (b) to raise funds for the Party and to manage and control the application and

distribution of such funds to the branches and State divisions of the Party to assist those branches and State divisions to carry out their respective powers and duties on any matter, not limited to legal proceedings;

- (c) to receive from each State division, a budget and financial statement at the beginning of each financial year and as and when required thereafter to ensure that the Party complies in all respects with the financial reporting requirements or otherwise set out under all relevant Federal or State legislation regulating the conduct of political parties in Australia;
- (d) to ensure that the Party complies in all respects with the relevant Federal or State legislation regulating the eligibility of political parties to receive electoral funding;
- (e) to ensure any electoral funding received by an agent of the Party or any agent of a State division under the relevant Federal or State Electoral Acts or other legislation, is received as money belonging to the Party and is to be distributed in such manner as may be determined from time to time by the National Executive in accordance with this Constitution.

10.4 The National Executive may also appoint a trustee for any purpose for which it thinks the appointment of a trustee desirable and such trustee shall hold office until removed by resolution of the National Executive.

10.5 The National Executive shall appoint an auditor from time to time.

10.6 Unless otherwise determined, the financial year of the Party organisation shall begin on the July 1st in each year.

10.7 National membership fees (including application fees for membership and annual subscription fees but excluding membership fees for Young Nation) shall be:

- (a) set by the National Executive at its absolute discretion, collected and recorded by the National Membership Officer, in conjunction with the National Treasurer from time to time;
- (b) applied by the State Executive of each division in conjunction with the National Executive, on the basis that the State Executive may from time to time determine the amount of a membership fee (if any) to be paid to the relevant Region;
- (c) State funding is formed from 20% of the National membership fees.

10.8 Membership fees for “Young GAP” shall be the amount determined by the National GAP Executive from time to time, in consultation with the National Executive and the State Executive provided always that Young Nation membership fees must be uniform Australia wide and not vary from State to State.

11. YOUNG GAP

11.1 As an integrated part of the Party, there shall be a Young GAP Movement ("Young GAP") open to persons between the ages of 16 and 30 years and who otherwise meet the standard eligibility criteria for membership of the Party as set out in clause 5.1 of this Constitution time to time.

11.2 Any person applying for membership of Young GAP must complete and sign an application form approved by the National Executive in consultation with the Young GAP National Executive from time to time and lodge the application, together with the prescribed membership application fee for Young GAP with the relevant State division.

11.3 Young GAP shall be organised in divisions. A division of Young GAP may be established within each division of the Party, with the approval of the relevant State Executive.

11.4 Young GAP’s objectives shall be-

- (a) to promote youth representation into the parliamentary system.
- (b) to promote the objectives and policies of the Party amongst young people of Australia;
- (c) to promote consultation with youth, and to increase awareness and understanding of youth issues from which Government policy will be formulated;
- (d) to work with members elected to public office to bring dignity, morality and professionalism back to politics whilst bridging the gap between young people and their elected representatives;
- (e) to identify current and future issues that may impact upon young people in everyday situations, and to take steps to ensure that young Australians are represented in Government policy development;

- (f) to promote the acceptance of family and community values, and to support programs that provide long term and positive assistance to these important parts of Australian society; and
- (g) to give young people the opportunity to come together in a congenial atmosphere and learn by co-operation through combined activities.

11.5

- (a) The management of the affairs of Young GAP in any division, including the organisation of clubs, branches and regions, and the representation of Young GAP and its members on all or any Party Unit, shall be provided for by and under this Constitution with the approval of the relevant State Executive.
- (b) Subject always to the provisions of this Constitution, there shall be by-laws established for Young GAP, which shall be approved at a Young GAP Conference and ratified by the relevant State Executive, and which shall govern the conduct, management and affairs of Young GAP from time to time.
- (c) The by-laws may be prescribed, repealed, added to or amended from time to time but not to be inconsistent with by-laws already established at a Young GAP Conference, and such amendments shall come into effect upon ratification by the relevant State Executive.
- (d) Subject to this Constitution, all records, property, funds and assets of any branch or unit of Young GAP shall be the records, property, funds and assets of Young GAP and the Young GAP National Executive may by resolution, require any person or anybody, whether corporate or unincorporated, to deliver to such person as may be nominated, any such records, property, funds and assets from time to time.
- (e) No distribution of Young GAP property, funds or assets, whether in money, property, or otherwise, shall be made to Young GAP members and ultimately, all such property, funds and assets belong to the Party.

