

La Trobe University Student Union Incorporated

CONSTITUTION

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PART 2 – STATEMENT OF PURPOSES

2. Name

- 2.1 The name of the incorporated association is “La Trobe University Student Union Incorporated” (in this constitution, “the Student Union”).
- 2.2 Under section 12A of the Associations Act, the name and registration number of the Student Union must appear in legible characters in all notices, advertisements and other official publications of the Student Union, and in all its business documents.

3. Purpose

The purpose of the Student Union is to advance the education of the students of La Trobe University by:

- (a) enhancing the learning experience of students while at the University;
- (b) promoting the interests and welfare of students;
- (c) representing students within and outside the University;
- (d) co-ordinating and supporting the activities of students; and
- (e) providing amenities and services for students, other members of the University community and the public.

4. Legal Capacity and Powers

- 4.1 The Student Union has the legal capacity of an incorporated body, as provided by section 14(2) of the Associations Act.
- 4.2 The Student Union has power to do all things incidental or conducive to the attainment of its purpose, as provided by section 16 of the Associations Act.
- 4.3 The Student Union may only:
 - (a) exercise its powers; and
 - (b) use its income and assets (including any surplus);for its purpose.

5. Not For Profit

- 5.1 The Student Union must not distribute any surplus, income or assets directly or indirectly to its members.
- 5.2 Clause 5.1 does not prevent the Student Union from paying its members:
 - (a) reimbursement for expenses properly incurred by them, and
 - (b) for goods supplied and services provided by them,if this is done in good faith on terms no more favourable than if the member were not a member.

PART 3 – MEMBERSHIP

6. Categories

The Student Union has the following categories of membership:

- (a) student members – refer clause 7,
- (b) governing members – refer clause 8,
- (c) ordinary members – refer clause 9,
- (d) associate members – refer clause 10, and
- (e) life members – refer clause 11.

7. Student Members

- 7.1 The student members of the Student Union are those members who are students (including postgraduate students).
- 7.2 The postgraduate student members of the Student Union are those members who are postgraduate students.
- 7.3 All student members (including postgraduate student members) must be either:
 - (a) governing members,
 - (b) ordinary members, or
 - (c) life members who are students.

8. Governing Members

The governing members of the Student Union are the office-bearers, members of the Student Council and members of the Committees.

9. Ordinary Members

The ordinary members of the Student Union are those students who:

- (a) apply for membership;
- (b) pay the subscription; and
- (c) are admitted;

in accordance with the regulations.

10. Associate Members

The associate members of the Student Union are those individuals who:

- (a) are not students;
- (b) apply for membership;

(c) pay the subscription; and

(d) are admitted;

in accordance with the regulations.

11. Life Members

The life members of the Student Union are those individuals who:

- (a) have made an outstanding contribution to the Student Union; and
- (b) are admitted in accordance with the regulations.

12. Applications and Admission

- 12.1 The Student Council must make regulations for:
 - (a) the form of applications for ordinary and associate membership,
 - (b) the approval of applications for ordinary and associate membership, and
 - (c) the admission of members, including life members.
- 12.2 All students are entitled to become ordinary members, subject to clause 15.2(b).

13. Subscriptions

- 13.1 The Student Council must by regulation set the subscription for members (other than life members).
- 13.2 The amount of the subscription and the date for payment may vary according to criteria set by the Student Council in the regulation, including the category of membership.
- 13.3 The rights of members (including governing members) who have not paid the subscription by the date for payment are suspended until the subscription is paid.
- 13.4 Life members are not required to pay any subscription.
- 13.5 Except for the subscription, there are no entrance fees or other amounts to be paid in respect of membership of the Student Union.

14. Rights, Obligations and Liability

- 14.1 All members are entitled to use the amenities and services of the Student Union, subject to clause 13.3 and the regulations.
- 14.2 Only student members are entitled to stand for election and hold office.

- 14.3 The rights of members are not transferable, and end when the member ceases to be a member in accordance with clause 17.
- 14.4 All members must comply with the constitution and regulations.
- 14.5 Under section 14A of the Associations Act, this constitution is an enforceable contract between the Student Union and each member.
- 14.6 Under section 15 of the Associations Act, members (including members of Student Council) are not liable to contribute to the debts and liabilities of the Student Union by reason only of their membership.

