

Sam McQuestin  
State Director  
Liberal Party of Australia – Victorian Division  
Level 2, 60 Collins Street, Melbourne  
Victoria 3000

20 January 2020

Dear Mr McQuestin

### **Requisition for a Special Meeting of State Council**

Pursuant to clause 11.10 of the Constitution of the Liberal Party of Australia – Victorian Division, the undersigned members of State Council request that a special meeting of State Council be convened.

#### **Background**

For us, the members of the Party, the actions of this Administrative Committee in recent months have shocked us to the core.

The controversy began when a small clique on the Administrative Committee, apparently in order to serve narrow factional interests and against the express advice and wishes of every Federal MP and Senator in Victoria, chose to adopt an unprecedented timetable for early preselections, representing a clear danger to the continuation and re-election of the Morrison Government.

Party members, deeply concerned by this conduct, elected to exercise their constitutional rights as State Council delegates to requisition a State Council in order to consider the whole issue of the proper timing for preselections.

The mechanism for requisitioning a State Council is in the Constitution in order to check the power of the Administrative Committee. It follows that the Administrative Committee (and failing that, the State Director) must act on such a requisition, and that they have no right to ignore or to purport to invalidate such a requisition.

Yet this is exactly what the Administrative Committee did. In a move that was blatantly unconstitutional, and on the flimsiest of pretexts developed by a Constitutional Committee hand-picked by factional interests, the Administrative Committee purported to declare the requisition void. This action was accompanied by the State President sending an email to all Party members unfairly attacking those who had done nothing more than to exercise their rights under the Constitution in order to defend the Morrison Government – no right of reply was offered or permitted.

The Constitution fortunately contains a check on the power of the Constitutional Committee and Administrative Committee to act based on unfeasible interpretations of the Constitution. All interpretations of the Constitution are subject to the direction or ratification of State Council – the governing body of and final authority in the Party. Members therefore sent through a second requisition, asking this time for State Council to exercise its express constitutional right to make a direction on the correct interpretation of the Constitution.

Despite the fact that this right to make a direction on the interpretation of the Constitution is an express power given to State Council, the Administrative Committee, again with the transparently inadequate cover of a purported "advice" from the Constitutional Committee, presumed to void the critical motions.

The Party cannot continue to operate in such blatant violation of the rights of members, and of its constitution. Members now have only one recourse left – the final recourse of all law-governed societies (if, indeed, this Party is still a society governed by law). That is to remove its leadership from power and to elect a new Administrative Committee to restore constitutional order and good government to the Party.

### **Objects of the Special Meeting of State Council**

We believe that a Special State Council Meeting is urgently required, in order to:

- 1) to discuss and debate the good governance and wellbeing of the Party in Victoria;
- 2) to consider (and to adopt or reject) the motions set out below; and
- 3) to consider such other motions on the subject of good government and preselection timetables as members might propose from the floor of State Council in the course of debate.

Each of these objects is to be taken as several from each of the other objects. Further, the object of considering (and adopting or rejecting) each motion set out below is to be taken as several from the object of considering (and adopting or rejecting) each other motion set out below. The inadmissibility of any object does not nullify this requisition, which shall proceed as a requisition for any and all objects which are admissible.

#### **Motion 1 (Organisational Motion) – Governance and election preparations**

This State Council affirms that:

- a) the good governance of the Liberal Party is of great importance;
- b) effective preparations for the upcoming federal and State elections are critical; and
- c) our Federal and State Parliamentary teams have considerable experience, and their advice on election preparations should be listened to carefully.

#### **Motion 2 (Organisational motion) – Preselection funding**

This State Council, pursuant to clause 18.2 of the Constitution, directs that the State Finance Committee must not pay, incur, or approve any expenditure (or obligation to incur any expenditure) relating to or in any way connected with the holding of pre-selections for Federal Seats prior to September 2020, including (without limitation) in relation to:

- a) hiring a venue or venues to hold such preselections;
- b) printing notices or other materials in relation to such preselections; or
- c) making payments to any members of the Party's Secretariat (or other persons) who purport to conduct or assist in the conducting of any such preselections (including the reimbursement of costs or expenses, or the payment of wages or salaries),

and any such approval (including any approval provided prior to the adoption of this motion) is void.

### **Motion 3 (Organisational motion) – No confidence in the Administrative Committee**

This State Council resolves that it has no confidence in the Administrative Committee as presently constituted.

### **Motion 4 (Organisational motion) – Vacating the elected members of the Administrative Committee**

This State Council resolves and directs that all positions on the Administrative Committee elected pursuant to clauses 11.2 and 11.3 of the Constitution be and are vacated, with those members automatically removed from the positions to which they were elected under clauses 11.2 and 11.3 of the Constitution.

### **Motion 5 (Organisational motion) – Elections for the Administrative Committee**

This State Council resolves and directs that any positions on the Administrative Committee vacated by this State Council be filled by elections to be held forthwith at this State Council under the supervision of the State Director as returning officer, with nominations for the vacated positions accepted from the floor of State Council.

### **Conclusion**

It is our sincere belief that considering these motions at an urgent Special Meeting of State Council is in the best interests of the Party.

In the event that the Administrative Committee fails to meet their constitutional obligations to hold the Special Meeting of State Council within 28 days of your receipt of this requisition, we hereby request that you in your role as State Director urgently convene the Special Meeting of State Council for the earliest practical date. **We are aware of the advice of the Constitutional Committee to the effect that this request is invalid, but we maintain that your highest obligation is to act in accordance with the plain meaning of the Constitution, and to allow this matter to be determined by the State Council.**

Thank you for your assistance in convening the upcoming meeting.

Yours sincerely,

**The Undersigned**

**Signature pages**

Name	SEC/FEC (of which I am a State Council Delegate)	Membership number (if known)
Email Address		Signature

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