11.6

Each State/Territory shall have a GAP State Executive which shall comprise-

- (a) a State President of Young GAP who shall be elected at a Young GAP Conference by persons who are Young GAP members; and
- (b) a State Vice-President, Secretary, Treasurer and such other office bearers, if any, as may be required by Young GAP and shall be elected at a Young GAP

Conference by persons who are Young GAP members.

(c) To be eligible for election as a State President of Young GAP, the person must first have been a member of the Party and/or Young GAP for a continuous period of 12 months.

(d) To be eligible for election as a member of Young GAP State Executive, the person(s) must first have been a member of the Party and/or Young GAP for a continuous period of 6 months.

11.7 The functions of the Young GAP State Executive shall be-

- (a) to promote the objects and policies of the Party and of Young GAP;
- (b) to manage, direct, organise and co-ordinate the policies, functions and administration of Young GAP in the relevant State/Territory;
- (c) to co-ordinate Young GAP work and activities in the relevant State/Territory;
- (d) to liaise with the State Executive of the Party in the relevant State/Territory;
- (e) to receive and distribute information on the work and activities of the Party and of Young GAP in the relevant State/Territory;
- (f) to assist the Young GAP National Executive as required from time to time; and
- (g) to assist the Young GAP National Executive in convening the Young GAP Conference from time to time.

11.8 The State President of Young GAP in each State/Territory division shall be deemed a member ex-officio of the State Executive of each State/Territory.

11.9 There shall be a Young GAP National Executive which shall comprise-

- (a) a National President of Young GAP who shall be elected at a Young GAP Conference by persons who are Young GAP members or delegates as the case may be; and
- (b) a National Vice-President, Secretary, Treasurer and such other office bearers, if any, as may be required by Young GAP and shall be elected at a Young GAP Conference by persons who are Young GAP members; and
- (c) the State President(s) or his/her nominee from the relevant Young GAP State

Executive of each State.

- (d) To be eligible for election as a National President of Young GAP, the person must first have been a member of the Party and/or Young GAP for a continuous period of 12 months.
- (e) To be eligible for election as a member of the Young GAP National Executive, the person(s) must first have been a member of the Party and/or Young GAP for a continuous period of 6 months.

11.10 The functions of the Young GAP National Executive shall be-

- (a) to promote the objects and policies of the Party and of Young GAP;
- (b) to manage, direct, organise and co-ordinate the policies, functions and administration of Young GAP at a national level in consultation with the Young GAP State Executives in each State/Territory;
- (c) to co-ordinate Young GAP work and activities at a national level and in each State/Territory;
- (d) to liaise with the State Executive(s) of the Party in each State/Territory;
- (e) to receive and distribute information on the work and activities of the Party and of Young GAP in each State/Territory;
- (f) to assist the Young GAP State Executive(s) as required from time to time; and
- (g) to convene a Young GAP Conference as required from time to time.

11.11 A Young GAP Conference shall be called by the Young GAP National Executive at least every three years and with the intent of coinciding with a National Conference of the Party in accordance with this Constitution.

11.12 A Young GAP Conference may be called at the request of the majority of the Young GAP State Executives and shall be organised by the Young GAP National Executive as soon as possible after receipt of that request, provided however, that no Young GAP Conference shall be called less than 12 months after any previous Young GAP Conference.

11.13 The following members of Young GAP shall be eligible persons and delegates on

behalf of their respective branches and divisions to attend at and vote on matters arising at a Young GAP Conference: -

- (a) members of the Young GAP National Executive;
- (b) members of the Young GAP State Executive(s);
- (c) two delegates only representing each branch of Young GAP (each branch shall give notice in writing to the National President of the names and telephone numbers of each delegate elected to represent the relevant branch of Young GAP at a Young GAP Conference and such delegate shall produce proper identification and proof of membership when attending a Young GAP Conference).
- (d) Subject to the provisions of clause 9.9(e) of this Constitution, no delegate or member of Young GAP shall have more than one vote at a Young GAP Conference.