15. Discipline

- 15.1 The Student Council must make regulations for the disciplining of members.
- 15.2 The discipline regulations:
- (a) must require procedural fairness to be applied; and
 - (b) may include the suspension and expulsion of members for serious misconduct.

16. Resignation

- 16.1 Members may resign by writing to the Student Union.
- 16.2 Governing, ordinary and associate members who fail to pay their subscription within 3 months of the date for payment are taken to have resigned.

17. Cessation

- 17.1 Members cease to be members on resignation, expulsion or ceasing to have legal capacity.
- 17.2 In addition, governing members cease to be members if they:
- (a) cease to be an office-bearer, member of the Student Council or member of a Committee; and
 - (b) are not an ordinary, associate or life member.

18. Register of Members

The Student Union must keep a register containing:

- (a) the name of each member,

- (b) the category of membership,
- (c) the date of becoming a member in that category, and
- (d) in the case of former members – the date of ceasing to be a member.

19. Grievance Procedure

- 19.1 The grievance procedure in this clause applies to disputes under this constitution between:
- (a) a member and another member, and
 - (b) a member and the Student Council or the Student Union.
- 19.2 The parties must first attempt to resolve the dispute themselves.
- 19.3 If the parties are unable to resolve the dispute, the Student Council must appoint a conciliator and arbitrator (in this clause, “conciliator”).
- 19.4 The conciliator:
- (a) must not have a personal interest in the dispute;
 - (b) must not be biased in favour of or against any party;
 - (c) may be a member or former member of the Student Union; and
 - (d) if possible, must be appointed with the agreement of all parties.
- 19.5 The conciliator must conduct a conciliation at which each party is given a reasonable opportunity to be heard.
- 19.6 The parties must in good faith attempt to resolve the dispute by conciliation.
- 19.7 The conciliator may during, and must at the end of, the conciliation attempt to resolve the dispute by agreement between the parties.
- 19.8 If the conciliator is unable to resolve the dispute by agreement between the parties, the conciliator must determine the respective rights and obligations under this constitution of the parties and any other members.
- 19.9 A determination of a conciliator under clause 19.8 is binding on the parties and all members.
- 19.10 Under section 14B(2) of the Associations Act, a party may appoint another person to act on its behalf in the grievance procedure.

19.11 The Victorian *Commercial Arbitration Act 1984* does not apply to the grievance procedure in this clause.

PART 4 – STUDENT GENERAL MEETINGS

20. Convening

- 20.1 The Student Council may by resolution convene a student general meeting.
- 20.2 The resolution must state the motion or motions to be considered by the student general meeting.
- 20.3 The Student Council must convene a student general meeting on the request in writing of at least 1% of students.
- 20.4 The request:
- (a) must state the motion or motions to be considered by the student general meeting;
 - (b) may consist of multiple copies of the same document;
 - (c) must include the names, student numbers and signatures of the students making the request; and
 - (d) must be given to the General Secretary or another member of the Executive.
- 20.5 If a student general meeting is requested in accordance with clauses 20.3 and 20.4:
- (a) the Student Council must convene the student general meeting within 10 academic days of the request having been received;
 - (b) the Student Council may by resolution passed by an absolute majority reword for the purpose of clarification only the motion or motions to be considered; and
 - (c) the student general meeting must be held within 10 academic days of being convened.

21. Time and Place

- 21.1 Student general meetings may only be held between 1.05 pm and 1.55 pm on an academic day at the Melbourne Campus.
- 21.2 If a student general meeting has not finished by 1.55 pm, any motion under consideration must immediately be put to the vote. The meeting must then be declared closed.

22. Notice

- 22.1 At least 5 academic days notice of:
- (a) the date, time and place of a student general meeting, and
 - (b) the motion or motions to be considered, must be given to students by:
 - (c) notice posted on the Student Union noticeboard,
 - (d) advertisement throughout the Melbourne, Mildura, Shepparton and City Campuses, and
 - (e) email to students, to the extent feasible.
- 22.2 An urgent student general meeting may be held with less than 5 academic days notice, but may only make a binding decision if at least 2% of students vote in favour in accordance with clause 23.2(b)(i).

