

Constitutional Amendment Act

An Act to amend the Constitution of Liberty Alliance for the purpose of electing the UN Delegate, modifying the election process, and other purposes.

DIVISION A

The Constitution of Liberty Alliance shall be amended as marked in Division B, such that the red, crossed out, text will be repealed and the blue, underlined, text shall be added.

DIVISION B

Chapter I – Liberty Alliance

1. We, the nations of Liberty Alliance, voluntarily choose to come together to form this region, founded by Balthamos on 11 September 2005. In joining together, we wish to be bound by this Constitution above all else and to uphold its spirit and reputation in everything we do.

Chapter II – Bill of Rights

2. We, the nations of Liberty Alliance, hereby agree that the following rights shall be held as fundamental and should bind us in all our pursuits within Liberty Alliance. Every sovereign nation within Liberty Alliance shall be entitled to these rights without exclusion and they shall be referred to as the Liberty Alliance Bill of Rights.

Article 1 **National Sovereignty** – Each nation within Liberty Alliance shall be free to run their own nation however they see fit. For example, to answer issues in any way they wish. The government of Liberty Alliance shall hold no prejudice against nations based on their political structure or the decisions they make with regard to the running of their nation. The government shall not attempt to forcibly influence the internal decisions of a sovereign nation, or punish a sovereign nation for making any internal decision. [This Article does not apply to UN endorsements.](#)

Article 2 **Freedom of Speech** – Every nation within Liberty Alliance is entitled to have their own opinion and express that opinion how they see fit, whether it be on the forum, via telegrams, on the Civil Headquarters board, or elsewhere. However, this freedom of speech does not extend to allow offensive or abusive behaviour, incitements of violence or spamming.

Article 3 Election Rights – Any and all nations within Liberty Alliance are entitled to stand for any position within the Liberty Alliance Government, with the exception of the positions of President, which is only open to UN nations, and Founder, which is not elected. All member nations have the right to vote for any candidate they wish. This election shall be by secret ballot in the Legislative Assembly; ~~except in the case of the UN Delegate/President, who is to be elected under the rules set down by Nation States.~~

Article 4 Freedom of Religion – Every nation within Liberty Alliance, and every person controlling or associated with a nation in Liberty Alliance shall be entitled to their own beliefs and religions. Their faith in any such religion should not be a cause for abuse from other members, whether in role-play or otherwise, and such abuse shall not be tolerated.

Article 5 Free Trial – Where a nation is accused of a breach of this Constitution or any law of Liberty Alliance, they are entitled, firstly, to a fair trial within the bounds of the Liberty Alliance Judicial System, and secondly to a presumption of innocence.

Chapter III – The Legislature

Structure of the Legislature

3. The legislative power of the Region shall be vested in a Legislative Assembly, which shall consist of a single House and shall reside in a section of the Liberty Alliance forum. This Assembly is to be called The Legislative Assembly of Liberty Alliance.
4. All decisions to be made by the Assembly shall be resolved by a vote, and this shall be the means of ascertaining the opinion of the Legislative Assembly. All votes shall be known as motions.
5. The Legislative Assembly shall consist of every member nation of Liberty Alliance and no nation who is not a member of Liberty Alliance.
6. Every member nation shall be entitled to one vote, and only one vote, on every matter before the Assembly. However, voting shall not be compulsory.
7. Every member nation of Liberty Alliance shall be entitled to propose motions in the Assembly and shall be entitled to participate in the debate of all motions.
8. All motions in the Assembly are to be by secret ballot. However, this does not prevent any member nation from expressing their opinion or revealing their vote to the Assembly.

9. Inside the Legislative Assembly section of the forum, there shall be a thread entitled “The Floor”, where members may participate in the general business of the Assembly. This may include expressing their opinions, questioning other members, gathering support for motions, announcing the start of voting on motions, reporting the result of votes, or any other business not expressly denied by this Constitution. Separate threads, with polls, must then be used for each motion.

Power of the Legislature

10. So far as to not go against this Constitution, the Legislative Assembly shall have the power to
 - a. enact any legislation for the peace, order and good governance of the Region;
 - b. decide matters of Assembly procedure;
 - c. decide any motion;
 - d. decide any matter for which other parts of this Constitution give power to the Assembly; and
 - e. enact legislation which overrides provisions of this Constitution, where this Constitution has specifically stated that a provision applies only until the Legislative Assembly decides otherwise.