11.14 A Young GAP Conference may consider any matter put before it where details of the matter have been provided in writing to the National President of Young GAP at least 14 days prior to the Young GAP Conference, but it shall consider the matters put forward by its sponsors, either the Young GAP National Executive or the Young GAP State Executive(s), as first priority.

11.15 The Young GAP Conference may make recommendations to and at the National Conference of the Party on issues relating to Party policy, the National Constitution, or matters of an administrative nature, which, after publication and discussion in a newsletter, notice or equivalent publication in accordance with clause 9.9(c), shall be put to the ballot of the delegates at the Young GAP Conference, but subject always to the provisions of this Constitution.

11.16 Any recommendations or properly determined resolutions as provided by this Constitution arising out of a Young GAP Conference shall be submitted to the National Executive and/or the State Executive(s) of the Party or a National Conference of the Party for consideration or implementation as the case may be.

11.17 The Young GAP Conference shall be the forum for the expression of the members of Young GAP in relation to the objectives and interests of the Party.

12. SELECTION OF CANDIDATES FOR ELECTED PUBLIC OFFICE

12.1 The pre-selection of candidates for elected public office shall be conducted in the

manner set out in this Constitution.

12.2 In addition to the provisions of this Constitution, the National Executive may from time to time prescribe procedures for the pre-selection of candidates for elected public office and/or amend those procedures from time to time, at its absolute discretion. As a guide to candidates a Candidate Pre-Selection Procedure appears in **Schedule “C”** to this Constitution and may be amended in accordance with this clause and clause 18.2 of this Constitution

12.3 Subject to any direction of the National Executive-

- (a) the State Executive must decide from time to time which electorates it is necessary to contest in any Federal Parliament or State Parliament or Local Authority election, and the number of candidates to be endorsed;
- (b) where the State Executive determines that the Party shall endorse a candidate or candidates for elected public office the State Executive must-
 - (i) determine the date and time for closing of nominations;
 - (ii) notify the governing body of all branches specifying the following-
 - (A) the name of the electoral district for which the nomination is called;
 - (B) the date and time for closing of nominations;
 - (C) such further information as the State Executive considers necessary; and
 - (D) must contain a notice to the effect that only current financial members of the Party are eligible to nominate;
- (c) nominations for candidates for election to public office shall be called in the State/Territory newsletter or by mail in urgent cases, or by placing an advertisement in a newspaper in regular circulation in the area for which nominations are called provided that such newsletter, mail or advertisement states by when and to where, such nominations must be lodged.

12.4 The relevant Director of each Division shall initiate and oversee a Candidate Selection Committee within each electorate, which is responsible for determining whether to approve or disapprove each candidate as suitable for endorsement for elected public office.

- 12.5 Each branch or any individual member of the Party may recommend its nomination of candidates for election to public office to the State Candidate Selection Committee for determination.
- 12.6 No member of the Party may stand as a candidate for election to public office without the approval of the State Candidate Selection Committee as ratified by the State Executive and the National Executive.
- 12.7 The quorum of a meeting of the Candidate Selection Committee shall be thirty-three per cent of its members.
- 12.8 Serving Parliamentarians are eligible to be members of the Candidate Selection Committee except in circumstances where that member is a pre-selection candidate or there is otherwise a conflict or potential for a conflict of interest.
- 12.9 Any person applying to be a candidate for the Party must complete and sign the Application for Candidate Endorsement form appearing in **Schedule "B"** to this Constitution or such other form as may be approved by the National Executive from time to time.
- 12.10 The Candidate Selection Committee must interview all first-time applicants for endorsement in accordance with the selection criteria, provided that the interview may be waived for members who have previously been endorsed as a candidate by the Party.
- 12.11 The selection criteria for assessing applications for endorsement shall include, but not be limited to, and may be changed by the National Executive from time to time:
- (a) candidates must be of voting age;
 - (b) candidates must comply with all s44 Constitution 1901. Candidates must not hold dual nationalisation and must otherwise be eligible to nominate and be elected, according to the appropriate Federal or State legislation,
 - (c) personal qualities;
 - (d) Party involvement;
 - (e) community involvement;
 - (f) knowledge of and commitment to Party policy and objectives;

- (g) public speaking skills;
- (h) media skills;
- (i) employment history;
- (j) campaigning skills;
- (k) understanding and suitability for Parliamentary work.
- (l) payment of a pre-selection administration fee as determined by the National Executive from time to time.