23. Quorum

- 23.1 There is no minimum quorum for student general meetings.
- 23.2 However, decisions of student general meetings are only binding for the purpose of clause 29 if:
- (a) in the case of authorising the passing of special resolutions under clause 83.2(a):
 - (i) at least 2% of students vote in favour, and
 - (ii) at least two-thirds of those students who vote at the meeting, vote in favour;
 - (b) in the case of:
 - (i) urgent student general meetings under clause 22.2, and
 - (ii) removal from office under clause 57.1(d)(i),
at least 2% of students vote in favour;
or
 - (c) in all other cases – at least 1% of students vote in favour.

24. Chairing

- 24.1 The President is entitled to chair student general meetings.
- 24.2 If the President is not present, or does not wish to chair the meeting (or part of the meeting), the Education Vice-President is entitled to chair.
- 24.3 If neither the President nor the Education Vice-President is present, or if neither wishes to chair the meeting, the Student Council must appoint a chair.

25. Voting

All students are entitled to vote at student general meetings.

PART 5 – REFERENDUMS

26. Convening

- 26.1 The Student Council may by resolution passed by an absolute majority convene a referendum.
- 26.2 The resolution must state the question or questions to be put to referendum.
- 26.3 The Student Council must convene a referendum on the request in writing of at least 2% of students.
- 26.4 The request:
- (a) must state the question or questions to be put to referendum;
 - (b) may consist of multiple copies of the same document;
 - (c) must include the names, student numbers and signatures of the students making the request; and
 - (d) must be given to the General Secretary or another member of the Executive.
- 26.5 If a referendum is requested in accordance with clauses 26.3 and 26.4:
- (a) the Student Council must convene the referendum within 10 academic days of the request having been received;
 - (b) the Student Council may by resolution passed by an absolute majority reword for the purpose of clarification only the question or questions to be considered; and
 - (c) the referendum must commence within 10 academic days of being convened.

27. Notice

At least 5 academic days notice of:

- (a) the dates, times and places of voting for the referendum, and
- (b) the question or questions to be put, must be given to students by:
- (c) notice posted on the Student Union noticeboard,
- (d) advertisement throughout the Melbourne, Mildura, Shepparton and City Campuses, and
- (e) email to students, to the extent feasible.

28. Voting

- 28.1 All students are entitled to vote in referendums.
- 28.2 Voting must be by secret ballot.
- 28.3 Voting must be held at the Melbourne Campus:
- (a) on at least 3 consecutive academic days,
 - (b) over no more than 2 weeks, and
 - (c) for at least 5 hours each day.
- 28.4 Voting must be held at the Mildura, Shepparton and City Campuses:
- (a) on at least 1 day that voting is held at the Melbourne Campus, and
 - (b) for at least 5 hours.
- 28.5 Decisions of referendums are only binding for the purpose of clause 29 if:
- (a) in the case of authorising the passing of special resolutions under clause 83.2(b):
 - (i) at least 5% of students vote in the referendum, and
 - (ii) at least two-thirds of those students who vote in the referendum, vote in favour; or
 - (b) in all other cases (including removal from office under clause 57.1(d)(ii)) – at least 5% of students vote in the referendum.

PART 6 – BINDING DECISIONS

29. Binding Decisions

- 29.1 All Student Union bodies, and all office-bearers and governing members must give effect so far as they are able to binding decisions of student general meetings and referendums.
- 29.2 Binding decisions of referendums override binding decisions of student general meetings.
- 29.3 Decisions of student general meetings are not binding if:
- (a) a referendum has been petitioned to change the decision; and
 - (b) that referendum has not yet been decided.
- 29.4 Binding decisions of student general meetings remain binding until changed by a further binding decision of a student general meeting or referendum.
- 29.5 Binding decisions of referendums remain binding until changed by a further binding decision of a referendum