Legislative Process

11. A motion which exercises the legislative power of the Assembly shall be known as a Bill. ~~Bills may be either ordinary or urgent.~~ If a Bill passes the Assembly, under the rules set down by this Constitution and by the Assembly, it shall become known as an Act of the Legislative Assembly of Liberty Alliance.
12. For ~~a~~ an ordinary Bill to pass the Assembly:
 - a. it must be voted on by more than one member of the Assembly, and at least 50% plus 1 votes must be in favour of the Bill;
 - b. voting on the Bill must remain open for at least one week, and the date ~~and time~~ voting ends must be clearly displayed in the post which establishes voting on given at the end of the Bill;
 - c. as far as the forum will allow, the title of the forum thread which contains ~~debate~~ voting on the Bill must be the same as the ~~short~~ title of the Bill; and
 - d. the text of the Bill must start with the ~~short~~ title of the Bill, ~~and be followed by the long title of the Bill.~~
13. ~~For an urgent Bill to pass the Assembly:~~
 - ~~a. the Bill must be declared as urgent in the long title;~~
 - ~~b. as far as the forum will allow, the title of the forum thread which contains debate on the Bill must be the same as the short title of the Bill and the description of the thread must begin with the words “An URGENT Bill”;~~
 - ~~c. an announcement must be made on the Civil Headquarters board that an urgent Bill has been introduced to the Assembly; and~~

~~d. voting must have been open for at least 24 hours after the announcement on the Civil Headquarters board, and at this time at least 50% plus 1 voters must have voted in favour of the Bill. The date and time votes are to be counted must be given at the end of the Bill.~~

~~However, voting on an urgent Bill must remain open for at least one week and will be considered automatically repealed unless, by the end of this period, all of the conditions of section 12 are satisfied. The date and time of the end of this period must therefore also be given at the end of the Bill.~~

14. A Bill which becomes an Act shall come into force immediately upon passing the Assembly, unless clear contrary intention appears in the Act.
15. All Acts of the Legislative Assembly of Liberty Alliance must be recorded in a place accessible by all member nations.

Chapter IV – The Executive

Structure of the Executive

16. The executive power of the Region shall be vested in an **e**Executive **e**Council, comprising of a President and other Ministers appointed by the Legislative Assembly ~~and a President~~.
17. The President shall be a UN Nation who is elected by the Legislative Assembly ~~the UN Delegate, as determined by the system set down by Nation States~~.
18. The **e**Executive **e**Council shall be jointly led by a Prime Minister and the President, who shall work closely together. In the event of a disagreement, the Prime Minister shall have the power to overrule the President, except on matters specifically given to the President ~~or the UN Delegate~~ by this Constitution, or in relation to the UN, in which case the President shall have the power to overrule the Prime Minister.
19. The Prime Minister ~~and UN Delegate~~ shall be the Commanders-in-Chief of the Liberty Alliance Defence Force (LADF), ~~and the President shall be the Deputy Commander~~.
- 19A. There shall be a War Council to lead the LADF and advise the Executive Council on defence matters. The War Council, acting unanimously and with the Deputy Commander, can overrule the Commander-in-Chief on any matter concerning the LADF. The structure, issues of appointment and removal, and all other matters concerning the operation of the War Council may be determined by the Assembly.

20. Subject to ~~section 18~~this constitution, and given that there must be a Prime Minister and a President, the number and responsibilities of Ministers shall be determined by the Legislative Assembly.
- a. Until such time as this determination is made, there shall be an Immigration Minister, a Defence, Intelligence and Foreign Affairs Minister, an Internal Affairs Minister and an Attorney General, in addition to the Prime Minister.
21. This Constitution does not prevent ~~A~~any member of the Legislative Assembly ~~may~~from holding any number of positions within the ~~e~~Executive ~~e~~Council, except that the President shall not also be the Prime Minister.
22. The ~~UN Delegate~~President shall have regional control access, which may be removed ~~except~~ in the cases of an invasion threat ~~and/or Delegate inactivity~~. The Legislative Assembly and the ~~UN Delegate~~President shall have the power to request that regional control is returned to the ~~UN Delegate~~President.
23. Ministers and the Executive Council shall be bound by the law of Liberty Alliance.
24. Except for powers specifically given to the Founder by this Constitution, the Founder shall have no executive power by virtue of being the Founder.
- 24A. The UN Delegate, as determined by the system set down by Nation States, shall have no power under this Constitution, unless they are also the elected President.