12.12 The State Candidate Selection Committee may approve or disapprove a candidate provided however, the State Executive in the first instance, and subsequently the National Executive, shall have the power to veto and change the decision of the State Candidate Selection Committee if the State Executive and/or the National Executive, at their respective absolute discretion, consider it necessary in the best interests of the Party or to ensure compliance with the Party's objectives.

12.13 The State Executive shall have the following powers, in relation to candidates chosen for elected public office-

- (a) where the State Executive, of the view that following the pre-selection or endorsement of a candidate there are matters or potential public controversy with regard to the personal circumstances of that candidate which were not taken sufficiently into account in the pre-selection process and which are likely to jeopardise the Party's prospects of electoral success, it may request or direct the Candidate Selection Committee or other body to review the pre-selection or endorsement of that candidate in accordance with the appropriate procedures of that division and report back to the State Executive within a reasonable time on the outcome of its review.
- (b) following the receipt of the review set out in paragraph (a) above, and after hearing the candidate, if the State Executive is not satisfied with the review and considers that the selected candidate is not the most suitable candidate, it may determine at its absolute discretion to revoke the selection of the candidate and require the Candidate Selection Committee to take such steps as are necessary to select or appoint a new candidate who shall become the selected candidate for the Party. The decision of the State Executive in relation to a candidate selection may be reviewed by the National Executive at its absolute discretion, and such decision shall be final and binding on the candidate.

- 12.14
- (a) Where the National Executive, on the advice of the relevant division or the Candidate Selection Committee is of the view that the public actions or statements of Federal or State candidates or Members of Parliament are not in the best interests of the Party, it may request the relevant Director to take whatever action it considers necessary (including to express concern, censure, reprimand, dis-endorse or expel).
 - (b) Following the advice on the division's action, if the National Executive is not satisfied with the procedures adopted in accordance with paragraph (a) above, it may at its absolute discretion, take whatever action it considers necessary including the power to express concern, censure, reprimand, dis-endorse or expel, but before such power is exercised, any candidate or member who is likely to be affected by such action shall have the right to be heard.
 - (c) Where the National Executive resolves to dis-endorse a candidate, it shall require the division or the Candidate Selection Committee in question to take such steps as are necessary to select or appoint a new candidate who shall become the endorsed candidate for the Party. The decision of the National Executive in relation to the review of a candidate or member under this clause shall be final and binding on the candidate or member.
- 12.15
- (a) Where the Party is required to present a nomination to the respective State Governor for the filling of a casual Senate or Upper House vacancy, the procedures given under this Constitution for the selection of Senate candidates shall apply.
 - (b) If a majority of the National Executive determines that there is insufficient time to hold a review of members by the Candidate Selection Committee, the casual Senate or Upper House vacancy shall be filled by a member nominated by the National Executive and the National Executive, in doing so, may consult with the State Executive.
- 12.16
- Anyone applying to be a candidate for the Party will be required to -
- (a) satisfy the Candidate Selection Committee that he/she does not owe any money to the Party; and
 - (b) give a signed undertaking not to speak publicly against official Party policy unless there is a genuinely strong conscientious objection, in which case, Party policy must be stated first and then any qualification/s can be given.

- 12.17 If elected to public office, the candidate agrees that whilst he/she may retain the right to resign from the Party, if he/she does so, he/she will resign the Parliamentary seat beforehand.
- 12.18 The conduct of parliamentary representatives of the Party shall be as follows -
- (a) a member elected to public office shall adhere to the policies formulated by the Party-
 - (i) except where the views of an elected member are in conflict with Party policy, then the elected member may, subject to the prior approval of the leader of the parliamentary Party, vote according to his/her conscience;
 - (ii) and where, in the opinion of an elected member, his/her duty to his/her electorate is in conflict with Party policy, then the elected member may vote according to his/her duty to his/her electorate;
 - (b) when an elected member recognises a conflict between his/her duty to his/her electorate and the Party policy, then he/she shall furnish an accounting for his/her position to his/her State Executive, for its information provided however, the member will always first use his/her best endeavours to resolve any such policy conflict or issue.

