

CONFIDENTIAL

VICTORIAN PARLIAMENTARY LIBERAL PARTY

CONSTITUTION

August 30, 2022

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CONSTITUTION

DEFINITIONS:

1. "Parliamentary Party" shall wherever used throughout this Constitution refer to the Victorian State Parliamentary Party of the Liberal Party of Australia (Victorian Division) and consist of such members of the Liberal Party who have been elected to the Legislative Council or to the Legislative Assembly of the Parliament of Victoria.
2. "Liberal Party" shall refer to any section of the Liberal Party of Australia (Victorian Division) outside the Parliamentary Party.
3. "Federal Party" shall refer to the Federal Parliamentary Party of the Liberal Party of Australia.
4. "Cabinet" shall when the Parliamentary Party is in Government in its own right or in Coalition, refer to the Cabinet of the Victorian Government, or if in Opposition, to the "Shadow Cabinet".
5. "Secretary to Cabinet" shall mean "Secretary to the Shadow Cabinet" when the Parliamentary Party is in Opposition.
6. "Inaugural Meeting" means the first meeting of the Parliamentary Liberal Party after a Victorian General Election.

Inaugural Meeting

7. Within 21 days after the polling day of a Victorian General Election the Secretary of the Parliamentary Party (even if defeated at the poll), or in her/his absence or refusal to act, the Secretary of the Cabinet shall call the Inaugural Meeting.
8. The purpose of the Inaugural Meeting will be to elect the Leader and other office holders of the Parliamentary Party, in accordance with this Constitution.
9. The Leader, or in the event of her/his absence or refusal to act, the Deputy Leader of the Parliamentary Party, must, on a day preceding the Inaugural Meeting, consult with the Electoral Commissioner or the Commissioner's delegate about who is likely to be elected as a Liberal Party member of the new Parliament. Acting consistently with that information, the Leader (or Deputy Leader) determines and declares who is deemed to be members of the Parliamentary Party; on the same day, all such members are invited to attend and participate in the Inaugural Meeting of the Parliamentary Party the following day. This decision of the Leader (or Deputy Leader) shall be final, conclusive and not subject to review or appeal.
10. The Inaugural meeting of the Parliamentary Party and any other meetings of the Parliamentary Party that involve a ballot also conducted during the Inaugural Meeting, must be held in person. All

other meetings of the Parliamentary Party should also be held in person, save and except where exceptional circumstances require the meeting to be held remotely. The term “exceptional circumstances” should carry its ordinary meaning and may include, but is not limited to, movement restrictions because of a health or other emergency; a natural disaster such as flood or fire which makes it dangerous or impossible to travel or attend the meeting. It is a matter for the Leader to determine whether “exceptional circumstances” exist. The term “remotely” should have the specified meaning that members will personally and privately participate, virtually and simultaneously in a non-physically held meeting, via previously advised virtual-online meeting software installed on appropriately secure video and audio enabled electronic devices.

11. The existing Leader of the Parliamentary Party shall Chair the Inaugural Meeting. If the Leader is defeated at the election, or is absent, or refuses to act, then the Deputy Leader of the Parliamentary Party shall Chair the meeting.

If the Deputy Leader is also defeated at the polls, or is absent, or refuses to act, then the Chair shall be elected by a show of hands.

12. The Chair shall declare all positions within the Parliamentary Party vacant.
13. The Chair shall then call for nominations for Leader of the Parliamentary Party.

14. Where the Chair is nominated for leadership of the Parliamentary Party, the Parliamentary Party shall immediately after the closure of nominations for the leadership, elect from the remaining members, a temporary Chair for the purpose of conducting the ballot for Leader.
15. Election for temporary Chair shall be by show of hands unless otherwise determined by the meeting.
16. Ballot for leadership shall be in accordance with the rules set out in Schedule 1 hereto.
17. (a) The Meeting shall appoint three scrutineers from those who are not candidates.
(b) Scrutineers shall appoint a Returning Officer from one of their number and thereupon conduct the ballot.
18. Each member of the Parliamentary Party shall be entitled to one vote.
19. Upon declaration of the ballot by the Returning Officer the temporary Chair shall vacate the chair in favour of the elected Leader.
20. (a) The Chair shall then call for nominations in turn and in the order listed hereunder for each of the remaining official positions within the Party:
 - Deputy Leader of the Parliamentary Party
 - Leader of the Parliamentary Party in the Legislative Council