Election of Ministers to the Executive Council

25. Ministers, including the President, shall be elected by the Legislative Assembly in the form of a motion to appoint a Minister.
26. The Legislative Assembly shall hold elections for every ministerial position determined under section 20 at least every six months, and for the position of President at least every three months.
27. The election shall consist of a five day~~one-week~~ official campaign period. At the start of this week, ~~the~~Forum Administration ~~Founder~~ shall list all the ~~Ministerial~~ positions determined under section 20 and invite members to nominate themselves for positions.
28. At the end of this ~~week~~period, Forum Administration ~~the Founder~~ should open voting for every ~~Ministerial~~ position specified under section 20 in separate polls within the Legislative Assembly. Members shall have a choice between every candidate nominated for each position.

29. Unless the Legislative Assembly otherwise provides, elections shall be by a system of ‘first past the post’, whereby the candidate with the most number of votes at the end of an election shall be successful.
30. Voting shall close ten days~~two weeks~~ after it opened. ~~The Founder shall proclaim the results of the election to the Legislative Assembly within three days of the election closing.~~ The terms of Ministers not re-elected shall end, and the terms of newly elected Ministers shall commence, at this ~~the~~ time. Forum Administration shall be responsible for closing voting. ~~of proclamation.~~
31. If the Legislative Assembly fails to choose a Minister for any ~~Ministerial~~ position (including if there were no nominations), ~~the Founder shall proclaim elections for that Ministry a failure. In these circumstances,~~ that Ministry shall become vacant.
- 31A. While administering elections, Forum Administration must act responsibly and impartially.
- 31B. No member of Forum Administration shall be able to run an election for a position they have nominated for, once their nomination is official.
- 31C. Forum Administration shall be able to appoint any member to act as a member of Forum Administration for the purpose of running elections. However, the appointor shall retain overall responsibility for ensuring elections are run correctly.
- 31D. The Supreme Court may hear any appeal regarding any decision or lack of decision by Forum Administration, or any other matter relating to elections. The Court may replace a decision of Forum Administration and has the final say regarding election results.
- Enforcement of the President’s Election**
- 31E. In order to uphold section 17, all UN Nations within Liberty Alliance are required to endorse the elected President.
- 31F. UN Nations may endorse whomever else they please while they retain an endorsement for the elected President, subject only to court orders prohibiting the endorsement of a particular nation.
- 31G. The Executive Council and their delegates shall be responsible for ensuring all members are informed of section 31E and which nation has been elected President.
- 31H. Violation of section 31E shall be an offence, with the power of enforcement vested in the Supreme Court. If the Court is satisfied that the Executive Council has exercised its duties under section 31G, it may issue one or more of the following penalties against the nation:

- a. Reducing or removing forum account benefits and/or privileges
- b. Issuing an official request that nations do not endorse the guilty nation
- c. Banning other nations from endorsing the guilty nation
- d. Ejecting the nation (in serious cases only)
- e. Any other penalty prescribed by the Legislative Assembly, or that the Court deems appropriate.

31I. Nations breaching an order issued under section 31H(c), where a warning has been issued to the nation by telegram, are guilty of an offence punishable with the same penalties as listed under section 31H.

31J. The Court shall retain the right to try a nation more than once if it continues to violate sections 31E or 31I after a guilty finding.

31K. If the President or Founder believe the President's position as UN Delegate is imminently threatened, such that at the next UN update the President will lose their position as UN Delegate, either nation may eject nations as necessary.

31L. If the President or Founder believe, following documented discussion with the Executive Council, that an invasion is in progress, they may eject nations as necessary.

31M. If the elected President is replaced by another nation as UN Delegate, the Founder may eject the nation.