13. CAMPAIGN COMMITTEES

- 13.1 The State Director, in conjunction with the State Executive, shall appoint a Campaign Committee and a Campaign Director, which subject to State Executive approval, shall have authority over all Party Units for the purpose of campaigning, including the direction of individual campaigning and all aspects of continuous campaigning.
- 13.2 The National Executive, in conjunction with the State Executive, shall establish a National Campaign Committee. Where there is no Campaign Committee functioning in a Federal Electorate, the National Executive in conjunction with the State Executive shall determine the composition of any Federal Electorate Campaign Committee.
- 13.3 The State Executive shall establish a State Campaign Committee each conforming with State Electoral boundaries and each comprising delegates from branches within such boundaries and such other members appointed by the State Campaign Committee.

13.4 Where applicable, there may be Local Authority Campaign Committees each conforming with the Local Authority boundaries.

13.5 Federal, State and Local Authority Campaign Committees shall meet as required from time to time.

14. CONDUCT OF BALLOTS

14.1 Any provision in this Constitution for determination by the general membership in relation to matters of policy or the election of office bearers or any repeal, addition or amendment to this Constitution or any of its regulations or otherwise, notice of which has been given in accordance with clause 9.9, shall be construed as requiring an election by ballot as determined by the National Executive from time to time.

14.2 Ballots conducted at a National Conference or at a meeting of the general membership or otherwise shall be conducted by the method of secret ballot or as otherwise determined by the National Executive from time to time.

14.3 On any ballot, it shall be the duty of the National Executive or any committee or such committee established for the purpose, to prepare and distribute the ballot papers and to do so in such a manner as to ensure -

(a) that no eligible member of the Party is deprived of a ballot paper;

(b) that only ballot papers of members of the Party are counted;

(c) that no member of the Party shall vote more than once in any one ballot.

14.4 Eligibility for voting in Party elections or otherwise shall be determined on the basis of current financial membership of The Great Australian Party, as per the national membership roll recorded by the Party, and subject to the constraints of this Constitution.

14.5 The National Executive may distribute appropriate ballot papers at a National Conference, which ballot papers may be returned either at the National Conference or by post and they shall be counted with ballot papers returned from the members.

14.6 Subject to any specific provisions of this Constitution to the contrary, a decision made or a resolution passed by a majority of eligible delegates or members voting in a National Conference ballot or a general or special member's meeting, is valid only if such majority constitutes at least seventy-five per centum of the eligible delegates or members as provided in clause 16 or as otherwise provided in this Constitution.

- 14.7 The outcome of a ballot, or part of a ballot, must take effect as and from the date on which the ballot closed unless some other later date has been specified in this Constitution, in the regulations or as part of the substance of the ballot question itself.
- 14.8 Subject to the provisions of this Constitution, the results of a ballot of the membership of the Party, as declared by the National Executive, must be -
- (a) considered definitive as to the opinion of the membership;
 - (b) binding only on members, officers and bodies of the Party in accordance with the provisions of this Constitution;
 - (c) deemed to be effective from the date on which the ballot closed or such later date as may have been specified in the ballot itself provided however that in the case of any repeal, addition or amendment to this Constitution, the effective date shall be subject to the provisions of clause 19; and
 - (d) published to the members in accordance with clause 9.9(c) as soon as possible after the result of the ballot has been declared.
- 14.9 The National Executive may declare a ballot to be internally inconsistent or incapable of providing a clear indication of the opinion of the members voting in the ballot, and in doing so must arrange for the ballot to be redrafted or re-balloted as provided by this clause. Action cannot be taken under this clause once the results of a ballot have been declared by the National Executive.
- 14.10 A question which has been determined by membership ballot may not be re-balloted within a period of twelve months following the declaration of that ballot, except by virtue of this Constitution and its regulations, or by a resolution of the National Executive of which notice had been given in writing to the members.
- 14.11 The provisions of this Constitution relevant to ballots must apply to ballots conducted by a division except that the result of such a ballot:
- (a) is only binding on members, officers and bodies of that division in accordance with the provisions of the relevant State Constitution;
 - (b) must be declared by the State Executive;
 - (c) must be published to the members of the division in accordance with clause 9.9(c)

