

# Constitution of the Liberty Party

21st August 2021

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## 1. Name

- 1.1. The name of the Party is “The Liberty Party”.

## 2. Principles

### 2.1. **The members of the Liberty Party hold:**

that all people are created equal and different and with free will;

that all people are created with the obligation to refrain from interfering with other people—their life, their liberty, the fruit of their labour, their contribution to society;

that this obligation rebounds to an individual as the reciprocal right—to be free from interference, to the extent that the right is consistent with the obligation;

that all people are created with the obligation to respect the land and to hold in trust for future generations any land they do hold;

that a person may at any time revoke an authority they have delegated, and is incapable of delegating an authority they do not themselves possess;

that the people of a territory are sovereign and they create a government for the purpose of enforcing their inherent obligations and defending their reciprocal rights, and they grant that government the authority to effect that purpose, and they may revoke that authority were that government to fail in its purpose;

that a government so created is subject to no external government, instrument, institution, organisation or other corporate body or individual;

that these inherent obligations and reciprocal rights are had whether or not they are enunciated in a national Constitution.

### 2.2. **From the fundamental principles above follow these principles:**

Freedoms are inherent in the people, not gifts of the state to the people.

Powers are granted to the state by the people, not inherent in the state.

The role of a strong and honourable military is to defend citizens from threats originating outside the national territory.

The role of an honourable judiciary and police is to defend citizens from threats originating within the national territory.

The role of an honourable legislature is to support the military, judiciary and police in their roles, and further to put always the interests of Australians first using common sense and frugality.

The first role of a nation is to protect its citizens while they are abroad.

The second role of a nation is to engage fruitfully, co-operatively, respectfully and peacefully with other nations, to the extent that the other nations reciprocate.

Citizens engage truthfully with one another, whether as organisations or individuals, whether as public or private persons, and they live not by lies.

### 3. Objectives

- 3.1. To stand candidates for the House of Representatives and the Senate in federal elections, and for both Houses or the unicameral House in State/Territory elections, and in local government elections.
- 3.2. To reduce or eliminate current limitations on freedoms.
- 3.3. To enshrine the principle that freedoms are inherent in the people, not gifts of the state to the people.
- 3.4. To enshrine the principle that powers are granted to the state by the people, not inherent in the state.
- 3.5. To foster a culture of respect for our vast land, of which we are temporary custodians.
- 3.6. To increase in practical terms the political, economic and social freedom of the citizen.
- 3.7. To increase the material wealth of all individual citizens and corporations.
- 3.8. To reduce social divisions—we are all Australians.
- 3.9. To foster the culture that in order to be left alone, we must get involved and defeat attempts by others to impose restrictions on us.
- 3.10. To foster a strong and honourable military to defend us from threats outside our territory.
- 3.11. To foster an honourable judiciary and police to defend us from threats within our territory.
- 3.12. To foster an honourable legislature to support the military, judiciary and police, and further to put always the interests of Australians first using common sense and frugality.
- 3.13. To foster the culture of civic education, so that all voters know how the system works and can be more in control of it.
- 3.14. To reduce or eliminate inefficient taxes, to reduce the total amount of tax that a person or organisation actually pays.
- 3.15. To foster a culture of less regulation, to reduce compliance costs and put more money in the pockets of the self-employed and employers who must comply with the regulation.
- 3.16. To foster industry, to decrease the number of unemployed, increase owners' profits and reduce the total tax that a person or organisation actually pays.
- 3.17. To foster health, to give us better lives and reduce the total tax that a person or organisation actually pays.
- 3.18. To foster basic money education, to help us make sounder money decisions even before we leave school.
- 3.19. To foster basic science education, to help us better understand what government, media and other organisations tell us and what they omit.
- 3.20. To foster basic history education, to help us better understand our past and what government, media and other organisations tell us and what they omit.
- 3.21. To foster a closer neighbourhood.
- 3.22. To foster a more local approach to community help, so that some locals might band together to help someone, possibly with a few resources from government, rather than

rely on a welfare system where a government merely spends cash to supposedly help the person.