31N. Any nation ejected under sections 31K to 31M retains the right to have their ejection reviewed by the Supreme Court. The Court may order that the nation be allowed to return to the Region if they are satisfied that the nation was not part of an invasion, was not intentionally threatening the Delegacy and was unaware of the section 17 requirement. The burden of proof shall be on the Founder or Executive Council to show why the nation should not be allowed to re-enter the Region.

Vacancies in the Executive Council

32. All Ministers must be, and remain, members of the Legislative Assembly. If a Minister ceases to be a member of the Legislative Assembly, their Ministry shall become vacant.
33. Ministers shall hold office only while they enjoy the confidence of the Legislative Assembly. If a motion of no confidence is passed against any Minister, their Ministry shall become vacant
34. A Minister may resign from their position at any time by notifying the Legislative Assembly. In these circumstances, their Ministry shall become vacant.

35. When a Ministry becomes vacant, the Legislative Assembly should call a vote to appoint a new Minister as soon as is practical (under the same provisions as for a normal election). The new Minister will retain their position under the same conditions as the original Minister and shall face an election at the same time as the original Minister would have faced an election.
36. Where there is a vacancy in ~~the~~ a Ministry, except in the positions of President or Prime Minister, the President or Prime Minister may appoint an Acting Minister from amongst other members of the Executive Council to continue any urgent work of the vacant Ministry. An Acting Minister will only continue to hold this position while:
- the Legislative Assembly has not yet appointed a new Minister;
 - they maintain the confidence of the Legislative Assembly to continue in the acting position;
 - they maintain the support of the President and Prime Minister, who may withdraw the appointment at any time; and
 - they maintain their membership of the executive in their own right.
37. ~~For the purpose of the above section, the Prime Minister is regarded to always have urgent work, and as such the President should exercise their power under section 36 to appoint an Acting Prime Minister.~~ If the Prime Minister's position becomes vacant, the Acting Prime Minister shall be the member of the Executive Council specified by the Legislative Assembly to be the next in the line of succession. The other provisions of section 36, with the exception of section 36(c), apply to an Acting Prime Minister.
38. ~~If, as determined by Nation States, at any time no nation is selected as UN Delegate, the most recent UN Delegate may continue as Acting UN Delegate for the purpose of this Constitution and any legislation. If, for any reason, the most recent UN Delegate is incapable of continuing as Acting UN Delegate, or they are no longer a member of Liberty Alliance, the Prime Minister shall become the Acting UN Delegate. The Acting UN Delegate shall continue in this role only until a successor is chosen under the rules set down by Nation States. While the Prime Minister is Acting UN Delegate, they shall also be the Acting President. If there is no elected President, the Prime Minister may choose to appoint the nation which is at the time selected as the UN Delegate under the Nation States system to serve as the Acting President. The provisions of section 36, with the exception of section 36(d) apply to an Acting President.~~
39. The legislature may make more specific laws in relation to appointments, resignations and vacancies of members of the Executive Council so long as these laws do not conflict with sections of this Constitution.

Reserve Powers

40. In extraordinary circumstances, both the Founder and the President (either on their own or acting together) may exercise certain reserve powers including
 - a. the full power of the executive;
 - ~~b. the power to eject nations;~~
 - e.b. the power to implement a regional password.
41. Both the Founder and the President must at all times comply with this Constitution and any Acts of the Legislative Assembly, including any Acts which relate specifically to reserve powers.
42. By the request of the Prime Minister, the Legislative Assembly, or either the Founder or the President, the extraordinary circumstances may be declared over, and the reserve powers withdrawn.
43. The Executive Council reserves the right to overrule with retrospectivity any decision made under section 40 once the extraordinary circumstances are declared over.

Chapter V – The Judiciary

Power of the Judiciary

44. The judicial power of the region shall be vested in a supreme court, to be called the Supreme Court of Liberty Alliance.
45. The Supreme Court shall have jurisdiction over all matters arising under this Constitution, any legislation passed by the Legislative Assembly, and at the digression of the Court, any dispute between member nations of Liberty Alliance.
46. When determining matters arising under this Constitution or legislation, the Court may interpret the Constitution or legislation, but may not re-write it or exercise any legislative power.
47. The Court must, at all times, consider any relevant precedent brought to the Court's attention, either set down by the Court itself, by a similar Court in another Region, or by a senior Court in a common law jurisdiction. However, the Court is at no time bound to follow these precedents.
48. The Supreme Court shall sit in a special section of the Liberty Alliance forum, where all cases shall be heard (in separate threads) and all applications to hear a case can be made.