PART 7 – THE STUDENT COUNCIL

30. Status, Responsibilities and Powers

- 30.1 The Student Council is the governing body of the Student Union.
- 30.2 The Student Council is responsible for both the governance and management of the Student Union.
- 30.3 The Student Council must by regulation delegate the management of the Student Union to the General Manager.
- 30.4 Without limiting clauses 30.1 and 30.2, the Student Council is responsible for:
- (a) making regulations under clause 33,
 - (b) deciding the policy of the Student Union,
 - (c) strategic planning for the Student Union,
 - (d) ensuring that all office-bearers carry out their duties and responsibilities,
 - (e) the acquisition and disposal of property on behalf of the Student Union,

- (f) the expenditure and investment of the funds of the Student Union,
- (g) setting the budget of the Student Union in accordance with clause 74, and
- (h) borrowings by the Student Union.

30.5 The Student Council may exercise all powers of the Student Union on its behalf.

30.6 A student general meeting or referendum may direct the Student Council on any matter within its responsibilities and powers, as provided by clause 29.1.

31. Membership

31.1 The voting members of the Student Council are:

- (a) the President (chair),
- (b) the Education Vice-President,
- (c) the General Secretary,
- (d) the Postgraduate Officer, and
- (e) 7 general members.

31.2 The non-voting members of the Student Council are:

- (a) the Activities Officer,
- (b) the Disabilities Officer,
- (c) the Environment Officer,
- (d) the Indigenous Officer,
- (e) the Queer Officer,
- (f) the Welfare Officer,
- (g) the Women's Officer, and
- (h) the President of the International Students' Association.

31.3 The 7 general members must be directly elected:

- (a) from the student members, and
- (b) by all students.

31.4 In addition to the affirmative action requirements of clause 53, the regulations under clause 52.1 must require at least 1 of the general members to be an indigenous student (provided an indigenous student nominates).

32. Meetings

- 32.1 The Student Council must meet at least once each month except January.
- 32.2 The President is entitled to chair Student Council meetings.
- 32.3 If the President is not present, or does not wish to chair the meeting (or part of the meeting), the Education Vice-President is entitled to chair.
- 32.4 If neither the President nor the Education Vice-President is present, or if neither wishes to chair the meeting, the Student Council must elect another Student Council member to chair.

33. Regulations

- 33.1 The Student Council may by resolution passed by an absolute majority make regulations to give effect to this constitution.
- 33.2 At least 7 days notice in writing of the proposed making of regulations must be given to each member of the Student Council.
- 33.3 The notice must state the proposed regulations or change to the regulations.
- 33.4 Members must at all times comply with the regulations as if they formed part of this constitution.

PART 8 – THE EXECUTIVE

34. Status and Responsibilities

- 34.1 The Executive is a committee of the Student Council, exercising delegated powers from the Student Council under clause 34.2.
- 34.2 The Executive is responsible on behalf of the Student Council for:
 - (a) the governance of the Student Union between meetings of the Student Council,
 - (b) the implementation of policy made by the Student Council,
 - (c) the delivery of services by the Student Union,
 - (d) monitoring the finances of the Student Union,
 - (e) the employment of staff by the Student Union,

- (f) all legal, contractual and media matters on behalf of the Student Union,
- (g) preparation of a draft budget for the Student Union in accordance with clause 74.2, and
- (h) any other matters delegated by the Student Council.

35. Membership

The members of the Executive are:

- (a) the President (chair),
- (b) the Education Vice-President,
- (c) the General Secretary,
- (d) the Postgraduate Officer, and
- (e) 1 of the general members of the Student Council elected by the Student Council.

36. Meetings

- 36.1 The Executive must meet at least once each fortnight from mid-January to mid-December.
- 36.2 Executive meetings must be chaired on the same basis as Student Council meetings.

PART 9 – THE COMMITTEES AND OTHER BODIES

37. Committees

- 37.1 In addition to the Executive, the Student Union has the following committees:
 - (a) the Student Representative Network – refer clause 38,
 - (b) the Clubs and Societies Council – refer clause 39,
 - (c) the Activities Committee – refer clause 40, and
 - (d) the Postgraduate Committee – refer clause 41,(in this constitution, “the Committees”).
- 37.2 The Student Council must by regulation specify the responsibilities of each Committee.
- 37.3 The Student Council may establish other committees under clause 43.1.