- 3.23. To foster a culture of opportunity, so that a person who lacks opportunity is afforded it.
- 3.24. To foster optimism and pride, especially in the young, so that we all may do more.
- 3.25. To foster a culture of transparency, so that more taxpayer-funded information is automatically available on the internet and in a timely fashion without having to go through Freedom of Information requests.
- 3.26. To foster a culture of truth, to reduce the untruths, half-truths and omissions told by government, media and other organisations.
- 3.27. To foster a culture of truth, where citizens live not by lies.
- 3.28. To foster the practice where terms used in public discourse have the same meaning to both the public practitioner and the private citizen.
- 3.29. To hold political parties to the objectives stated in their party constitutions.
- 3.30. To foster an accountable legislature and public service.
- 3.31. To enshrine the principle that a public servant, whether elected or unelected, has a single allegiance—to Australians.
- 3.32. To otherwise enshrine the principles of the Party.
- 3.33. Finally, to halve income tax and corporate tax soon, and to double Gross Domestic Product in five parliamentary terms.

## 4. Powers and Restrictions

- 4.1. The Party has power to do any and all things related to the achievement of its objectives, directly or incidentally.
- 4.2. The Party has no power to expend members' funds on other than furthering its objectives.
- 4.3. The Party has no power to trade or make a profit for its members.

## 5. Definitions

### ***Members' Pledge:***

"I, [name], swear to defend the Australian Constitution. So help me God."

### ***Candidates' Pledge:***

"I, [name], swear to defend the Australian Constitution and act in the interests of Australians. So help me God."

***"electoral division"*** means a federal electoral division or a State/Territory electoral division or a local government electoral division (such as a ward), or a State in a federal Senate election or the relevant electoral division in a State/Territory upper house election, as context requires.

## 6. Structure

- 6.1. The Party comprises local branches, electorate councils, state/territory councils and the National Council.

## 7. Members

- 7.1. A person who is eligible to vote in an Australian federal or state/territory election (whether or not enrolled to vote) and who is committed to the Principles of the Party is eligible for membership in the Party.
- 7.2. An applicant is to provide to the Party the details required by the Australian Electoral Commission: full name, residential address and date of birth as they appear on the Electoral Roll (or will appear after enrolling to vote), and email and telephone contacts.
- 7.3. A membership application form and a membership renewal form is to be approved by the National Council. The forms may be paper or electronic or online or any other or combination as deemed appropriate by the Council.
- 7.4. An applicant is to submit one of the approved application forms.
- 7.5. An applicant is to participate in a swearing-in ceremony approved by the National Council.

### Obligations

*“the extent that the member is able”* may be defined by the member.

- 7.20. A member not enrolled to vote in a federal election is to enrol.
- 7.21. A member is to disclose all criminal charges and convictions within 7 days of admission to the Party, and is to update the disclosure register within 7 days of any new criminal charges or convictions. The Party is to maintain the disclosure register in privacy.
- 7.22. A member is to uphold and defend the Principles of the Party and to act in good faith.
- 7.23. To the extent that the member is able, a member is to further the Objectives of the Party.
- 7.24. To the extent that the member is able, a member is to raise, or help others raise, funds for the Party to further the Objectives of the Party.
- 7.25. To the extent that the member is able, a member is to help identify and enlist quality candidates to stand for each federal, state and local election, for both upper and lower house, in electoral divisions in which the member is eligible to vote.
- 7.26. To the extent that the member is able, a member is to help an endorsed candidate to win the election.
- 7.27. To the extent that the member is willing, a member is to help identify and enlist quality candidates to stand for each federal, state and local election in non-local electoral divisions (that is, divisions in which the member is not eligible to vote).

### Rights

- 7.40. Generally, a member may do the things that a person would reasonably expect that a member of a political party may do, subject to this Constitution. The presence or absence of a rule does not of itself imply a further restriction of this general rule.
- 7.41. A member may participate in the affairs of the party generally but may not necessarily have voting rights on questions put by parts of the Party outside the member’s State/Territory or electorate or local branch as the case may be.
- 7.42. A member may in company with other local residents apply to the National Council to form a local branch.

- 7.43. A member may vote in the selection of a candidate for electoral divisions in which the member resides.
- 7.44. A member may submit to the branch secretary one or more items for the agenda of a branch meeting.
- 7.45. A member attend may attend branch meetings and participate in discussion of questions put and vote on questions put.
- 7.46. A member may ask another member for assistance with Party work.
- 7.47. A member may submit, to the member's branch or electorate/state/territory/national council, a proposal of any nature which the member believes will advance the interests of the Party.