- 14.12 Except as may be otherwise provided for in this Constitution and its regulations, the State Constitution of a division may specify, from time to time -
- (a) which matters need to be determined by ballot of the membership of that division;
 - (b) which matters are to be determined by procedures other than ballot;
 - (c) the method of counting, the majority required and such other matters as are relevant to determining the outcome of a particular ballot; and
- 14.13 A Party ballot, as provided by this Constitution may be initiated by the National Executive, or by a majority of branches or regions.
- 14.14 Petitions to change policy and initiated after the publication of the first draft of a policy and up to 12 months after a ballot has occurred will not proceed unless endorsed by the National Executive.
- 14.15 Petitions seeking to initiate a Party ballot on a matter of policy will lapse should the National Executive initiate a policy review through a newsletter or equivalent publication, provided the review clearly allows for discussion of the petitioners' request.
- 14.16 Petitions initiated to change policy must:
- (a) refer to a specific policy item or items of policy;
 - (b) be accompanied by a copy of the policy as proposed by the petition; and
 - (c) have been discussed with the National Executive and by the State Executive in relation to wording and structure prior to circulation.

15. NATIONAL CONFERENCE

- 15.1 A National Conference shall be called by the National Executive at least every two years.
- 15.2 A National Conference may be called at the request of a majority of branches or regions, and shall be organised by the National Executive as soon as possible after receipt of that request provided however that no State Conference may be called less than 12 months after any previous National Conference.

15.3 The following members of the Party shall be eligible persons and delegates on behalf of their respective branches and regions to attend at and vote on matters arising at a National Conference: -

- (a) members of the National Executive;
- (b) members of the State Executive;
- (c) two delegates only representing each branch of the Party (each branch shall give notice in writing to the National Director of the names and telephone numbers of each delegate elected to represent the relevant branch at a National Conference and such delegate shall produce proper identification and proof of membership when attending a National Conference); and
- (d) two delegates only representing each branch of Young GAP (each branch shall give notice in writing to the National Director of the names and telephone numbers of each delegate elected to represent the relevant branch of Young GAP at a National Conference and such delegate shall produce proper identification and proof of membership when attending a National Conference).
- (e) Subject to the provisions of clause 9.9(e) of this Constitution, no delegate shall have more than one vote at a National Conference.

15.4 A National Conference may consider any matter put before it where details of the matter have been provided in writing to the National Director at least 14 days prior to the National Conference, but it shall consider the matters put forward by its sponsors, either the National Executive or the State divisions, as first priority.

15.5 A National Conference may make recommendations in regard to Party policy, the National Constitution, or matters of an administrative nature, which, after publication and discussion in a newsletter, notice or equivalent publication in accordance with clause 9.9(c), shall be put to the ballot of the delegates but subject always to the provisions of this Constitution.

15.6 Any recommendations or properly determined resolutions as provided by this Constitution, shall be submitted to the National Executive for consideration or implementation as the case may be.

16. NATIONAL ELECTORAL PREFERENCE

- 16.1 The decisions on allocation of preferences for any election to public office, shall be made by the National Executive in consultation with the State Executive and members of the local Campaign Committee of the relevant electorate, provided always the decision of the National Executive shall be final and binding on the Party.
- 16.2 It will be appropriate for the National Executive and the relevant State Executive of a division to initiate general discussion and appoint committees for the purpose of formulating strategies statements for use in electoral campaigns.
- 16.3 The National Executive in consultation with the relevant State executive shall ensure that statements for use in electoral campaigns are consistent with Party policy and strategy.

17. REGULATIONS

- 17.1 The regulations prescribe the procedures for implementing the principles identified in this Constitution.
- 17.2 The regulations may be prescribed, repealed, added to or amended from time to time by Party ballot at a National Conference or, subject to the provisions of clauses 9.4 (f) and (g), by unanimous vote or by the majority vote (as the case may be) of the National Executive from time to time, without the requirement to amend this Constitution as provided by clause 19.
- 17.3 Members must be notified of any change to the regulations as soon as practicable.