38. Student Representative Network

- 38.1 The members of the Student Representative Network are:
- (a) the Education Vice-President (chair), and
 - (b) all student representatives on University committees nominated by the Student Union.
- 38.2 All members of the Student Representative Network must be student members.

39. Clubs and Societies Council

- 39.1 The members of the Clubs and Societies Council are:
- (a) the General Secretary (chair), and
 - (b) 1 representative nominated by each affiliated club or society.
- 39.2 All members of the Clubs and Societies Council must be student members.

40. Activities Committee

- 40.1 The members of the Activities Committee are:
- (a) the Activities Officer (chair), and
 - (b) 5 general members.
- 40.2 The 5 general members must be directly elected:
- (a) from the student members, and
 - (b) by all students.

41. Postgraduate Committee

- 41.1 The members of the Postgraduate Committee are:
- (a) the Postgraduate Officer (chair), and
 - (b) 5 general members.
- 41.2 The 5 general members must be directly elected:
- (a) from the postgraduate student members, and
 - (b) by postgraduate students.

42. Meetings

Each Committee must meet at least 8 times each year.

43. Other Committees

- 43.1 In addition to the Committees, the Student Council may by regulation or resolution establish other standing and ad hoc committees as it considers appropriate.
- 43.2 Other Student Union bodies may by resolution establish committees as they consider appropriate.
- 43.3 Regulations and resolutions under clauses 43.1 and 43.2 must specify:
- (a) the responsibilities of the committee,
 - (b) any powers delegated to the committee,
 - (c) the membership of the committee, and
 - (d) who the chair of the committee is to be, or how the chair is to be elected or appointed.
- 43.4 In this clause “committee” includes subcommittee.

44. Delegation

Each Student Union body may delegate its responsibilities and powers as it considers appropriate.

45. Associated Bodies

- 45.1 The Student Council may by regulation recognise as associated bodies other student organisations that have a similar purpose to the Student Union at least in part (in this constitution, “associated bodies”).
- 45.2 Without limiting clause 45.1, the following student organisations may become associated bodies of the Student Union:
- (a) the International Students’ Association,
 - (b) the Mildura Students’ Association, and
 - (c) the Shepparton Students’ Association.
- 45.3 The Student Union may:
- (a) provide funding to associated bodies; and
 - (b) employ staff on their behalf.

PART 10 – OFFICE-BEARERS AND GOVERNING MEMBERS

46. Office-Bearers

- 46.1 The Student Union has the following office-bearers:
- (a) the President,
 - (b) the Education Vice-President,
 - (c) the General Secretary,
 - (d) the Postgraduate Officer,
 - (e) the Activities Officer,
 - (f) the Disabilities Officer,
 - (g) the Environment Officer,
 - (h) the Indigenous Officer,
 - (i) the Queer Officer,
 - (j) the Welfare Officer,
 - (k) the Women’s Officer, and
 - (l) the Editor of *Rabelais*.
- 46.2 The office-bearers referred to in clause 46.1 must be directly elected:
- (a) from the student members, and
 - (b) by all students,
- subject to clauses 46.3 and 46.4.
- 46.3 The following office-bearers must be directly elected as follows:
- (a) the Disabilities Officer – from the student members who have a disability;
 - (b) the Indigenous Officer – from the indigenous student members;
 - (c) the Queer Officer – from the student members who are queer; and
 - (d) the Women’s Officer – from the student members who are women.
- 46.4 The Postgraduate Officer must be directly elected:
- (a) from the postgraduate student members, and
 - (b) by postgraduate students.
- 46.5 The Student Council may by regulation establish other office-bearer positions to be directly or otherwise elected from student members.

- 46.6 Office-bearers, including those paid an honorarium, are not in that capacity employees of the Student Union.