Judges' appointment and tenure

49. The Supreme Court of Liberty Alliance shall consist of exactly three Justices, who shall all be members of Liberty Alliance and appointed by the ~~UN~~

~~Delegate~~President. In appointing Justices, the President~~UN Delegate~~ must appoint:

- a. a Chief Justice, as recommended by the Executive Council;
- b. a Second Justice, who is recommended by the legislature; and
- c. a Third Justice, who is the region's Founder.

50. A Justice can only be removed in one of the following ways:

- a. by notifying the Legislative Assembly that they no longer wish to be a Justice of the Supreme Court of Liberty Alliance;
- b. by ceasing to be a member of Liberty Alliance;
- c. by becoming a member of the Executive Council (this part does not apply to the Founder~~Third Justice~~); or
- d. by the President~~UN Delegate~~, if:
 - i. on the advice of the Minister responsible for legal affairs~~Attorney General~~; and
 - ii. with the support of the Legislative Assembly; and
 - iii. in the President~~Delegate~~'s opinion, a Justice has acted outside or against this Constitution, or has become inactive.

51. ~~Should the Founder voluntarily resign or be removed as the Third Justice (other than by ceasing to be a member of Liberty Alliance), the UN Delegate shall appoint an Acting Third Justice who is firstly recommended by the Executive and secondly supported by the Legislative Assembly. The Founder shall retain the right to request the UN Delegate reappoint them as the Third Justice if they resigned voluntarily or were removed for inactivity. Should the Founder be removed as the Third Justice under section 50(a), or under section 50(b) for leaving the region, or under section 50(d) for being inactive, the President shall appoint an Acting Third Justice who is firstly recommended by the Executive and secondly supported by the Legislative Assembly. In this case, the Founder shall retain the right to request the President reappoint them as the Third Justice in place of the Acting Third Justice, assuming that the Founder is at the time member of Liberty Alliance.~~

51A. Should the Founder be removed as the Third Justice under section 50(b) for ceasing to exist, or under section 50(d) for acting outside or against this Constitution, the President shall appoint a new Third Justice who is firstly recommended by the Executive and secondly supported by the Legislative Assembly. An Acting Third Justice shall also become the (substantive) Third Justice if the Founder subsequently ceases to exist.

Disqualification from sitting

52. A Justice will be immediately disqualified from sitting on a case if they are, or become, a party in the case. If the disqualified Justice is

- a. the Chief Justice, the Second Justice shall become the Acting Chief Justice, and the ~~President~~~~UN-Delegate~~ shall appoint an Acting Second Justice as recommended by the Executive;
- b. the Second justice, the ~~President~~~~UN-Delegate~~ shall appoint an Acting Second Justice as recommended by the Legislative Assembly;
- c. the Third Justice, the ~~President~~~~UN-Delegate~~ shall appoint an Acting Third Justice who is firstly recommended by the Executive and secondly supported by the Legislative Assembly.

Chapter VI – Interpreting the Constitution

Definitions

53. For the purpose of this Constitution, a nation shall:
- a. become a member of Liberty Alliance upon moving to the Region; and
 - b. cease to be a member of Liberty Alliance if they leave the region and do not return within ~~a set time~~~~24 hours~~, if they cease to exist or if they are lawfully ejected. The Assembly may pass laws determining the set time a nation may stay outside the region without losing membership, and the time may be different for different circumstances. Until such laws are passed, the time in all circumstances shall be 24 hours.
54. A nation will be seen as inactive if another member nation declares them as inactive in the Legislative Assembly. A member nation can be declared inactive if:
- a. they have not logged into Nation States or posted in the Liberty Alliance forum in over one week; and
 - b. within five days, they have not responded to an email or PM sent via the forum.
55. A nation which is declared inactive under section 53 will cease to be inactive if they post in the forum or on the Civil Headquarters board.
56. For the purposes of this Constitution and all other legislation, a reference to a Minister, the Prime Minister, ~~the UN-Delegate~~ or the President shall be seen to apply to a member acting in that position, so long as that member has a right to act in that position given to them by this Constitution or valid legislation.
57. In this Constitution, general references to Ministers also apply to the Prime Minister, the President, the Attorney-General and all other Minister under another name.
58. In this Constitution, references to the Civil Headquarters board refer to the message board on the Liberty Alliance page on Nation States.