- Deputy Leader of the Parliamentary Party in the Legislative Council
- (b) The Leader and Deputy Leader In each House shall be members of Cabinet.
21. The Parliamentary Party shall, prior to the calling of further nominations for members of Cabinet, decide the remaining number of positions to be filled. If required, this shall be done by secret ballot.
 22. Any member may move a motion that the Leader shall have the right to appoint the remaining members of Cabinet. Voting upon this motion shall be by secret ballot. If such a motion is successful, the Leader shall appoint the remaining members of Cabinet.
 23. If such a motion as is referred to in the preceding paragraph is not put or is not successful, then, subject to the below paragraph, each of the remaining positions in Cabinet shall be filled by election.
 24. The Leader shall be entitled to appoint up to four members of the Parliamentary Party to be members of Cabinet.
 25. The following additional official positions within the Parliamentary Party shall be filled by election:
 - Nomination as President and/or Deputy President of the Legislative Council
 - Nomination as Speaker and/or Deputy Speaker of the Legislative Assembly
 - Parliamentary Party Whip in the Legislative Council

- Parliamentary Party Whip in the Legislative Assembly
 - Secretary of the Parliamentary Party
26. The Parliamentary Leader shall determine the number of Parliamentary Secretaries or Shadow Parliamentary Secretaries to be appointed, if any, and shall make such appointments.
27. Following the election of the four Parliamentary Leaders, the official positions shall be filled in the following order unless the meeting otherwise determines:
- Cabinet (unless a motion pursuant to paragraph 22 has been passed gifting this responsibility to the Leader)
- Nomination as President and/or Deputy President of the Legislative Council
- Nomination as Speaker and/or Deputy Speaker of the Legislative Assembly
- Parliamentary Party Whip in the Legislative Council
- Parliamentary Party Whip in the Legislative Assembly
- Secretary of the Parliamentary Party.
28. Voting for the above shall be in accordance with the rules set out in Schedule 1.
29. Only those members of the Parliamentary Party who are also members of the Legislative Assembly shall be entitled to vote in the election for the Parliamentary Whip of the Legislative Assembly.

30. Only those members of the Parliamentary Party who are also members of the Legislative Council shall be entitled to vote in the election for the Parliamentary Whip of the Legislative Council.
31. There shall be a Parliamentary Party Standing Committee system considered, endorsed and subsequently established by the Parliamentary Party.
32. The Chair of Parliamentary Party Standing Committees shall be appointed by the Parliamentary Leader.
33. Members of the Parliamentary Party Standing Committees shall be appointed by the Parliamentary Leader.

Casual Vacancies

34. All casual vacancies shall be filled in the same manner as the respective positions are filled under that portion of the Constitution dealing with the Inaugural Meeting. For the avoidance of doubt, this means such meetings must be held in person.
35. Should the casual vacancy be that of Leader, the Deputy Leader shall assume the position of Acting Leader until the election of a new Leader.
36. Should the casual vacancy be for the appointment of a new Leader, such meeting shall be not held on any sitting day and shall be held in person not less than 7 days nor more than 21 days after the vacancy

occurs and shall be conducted in accordance with the procedures contained within the relevant section of this Constitution.

37. The new Leader may of right declare all Cabinet or Shadow Cabinet positions vacant. Should this right be exercised, the Leader shall adopt the procedure set forth within the relevant section of this Constitution.
38. The new Leader shall also have filled any other positions within the Parliamentary Party resulting from appointments which may be made under and in accordance with this Constitution.
39. Members of the Legislative Council will be eligible to nominate as Leader or Deputy Leader of the Party only on the understanding that they must become a member of the Legislative Assembly within three months of their appointment as Leader or Deputy Leader of the Parliamentary Party.
40. Should a casual vacancy arise for any position itemised under paragraph 25, such position shall be filled in accordance with the procedures contained within the relevant section of this Constitution.