47. Sharing of Positions

- 47.1 2 student members who are each eligible may together stand for and hold any officer-bearer position, except President, Education Vice-President, General Secretary and Postgraduate Officer.
- 47.2 The Student Council may make regulations specifying the conditions under which positions may be shared.

48. Honorariums

- 48.1 The Student Council may only pay an honorarium to office-bearers directly elected by students (including the Postgraduate Officer).
- 48.2 The Student Council may:
- (a) grant leave of absence to any office-bearer who is paid an honorarium for a period of not more than 3 months;
 - (b) elect a student member who would be eligible to stand for the position under clause 46 to hold the position for that period, subject to clause 48.3; and
 - (c) pay an honorarium to the office-bearer so elected.
- 48.3 Only members of the Student Council directly elected by students (including the Postgraduate Officer) are eligible to be elected to hold the positions of President, Education Vice-President and General Secretary under clause 48.2(b).

49. Responsibilities and Direction

- 49.1 The Student Council must by regulation specify the responsibilities of each office-bearer.
- 49.2 All office-bearers are subject to direction by the Student Council.
- 49.3 The Activities Officer is also subject to direction by the Activities Committee.
- 49.4 The Postgraduate Officer is also subject to direction by the Postgraduate Committee.

50. Duties

- 50.1 Office-bearers and governing members owe the Student Union duties:
- (a) to act honestly and in good faith;
 - (b) to exercise reasonable care and diligence; and
 - (c) to act in the best interests of the Student Union as a whole;
- as office-bearers and governing members.
- 50.2 Office-bearers and governing members must not knowingly or recklessly make improper use of:
- (a) their position, or
 - (b) information acquired by virtue of their position,
- so as:
- (c) to gain, directly or indirectly, any financial benefit or material advantage for themselves or any other person; or
 - (d) to cause a detriment to the Student Union.
- 50.3 Clause 50.2 applies to former office-bearers and governing members.
- 50.4 Office-bearers and governing members must not behave in a racist, sexist or homophobic manner.

51. Indemnity

The Student Union indemnifies office-bearers, governing members and other members of Student Union bodies against any liability incurred in good faith by them in that capacity.

PART 11 – ELECTIONS

52. Conduct

- 52.1 The Student Council must make regulations for the conduct of elections.
- 52.2 All elections must be by secret ballot.
- 52.3 All elections must use the quota-preferential proportional representation method of election, with optional preferencing.
- 52.4 Those office-bearers and members of Student Union bodies who are required to be directly elected must be elected each year at the annual elections.

- 52.5 Voting in the annual elections must be held between 31 August and 14 October.
- 52.6 Voting must be held at the Melbourne Campus:
- (a) on at least 3 consecutive academic days,
 - (b) over no more than 2 weeks, and
 - (c) for at least 5 hours each day.
- 52.7 Voting must be held at the Mildura, Shepparton and City Campuses:
- (a) on at least 1 day that voting is held at the Melbourne Campus, and
 - (b) for at least 5 hours.
- 52.8 In the case of the annual elections, at least 5 academic days notice of:
- (a) the close of nominations, and
 - (b) the dates, times and places of voting,
- must be given to students by:
- (c) notice posted on the Student Union noticeboard,
 - (d) advertisement throughout the Melbourne, Mildura, Shepparton and City Campuses, and
 - (e) email to students, to the extent feasible.

53. Affirmative Action

The regulations under clause 52.1 must provide that:

- (a) where multiple positions are to be elected in the same ballot, at least half of the candidates elected must be women (provided sufficient candidates who are women nominate);
- (b) where a vacancy is to be filled in 1 of a number of positions to which clause 53(a) applied at the time of the original election, if the filling of the vacancy by a man would result in less than half of those positions being held by women, the vacancy must be filled by a woman (provided a candidate who is a woman nominates); and
- (c) for the purposes of those provisions, in calculating half of a number, fractions must be rounded down.

54. Eligibility to Stand and Vote

- 54.1 Only student members are entitled to stand for election and hold office, as provided by clause 14.2.
- 54.2 Subject to clauses 13.3 and 15.2(b), all student members may stand in elections, except for permanent employees of the Student Union or the University.
- 54.3 All students may vote in elections.
- 54.4 Clauses 54.2 and 54.3 do not prevent the constitution or regulations from limiting the eligibility to stand and vote in particular elections to specified categories of members and students.