## 8. Local Branches

- 8.1. A branch may be formed, by local residents, on application to the National Council.
- 8.2. A branch executive comprises a president, two vice-presidents, a secretary, and some number of officers. The number is decided by the members of the branch. The criteria for deciding the number are decided by the members of the branch. If no number is decided, the number is two.
- 8.3. A branch executive is elected by the members of the branch.
- 8.4. An election is held annually.
- 8.5. The results of the election are to be forwarded to the National Council within twenty-four hours. The results include the name of the branch; the date and address of the election; the name of the returning officer; for each position: the name of each candidate, the number of votes recorded for each candidate, the number of informal votes, the name of the candidate declared elected.
- 8.6. A branch may move the annual election date to a new annual election date provided that the change is long-term, and the members agree to the change, and the term that is to be affected becomes no shorter than nine months and no longer than fifteen months. A branch may apply to the National Council for approval for a date change not satisfying these conditions.
- 8.7. The two vice-presidents advise the president on the two sides of a question.
- 8.8. The two vice-presidents are each to nominate an understudy.
- 8.9. The members of the branch may by two-thirds absolute majority remove a member of the branch executive, provided that a replacement has been nominated and the nominee has accepted the nomination. The details are to be minuted. A member of the executive so removed may appeal to the National Council. The National Council is to take the minuted details into consideration.
- 8.10. Subject to this Constitution and especially to the Functions of a Local Branch, the members may run their branch as they decide.
- 8.11. A power of the president may be granted by the members and may be revoked by the members, and any such power granted is subject to this Constitution. The secretary is to record the details of the grant or revocation including the date, and is to publish to the members the change or a consolidated list of all such changes in a fashion and format

approved by members, provided that a current consolidated list may be consulted by a member at will without reference to any other person.

- 8.12. Branch meetings are open to all branch members and are chaired by the president.
- 8.13. Executive meetings are attended by the executive.
- 8.14. Meetings may be conducted in person or remotely or in some combination.
- 8.15. Monthly, a branch is to submit to the National Council a one-page report or update stating the branch's concrete achievements for the month and the Party objective(s) which each achievement advances. While processes in progress do not count as achievements, a completed sub-task of a larger task does count as an achievement provided that the sub-task is substantial in its own right and is accompanied by a statement of both the next step and the larger task. The report is to include:
  - a table of meetings for the period, listing for each meeting the date and the number of members attending;
  - the amount of funds raised and the amount transferred to the Party bank account;
  - the name and brief detail of quality candidates recruited;
  - any grants or revocations of power of the president.
- 8.16. Annually, a branch is to submit to the National Council a maximum two-page report consolidating and summarising the twelve monthly reports.
- 8.17. Optionally, the branch may submit a supplementary report for a given month or year in a format and with content decided by the branch.

## Functions

- 8.20. To achieve the objectives of the Party.
- 8.21. To recruit quality candidates for election to Parliament or Local Council.
- 8.22. To select a quality candidate in every federal, State/Territory and local election in which members of the branch are eligible to vote.
- 8.23. To select the candidate long before the election, to give the Party's endorsed candidate ample time to build a high profile.
- 8.24. To achieve the election of the Party's endorsed candidate(s), and to co-operate with other branches in the electorate to this end.
- 8.25. To increase the number of members of the branch.
- 8.26. To raise funds.
- 8.27. To enrol members as electors.
- 8.28. To clean up electoral rolls.
- 8.29. To educate members of the branch and residents of the electorate about liberty—political and economic freedom.
- 8.30. Where there is more than one branch in a federal electorate, the branches may form a federal electorate council.
- 8.31. Where there is more than one branch in a state electorate, the branches may form a state electorate council.