Conduct of Meeting

41. Meetings after the Inaugural Meeting shall be held at such times and places as the Parliamentary Party shall from time to time determine

(including “remotely” where “exceptional circumstances” require it, as defined above).

42. A special meeting shall also be convened at the request of the Parliamentary Leader or Deputy or at the request of any five members of the Parliamentary Party, in writing to the Parliamentary Secretary. Such a meeting must be held in person.
43. Notices of meetings of the Parliamentary Party shall be given to members of the Parliamentary Party at the preceding meeting of the Parliamentary Party with the exception of special meetings of the Parliamentary Party for which notice must be given to each member of the Parliamentary Party by the Secretary to the Parliamentary Party at least three days prior to the date of that meeting.
44. At all meetings of the Parliamentary Party, the Parliamentary Leader, or in her/his absence, the Deputy Leader, shall act as the Chair. In the absence of both, the Leader of the Legislative Council, or in her/his absence the Deputy Leader of the Legislative Council, shall act as the Chair. In the absence of all four, such person as determined by the Parliamentary Party shall Chair the meeting.

Members of the Parliamentary Party in either House may from time to time meet separately to discuss matters of procedure and tactics particular to their own House. A meeting of the Parliamentary Party members of one House may be conducted in a similar manner to that provided in this Constitution for a meeting of the whole Parliamentary Party, (including being held “remotely” where “exceptional circumstances” require it, as defined above).

45. Order of business at meetings of the Parliamentary Party shall, unless suspended, be in accordance with the following agenda: -

- (a) Apologies for absence
- (b) Minutes of the preceding meeting
- (c) Matters arising from the minutes
- (d) Matters of special urgency brought forward by the Leader or Deputy Leader of the Parliamentary Party
- (e) Correspondence and business arising therefrom
- (f) Report by the Parliamentary Leader
- (g) Reports of Committees of the Party
- (h) Reports of Bills and business before the House
- (i) Reports of delegates of the Party
- (j) Postponed business
- (k) Notices of motion
- (l) General business

46. A member wishing to have a matter discussed by the Parliamentary Party shall give notice in writing to the Secretary at least 24 hours prior to the time of the meeting provided that a member may; without notice:

- (a) move the suspension of standing orders for discussion on a matter of urgency, and
- (b) raise under the heading of General Business any matter which has not been previously discussed that day.

47. If a member moved the suspension of order of business for discussion of a matter of urgency, the matter shall lapse after the expiration of

one-half hour from the time of the initiation of the motion, unless a vote on the subject matter of the motion has been undertaken.

48. Notwithstanding the Clause preceding, the meeting may resolve that the matter be further discussed.
49. A quorum of a meeting of the Parliamentary Party shall be constituted by one third of the members of the Parliamentary Party.
50. A member shall not, except by leave, speak more than once on any matter for the meeting, provided the member who has moved the motion may speak in reply.
51. No member shall speak for longer than five minutes, except when moving a motion, when the member may speak for not longer than eight minutes.
52. Voting at meetings shall be by show of hands provided that:
 - (a) If there is doubt as to the counting of hands, a member may call for a vote by division, whereupon the Chairman shall give directions for the taking of the division.
 - (b) If any five members of the Party so request, the vote shall be by secret ballot, whereupon the Chairman of the meeting shall give directions for taking of such a ballot.

Party Constituting Government

53. When the Parliamentary Party is constituting the Government, any members who are ministers shall, so far as consistent with their ministerial responsibilities and their oaths of office, inform the Party of the substance of proposed legislation and major executive actions.

Conduct of Members

54. Every member of the Parliamentary Party shall endeavour to
- (a) Attend all meetings of the Parliamentary Party
 - (b) Obtain permission from the appropriate Parliamentary Whip before absenting themselves from any sitting of the Parliament.
 - (c) Be present at all divisions taken in the House or make arrangements through the respective Whip for a pair to be granted.
 - (d) Consult the respective Whip as to the part which the member shall take in any debate.
 - (e) Give reasonable notice to the respective Whip when the member intends:
 - (i) to ask any question, or
 - (ii) give notice of any motion, or
 - (iii) speak on any subject of a controversial nature.
55. No member of the Parliamentary Party shall:
- Speak in the House against any decision by the Parliamentary Party or refrain from voting on any decision of the Parliamentary Party without informing the Whip and the Parliamentary Leader in the House concerned.