58A. Forum Administration is defined as the members usually responsible for administering the Liberty Alliance forum, whether acting individually or collectively. The Assembly may further define and regulate Forum Administration.

Rules of Interpretation

59. When interpreting this Constitution, the Court should attempt to give to every section an ordinary and natural meaning.
60. To assist in this process the Court may:
- consider the meaning given to words by the Macquarie Dictionary if no definition is provided in this Constitution;
 - apply the principal of *ejusdem generis* to open lists (i.e. open lists may be extended only by items similar to those given), closed lists may not be extended;
 - apply the principle of that specific provisions should overrule general provisions on the same topic;
 - interpret a passage or section in the context of the Constitution as a whole.
61. If a section is unclear, the Court may, with a view to understanding the underlying purpose of the section:
- look to the constitutional convention debate, and for provisions added or modified through an amendment, the debates discussing that amendment. However, in doing so, the Court should exercise caution as the record of ~~this~~ these debate contains both suggestions which may not have been included in the final Constitution and ideas which were contentions and still under development;
 - look to the text supporting this Constitution at the vote to enact this Constitution, given by the Attorney-General in the Provisional Assembly;
 - look to the text supporting a successful amendment given in the Legislative Assembly by the member who introduced the amendment, if the provision in question was added or modified by the amendment.
62. None of the provisions given in sections 59, 60 or 61 may be used to overrule the actual words of the written Constitution

Miscellaneous

63. ~~If, as determined by Nation States, the Founder ceases to be the Founder of Liberty Alliance (for whatever reason), or ceases to be a member of Liberty Alliance, or is declared inactive under this Constitution,~~
- ~~the UN Delegate shall take over all duties and responsibilities assigned to the Founder; and~~
 - ~~this Constitution and all legislation shall be read by substituting the word "Founder" with the words "UN Delegate", except where this would create completely incompatible provisions, in which case the provision relating~~

~~to the Founder, and any completely dependant provisions, may be ignored to the extent of the inconsistency.~~

64. ~~If the original nation who was the Founder returns to Liberty Alliance, or becomes active again (depending on the reason they ceased to be the Founder of Liberty Alliance), they may resume their full role as Founder as given under this Constitution and any valid legislation.~~
65. ~~The Founder may choose to give any powers relating to elections to the UN Delegate, however the Founder shall retain the right to remove these powers.~~
66. If passed by a vote of Liberty Alliance member nations in the Liberty Alliance forum, as at Friday 28 April 2006 at 09:00 GMT, this Constitution shall come into effect on Friday 28 April 2006 at 12:00 GMT. However, the Region shall have until Saturday 28 October 2006 to become fully compliant with Chapters III, IV and V.

Chapter VII – Amending the Constitution

67. This Constitution can only be amended in the way prescribed by this chapter.
68. This Constitution will be amended by an ordinary Bill passed by the Legislative Assembly which meets the following additional conditions:
- a. the Bill must be for the sole purpose of amending this Constitution; and
 - b. the title of the Bill must contain the phrase “Constitutional Amendment Act”.
69. The Bill will only be taken to have passed if:
- a. voting for this Bill remained open for at least four weeks;
 - b. notification of the introduction of this Bill was given on the Civil Headquarters board and the forum news board within one week of the introduction of the Bill by either the member who introduced the Bill or another member;
 - c. at least 75% of those members who voted on the Bill, voted in its favour.
70. The Assembly has the power to prospectively pass & repeal laws, which do not alter the sections in this chapter, but which provide for notifying members of Liberty Alliance about an amendment. These laws may make compliance with these additional rules a requirement for passing an amendment.

DIVISION C

Voting shall end on 10 June 2007 at 04:00 GMT.