## Finance

- 8.40. The funds of a branch are to be used only for Party business including the achievement of the Objectives.
- 8.41. Owing to the short timeframe prior to the federal election due by May 2022 and to the enormity of the threat to the liberty of Australians, a branch is to be active and diligent in its raising of funds.
- 8.42. Subject to **rule 8.43**, the branch is to transfer the scheduled proportion of funds raised to the Party's bank account as and when the funds are received by the branch without undue delay but within 10 business days. Within reason and to increase efficiency, multiple transfers may be batched into fewer transfers.
- 8.43. The National Council may on reasonable grounds set a minimum amount of funds to be transferred per month by a given branch, based on the fund-raising by other branches, the fund-raising capacity of the branch, and other relevant factors. The Party expects that this rule will not be required and that branches will be active and diligent in their raising of funds.

## 9. Electorate Councils

- 9.1. An Electorate Council streamlines communications between the branches within an electoral division and the relevant national/state/territory Council for the purposes of running a successful election campaign for the electoral division. A federal Electorate Council liaises with the National Council. A state/territory Electorate Council liaises with the relevant State/Territory Council.
- 9.2. An Electorate Council comprises a president, two vice-presidents, a secretary, and the presidents of the branches within the relevant electoral division.
- 9.3. A branch president is automatically a member of an applicable Electorate Council. The remaining Councillors are to be elected by the members of the branches in the relevant electoral division. Should a branch president be nominated as a candidate for Council president, vice-president or secretary, the members of the branch are to nominate a Delegate to take the place of the branch president on the Electorate Council should the branch president be elected to the position nominated for.
- 9.4. The election of the Electorate Council is to be held on a date set by the members, or on a date twelve months prior to the relevant election day.
- 9.5. The results of the election are to be forwarded to the National Council within twenty-four hours. The results include the name of the federal/state/territory electoral division; the date and address of the election; the name of the returning officer; for each position: the name of each candidate, the number of votes recorded for each candidate, the number of informal votes, the name of the candidate declared elected; for each branch president or Delegate, the name of the person.
- 9.6. Meetings may be conducted in person or remotely or in some combination.

## 10. State/Territory Councils

- 10.1. A State/Territory Council co-ordinates activities of branches in the relevant State/Territory for the purpose of minimising inefficiencies and maximising the achievement of the Objectives of the Party, recognising that particular circumstances of States/Territories may vary and consequently that such co-ordination may not

necessarily best be led by the National Council. The State/Territory Council, via its president, is the conduit between the branches and the National Council.

- 10.2. A State/Territory Council comprises a president, two vice-presidents, a secretary, and the presidents of the branches within the State or Territory.
- 10.3. A branch president is automatically a member of the relevant State/Territory Council. The remaining councillors are to be elected by the members of the branches in the State/Territory. Should a branch president be nominated as a candidate for Council president, vice-president or secretary, the members of the branch are to nominate a Delegate to take the place of the branch president on the State/Territory Council should the branch president be elected to the position nominated for.
- 10.4. Should the members of the branches within the State/Territory decide that the number of branch presidents makes the Council unwieldy, the members may decide on a method that reduces the number. One possible method is as follows: the members of the branches of each electoral division nominate a Delegate to take the place of the presidents of the branches within the division.
- 10.5. An election is held annually on approximately the same date. The date may be chosen by the outgoing Council to avoid conflict with the relevant State/Territory election.
- 10.6. The results of the election are to be forwarded to the National Council within twenty-four hours. The results include the name of the state/territory; the date and address of the election; the name of the returning officer; for each position: the name of each candidate, the number of votes recorded for each candidate, the number of informal votes, the name of the candidate declared elected; for each branch president or Delegate, the name of the person.
- 10.7. Meetings may be conducted in person or remotely or in some combination.

## 11. National Council

- 11.1. The National Council comprises a president, two vice-presidents, a secretary, and the president of each State/Territory Council.
- 11.2. The two vice-presidents advise the president on the two sides of a question.
- 11.3. The two vice-presidents are each to nominate an understudy.
- 11.4. Subject to this Constitution, the Council may do any and all things related to the achievement of the Objectives, directly or incidentally. The presence or absence of a rule does not of itself imply a further restriction of this general rule.
- 11.5. The Council may approve, modify and repeal Schedules. The primary purpose of a Schedule is to add clarity or detail to the operation of the Party, including reduction of any abuses of rules. A Schedule is subject to this Constitution. A Schedule may be attached to this Constitution. A Schedule is not part of this Constitution but is binding upon the Party. A member or branch or council may submit a proposed Schedule or revision to the National Council for approval. A member or branch or council may submit a proposal to the National Council that a Schedule be repealed. Members may by three-quarters absolute national majority voting within a single calendar month revoke a Schedule provided that the text of the applicable Schedule is included in the question voted upon.
- 11.6. Meetings may be conducted in person or remotely or in some combination.