- (a) Exercise a free vote on any matter determined by the Parliamentary Party without firstly informing the Parliamentary Whip and the Leader of the Parliamentary Party (unless the adopted position of the Parliamentary Party is a free vote where such notification is unnecessary).
 - (b) Make any public statement or criticism of the Parliamentary Party or the Liberal Party, except where the member has given prior notice to the Leader and provided that nothing in this shall prevent a member declaring her/his views at any meeting of the Liberal Party.
 - (c) Make any public statement or criticism of the administration of any Government Department by a Minister who is a member of the Parliamentary Party without first informing the Leader and the Minister concerned.
 - (d) Without the authority of the Leader, give any person other than a member of the Parliamentary Party any report of, or comment, on any proceedings of the Parliamentary Party meeting.
56. No initial pronouncement of the Parliamentary Party's policy on any question or matter shall be made except by, or upon, the authority of the Leader or in her/his absence the Deputy Leader.
57. Any member who-
- (a) infringes a rule of this Constitution, or
 - (b) conducts activities in a manner likely to bring discredit on the Parliament or the Parliamentary Party, shall be called before a special meeting of the Parliamentary Party and after being given

an opportunity to explain her/his conduct, shall be dealt with by the Parliamentary Party as thought fit by the decision of the absolute majority of the Parliamentary Party.

58. No member of the Parliamentary Party shall be expelled except by motion in that regard initiated by appropriate notice and passed by an absolute majority of the Parliamentary Party.
59. Notice of motion to expel a member shall specify the reasons for such proposed expulsion and shall be signed by the Leader or Deputy Leader or any five members of the Parliamentary Party.
60. A copy of the said notice shall be served, including by way of electronic carriage service, on the member intended to be expelled at least five clear days prior to the date of the meeting at which the motion will be heard.
61. If the motion expelling the member has been passed in accordance with this Constitution, the terms of the resolution shall be notified formally in writing, including by way of electronic carriage service, forthwith by the Parliamentary Leader, the Deputy Leader or the Secretary of the Parliamentary Party to the State Director of the Liberal Party of Australia (Victorian Division) and to the member expelled.
62. Upon expulsion from the Parliamentary Party the expelled member shall not be permitted to use the Parliamentary Party Room nor any other amenities of the Parliamentary Party, nor shall he or she be

entitled to any of the privileges accorded to a member of the Parliamentary Party.

63. A member who has been expelled from the Parliamentary Party may be re-admitted by motion of such re-admission initiated by appropriate notices and passed by an absolute majority of the Parliamentary Party.

Decisions on Policy

64. The Parliamentary Party may duly convene meetings from time to time to adopt positions with regard to:
- (a) A Bill or motion or other proceedings before either House of Parliament.
 - (b) Any public question requiring an expression of views by the Parliamentary Party.
 - (c) The relations of the Parliamentary Party to any other political party or group.
 - (d) Any question or matter brought before the Parliamentary Party for consideration.
65. Every member of the Parliamentary Party shall conform to the Parliamentary Party's decision on any matter, provided that a Party member shall not be bound to conform with the Party's decision if such conformity will conflict with the tenets of her/his religion or conscience.

66. The Parliamentary Party shall have a fund known as the Parliamentary Liberal Party Fund (Communications Fund) which shall be placed in the hands of trustees.
67. The Trustees of the Parliamentary Liberal Party Fund (Communications Fund) shall be the Leader, the Parliamentary Leader of the Legislative Council, and shall include one other member of the Parliamentary Party who shall be nominated by the Parliamentary Party.
68. While complying with all legislative requirements, the Fund shall be utilised to defray expenditure incurred regarding:
- (a) Publicity for the Party.
 - (b) Benefits concerning the Party.
 - (c) Freedom of Information requests and necessary related litigation.
 - (d) Such other purposes as deemed necessary by the Leader and endorsed by the Trustees from time to time.
69. The Trustees shall have powers and duties as set out in the Second Schedule hereto

Amendment to Constitution

70. (a) This Constitution may be amended from time to time by motion of which notice shall be given to members of the Parliamentary Party at least seven days prior to the date of the meeting in which a

notice of motion is to be considered and provided that such motion is considered and subsequently passed by an absolute majority of the Parliamentary Party.