18. AMENDMENT OF THE CONSTITUTION

- 18.1 Subject to clauses 18.2 and 18.3, this Constitution may be repealed, added to or amended -
- (a) by a National Conference, which may be convened by the National Executive at any time, or within a year after receiving a requisition from twenty-five per centum of the members of the Party;
 - (b) subject to clause 19.2 hereof, by majority vote of the delegates at a State Conference in accordance with clause 19.3.
- 18.2 (a) Before convening a National Conference to consider any repeal, addition or amendment to this Constitution, the National Executive shall appoint a Constitutional Review Committee comprising members of the National

Executive, the State Executive and the State Directors, to examine the proposed Constitutional changes, call for submissions from all members and units of the Party and submit proposed amendments of this Constitution to the National Executive.

- (b) Any proposed amendment to this Constitution must first be submitted in writing to the Constitution Review Committee not less than 60 days prior to the National Conference and reported upon to the National Executive by the Constitution Review Committee whose report must be circulated to delegates with the proposed amendments.
- (c) The National Executive shall submit proposed amendments to this Constitution to the National Conference for its consideration. The Agenda detailing the proposed amendments to this Constitution and the Constitution Review Committee's report, is to be circulated to delegates at least 14 days prior to the National Conference.

18.3 Subject to clauses 19.1 and 19.2, this Constitution may be repealed or added to or amended by -

- (a) a seventy-five per centum majority vote of those eligible delegates present in person or by proxy at a National Conference; or
- (b) a seventy-five per centum majority vote of those present in person or by proxy at any meeting of the Party's members and at which the total number of votes cast is at least fifty per centum of the full membership, at which due notice of any repeal, addition or amendment of this Constitution shall have been given in accordance with clause 9.9, provided that to become operative, any such repeal, addition or amendment must be ratified by the State Executive of a majority of divisions and by the National Executive within 3 months of the passing of such amendment by the members of the Party.

18.4 The name of the Party namely, The Great Australian Party, shall be changed or shortened to "GAP" or to such other name as may be determined by the National Executive, in consultation with the State Directors of each division, as being in the best interests of the Party, and without there being a requirement to amend this Constitution as provided by clauses 19.1, 19.2 and 19.3, upon the happening of any one or more of the following events -

- (a) the National President, making a request in writing to the Party to remove any name from the Party name and/or to shorten the Party name to "GAP"; or
- (b) the National Executive and the State Executives of the majority of the

divisions resolving to change the Party name provided however, that the Party name will not change under this clause 19.4(b) before the expiry of three years from the date of the adoption of this Constitution by the Party.

19. **DISSOLUTION**

The Party shall not be dissolved except by resolution of the full membership of the Party passed in a postal ballot held in accordance with this Constitution provided that such resolution shall not be passed unless there are seventy-five per centum or more of the votes cast which favour the resolution and the total number of votes cast represents at least fifty per centum of the full membership, provided that the dissolution of the Party shall not become effective until -

- (a) 30 days after the result of any ballot required under clause 4.5 is declared or any determination by the Federal Court of Australia pursuant to clause 4.5 is made; or
- (b) if no such ballot or determination is required, then 30 days after the declaration of a successful resolution is passed in accordance with this clause 19; or
- (c) such other date as the resolution passed pursuant to this clause 19 shall stipulate, whichever is the later.

SCHEDULE “A”

(insert new member form)

SCHEDULE “B”

(insert new Candidate Endorsement Form)

SCHEDULE “C”

(review and insert new pre-selection procedure)

SCHEDULE “D” REGULATIONS FOR MEETING OF MEMBERS AND NATIONAL CONFERENCE

NATIONAL CONFERENCE AND GENERAL/SPECIAL MEETING REGULATIONS

[Note: These Regulations are subject to change from time to time in accordance with the National Constitution]

Attendance register And voting tickets	1. These Regulations shall apply to all meetings

Regulations governing proxy authorities and the proxy form appear in **Schedules “F”** and **“G”**

Regulations governing meetings of all other Party Units, save for the National Executive, are set out in **Schedule “E”** to this Constitution.