- 11.7. The Council may direct parliamentary members.
- 11.8. The Council is to determine applications for the formation of a branch. Should the Council decide a branch is not practical, the Council may approve a contact group and rules for the group. In consultation with the applicants, the Council is to determine the boundary of the branch or group. A boundary may follow postcode boundaries in part or in full.
- 11.9. Where selection of a candidate for an electoral division by eligible members is not feasible, the Council may select a candidate.
- 11.10. The Council may suspend or expel a member should that be in the interests of the Party. If the relevant issue is serious or urgent, the Council may take the action without prior notice to the member. In any event, the Council is to advise the member of the action or intended action and of a reasonable respond-by date but within 30 days of the date of the advice, and is to consider the reply of the member delivered prior to that date. The Council may reverse an action taken under this rule.

### Functions

- 11.20. To maximise the achievement of the Objectives.
- 11.21. To deliver liberty.
- 11.22. To achieve the election of candidates at federal, state, territory and local government elections.
- 11.23. To co-ordinate the functioning of the Party as a coherent whole, necessitating some restrictions where appropriate.
- 11.24. To publicly express the views of the Party.
- 11.25. To raise funds from non-members and branches, and to administer and invest those funds.
- 11.26. To co-ordinate branches.
- 11.27. To form and dissolve committees and other bodies.
- 11.28. To prevent branch-stacking or other abuse of rules.
- 11.29. To protect and exploit the intellectual property of the Party, including name, logo and brand.

### Finance

- 11.40. The financial year of the Party begins 1st July.
- 11.41. Monthly, the Council is to reconcile the transfers by a branch to the Party bank account with the branch monthly report of the funds raised and the scheduled proportion transferred.
- 11.42. The funds of the Party including the funds forwarded by branches are to be used only for Party business including the achievement of the Objectives.
- 11.43. The Council, from time to time, determines the rate and advises branches of the date that the rate takes effect. Subject to **rule 8.43**, no branch is to be treated differently from any other branch.

## 12. Platform

- 12.1. The platform comprises the Principles and Objectives, and policies designed by the Party to effect them.
- 12.2. The National Council may amend policies.
- 12.3. A branch or council may submit to the National Council proposed text for one or more policies. The National Council may incorporate into the platform some or all of the proposed text, leveraging the good work of the members.

## 13. Candidates

***“potential candidate”*** means a person who has not yet been nominated as a candidate for public office.

***“nominee”*** means a potential candidate who has been nominated and has accepted the nomination and whose nomination has been approved by the National Council.

***“selected candidate”*** means a nominee who has been selected by relevant members.

***“endorsed candidate”*** means a selected candidate whose selection has been approved by the National Council.

***“elected candidate”*** means an elected member of a federal/State/Territory upper/lower/unicameral house of parliament or of a local government council.

### **Potential candidate**

- 13.1. A person not committed to the Principles of the Party may not be a nominee.
- 13.2. A person not eligible to nominate as a candidate under the relevant electoral laws may not be a nominee.
- 13.3. The potential candidate is to submit the completed Candidate Nomination form to the National Council.
- 13.4. To safeguard the reputation of the Party, a potential candidate is to provide to the National Council paper documentation supporting nomination, plus electronic copies of the paper documentation. The purpose of the documentation is to instil in the Council confidence that ultimately approving the potential candidate as the endorsed candidate will not embarrass the Party and that a decision to approve an endorsement is defensible. The Council is to decide provisionally the suitability of the potential candidate. The Council may decide the desirability of the potential candidate.
- 13.5. The National Council is to notify relevant branches and councils of the nomination of suitable nominees.

### **Nominee**

- 13.20. A person who has not sworn the Candidates’ Pledge may not be a selected candidate.
- 13.21. One of the vice-presidents is to be named as the Returning Officer for the selection. Failing that, a person who has no connection to the nominees is to be named as Returning Officer.
- 13.22. A nominee may appoint a member as the nominee’s scrutineer.
- 13.23. The nominee who receives the most votes of members eligible to vote in the relevant electoral division is to be declared the selected candidate.