A provision of this Constitution may be suspended without notice by a motion passed by a majority of at least two thirds of the whole of the Parliamentary Party.

Supplementary Procedure

71. Where this Constitution has not specifically provided for any matter of procedure or is wanting in any other way, the standing orders of the Legislative Assembly shall apply.

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FIRST SCHEDULEMethod of Conducting Election by Secret Exhaustive Ballot for in person
meetings

(1) The Chair calls for nominations for the subject position

In the first ballot for any office:

- (a) Each member of the Party shall vote for two different candidates by writing the names of the two candidates for whom s/he wishes to vote on a blank ballot paper;
 - (b) The votes shall be counted, and, where the total votes cast for any two or more candidates is less than the number cast for the next lowest candidate, the first-mentioned candidates shall be eliminated, provided that within this provision all candidates with two or less votes shall be eliminated;
 - (c) No candidate shall be declared elected on this initial ballot.
- (2) The names of the remaining candidates shall be announced, and a further ballot shall be conducted in which each member shall vote for one candidate only in accordance with the succeeding rules of this Schedule.

- (3) The number of votes received by each candidate shall then be counted. If any candidate has an absolute majority s/he shall be declared the successful candidate.
- (4) If no candidate has an absolute majority, the candidate who has the lowest number of votes shall be eliminated.
- (5) Where the total of the votes cast for two or more candidates is less than the number of votes cast for the next lowest candidate, the first mentioned candidates shall be eliminated.
- (6) The process described in the rules in this schedule shall be continued until one candidate has received an absolute majority, in which event s/he shall be declared the successful candidate.
- (7) Where the number of members present at the Party Meeting is an even number, an absolute majority shall be half that number, plus one.
- (8) (a) Where two or more candidates have an equal number of votes, and each such candidate has fewer votes than any other remaining candidate, then
 - (i) If there are not more than five remaining candidates, each member shall write on a blank ballot paper the name of the candidate having such number of votes whom s/he wishes to remain in the ballot. The candidate for whom the least votes are cast shall be

- eliminated; where there is an equality of votes, the Leader of the Parliamentary Party or in her/his absence the Chair of the meeting shall have a casting vote;
- (ii) if there are more than five remaining candidates, the Leader of the Party or, in her/his absence, the Chair of the meeting shall decide which shall be eliminated;
- (b) where all the remaining candidates, being three or more in number, have an equal number of votes, another ballot shall be conducted in accordance with the methods set out in this Schedule between the remaining candidates, and in the event of an equal number of votes being cast for the candidates in the second ballot, the Leader of the Party or, in her/his absence, the Chair of the meeting shall decide which candidate shall be eliminated;
- (c) where two candidates only remain, and each obtains an equal number of votes, another ballot shall be conducted in accordance with the methods set out in this Schedule between the two candidates, and in the event of an equal number of votes being cast for the candidates in the second ballot, the Leader of the Party or, in her/his absence, the Chair of the meeting, shall decide which candidate shall be eliminated.

METHOD OF CONDUCTING ELECTION BY MEETINGS HELD REMOTELY

Any election during a meeting held remotely should also be conducted by secret exhaustive ballot in a format approved and endorsed by the Liberal Party State Secretariat and formally communicated to all members with any notice of a remotely held meeting.

SECOND SCHEDULE

Powers and duties of the Trustees:

- (I) They shall pay monies into a bank account from which withdrawals shall be authorised by any two of them.
- (II) They shall, when anticipated expenditure requires it, submit a motion to the Party for a levy on Members of the Assembly or of both Houses.
- (III) The Leader or the Deputy Leader, when present, shall preside.
- (IV) Minutes of all meetings shall be kept by a Trustee appointed for that purpose and shall be lodged with the Secretary of the Party.
- (V) They shall report annually to a meeting of the Party.