- 13.24. The results of the selection are to be forwarded to the National Council within twenty-four hours. The results include the name of the electoral division; the date and address of the election; the name of the returning officer; the name of each candidate, the number of votes recorded for each candidate, the number of informal votes, the name of the candidate declared selected.
- 13.25. As far as practicable, candidates are to be selected at least twelve months before the expected date of the election.

#### **Selected candidate**

- 13.40. The National Council may upon reasonable grounds void the selection of a nominee as candidate. In this case, the nominee receiving the second highest number of votes is to be considered for endorsement.
- 13.41. The National Council is to advise the selected candidate, without undue delay, of the endorsement or rejection of selection. Where the first selected candidate is rejected, the National Council is to advise the second selected candidate, without undue delay, of the endorsement or rejection of selection. Where both the first and second selected candidates are rejected, the National Council is to initiate arrangements for a fresh selection.

#### **Endorsed candidate**

- 13.60. An endorsed candidate may not withdraw their candidacy for office. The National Council may upon reasonable grounds withdraw a nomination or endorsement.
- 13.61. Current federal legislation requires the payment to the Australian Electoral Commission of a \$2000 refundable candidate nomination deposit which will be refunded should the candidate be elected or at least receive four per cent of the primary vote. The endorsed candidate is to fund this amount unless the National Council advises otherwise.
- 13.62. An endorsed candidate is to campaign vigorously and compellingly on the Platform.

#### **Elected candidate**

- 13.80. Current federal legislation requires a person nominating for public office to declare that they will take up the office if elected. An elected candidate may not resign from office without the approval of the National Council. The National Council may upon reasonable grounds direct an elected candidate to resign from office, in which case the elected candidate is to comply with the direction given.

## **14. Parliamentary Parties**

- 14.1. A Parliamentary Party comprises the members of the Party elected to a federal or State/Territory parliament.
- 14.2. Each Parliamentary Party is to achieve the Objectives of the Party by passing legislation effecting those objectives. A Parliamentary Party formulates parliamentary policy to implement the Platform based on consultation with the National Council and stakeholders.
- 14.3. A Parliamentary Party is to appoint a leader, known as the Leader of the parliamentary Liberty Party.

14.4. A Parliamentary Party is to appoint two deputy leaders. The two deputy leaders are to advise the Leader on the two sides of a question, as and when a question arises. Each deputy leader is to appoint an understudy.

14.5. A Parliamentary Party is responsible for the work of its Members of Parliament.

## 15. Campaign Committee

15.1. The Campaign Committee co-ordinates the election campaign.

## 16. Indemnity

16.1. The president of the Party is indemnified by the Party for all expenses and losses incurred in the course of achieving the objectives of the Party.

## 17. Amendment

17.1 This Constitution may be amended at a meeting of the National Council by a two-thirds majority of the members of the Council provided that thirty days' notice of the amending resolution is given to members of the Party. A member, branch or council may submit to the National Council a response to an amendment proposed by the National Council. A branch or council may submit a proposed amendment, accompanied by its for-against vote, to the National Council.

## SCHEDULES

Schedules do not form part of the Liberty Party Constitution but are binding upon the Party (**rule 11.5**). Some Schedules are reproduced here for the convenience of the reader. All Schedules are available.

### Schedule 8D—Proportion of funds raised (8.15, 8.42, 8.43, 11.41, 11.43)

The proportion of funds raised by a branch to be transferred to the Party bank account is two-fifths. Funds so forwarded are to be expended so as to benefit the members of the branch on a larger scale, such as through print, radio and television advertising.

As the party membership grows and is better able to support the operations of the Party, the proportion may decrease in favour of the branch.

### Schedule 13B—Parliamentary levy (13.3)

Parliamentary levy is 10 per cent of total gross compensation.

This levy is payable by members of federal, State/Territory and local governments, as and when received by the member.

The member authorises the Party to deduct appropriate monies from the member's bank account.

Such authority is a condition of nomination to be the Liberty Party's endorsed candidate in a federal, State/Territory or local government election.

As the number of parliamentary members increases and is better able to support the operations of the Party, the levy may decrease in favour of the parliamentary member.