55. Eligibility to Hold Positions

A student member may stand for, but not hold:

- (a) more than 1 office-bearer position,
- (b) more than 1 position on the same Student Union body, or
- (c) any position on the Student Council and any other directly elected position.

56. Term of Office

- 56.1 Office-bearers and members of Student Union bodies elected at the annual elections hold office from 1 January until their successors take office.
- 56.2 Office-bearers and members of Student Union bodies not elected at the annual elections hold office from the time of their election or appointment until their successors take office.
- 56.3 Office-bearers and members of Student Union bodies filling vacancies hold office for the remainder of the term of office of the position being filled.
- 56.4 Clauses 56.1–56.3 are all subject to clause 57 and the regulations.
- 56.5 In the case of office-bearers elected at the annual elections, from the time of their election until they take office:
- (a) their position may be termed “[insert name of position]-Elect”; and
 - (b) the Student Council may pay them an honorarium in accordance with clause 48 as if they were an office-bearer; but

- (c) they may not exercise any other rights or powers in respect of the position.

57. Vacancies

- 57.1 The position of an office-bearer or elected member of a Student Union body becomes vacant if the office-bearer or member:
- (a) resigns in writing given to the General Secretary (or, in the case of the General Secretary, to the President);
 - (b) ceases to be both a student member and a student;
 - (c) becomes a permanent employee of the Student Union or the University;
 - (d) is removed by a binding decision of:
 - (i) a student general meeting in accordance with clause 23.2(b)(ii), or
 - (ii) a referendum in accordance with clause 28.5(b);
 - (e) is removed by resolution of the Student Council passed by an absolute majority on the ground that the office-bearer or member has been certified by a registered medical practitioner to be incapable of carrying out the responsibilities of the position because of injury or illness; or
 - (f) in the case of governing members – does not vote in favour of a special resolution as required by clause 83.8.
- 57.2 The position of an elected member of a Student Union body also becomes vacant if the member fails on 3 consecutive occasions to attend within 30 minutes of the time of which notice has been given of a meeting of the body:
- (a) in the case of the Student Council – without leave of absence under clause 68, or
 - (b) in any other case – without the member having given an apology in writing to the chair of the body before the time of which notice has been given,
- provided at least 7 days notice in writing of each meeting has been given to the member.

57.3 Clause 57.2 applies to office-bearers who are members of Student Union bodies by virtue of their office-bearer position, in which case their position as an office-bearer also becomes vacant.

57.4 The position of a person elected by a Student Union body becomes vacant if that person is removed by resolution of the body passed by an absolute majority.

57.5 The position of a person appointed to a Student Union body becomes vacant if:

- (a) the person appointed resigns in writing given to the General Secretary; or
- (b) the person or body making the appointment withdraws it.

57.6 Vacancies must be filled within 30 academic days:

- (a) in the case of office-bearer positions directly elected by students – by a by-election being held in accordance with the regulations, subject to clause 57.7;
- (b) in the case of other directly elected positions – in accordance with the regulations;
- (c) in the case of positions elected by Student Union bodies – by another election being held by that body; and
- (d) in the case of positions that are appointed – by another appointment being made.

57.7 If a vacancy in an office-bearer position occurs within 3 months before the annual elections, the Student Council may elect a student member who would be eligible to stand for the position under clause 46 to fill the vacancy.

57.8 Student Union bodies may continue to act despite vacancies in their membership.

58. Validation

Even if it is subsequently found that a person who has acted as an office-bearer or member of a Student Union body was not properly elected or appointed, the validity of:

- (a) the acts of that person in that capacity, and
- (b) decisions of meetings of Student Union bodies in which that person has participated,

is not affected.

PART 12 – MEETINGS

59. Applicability

This Part applies to general meetings and the meetings of all Student Union bodies, except as otherwise provided by this constitution, or the regulation or resolution establishing the body.

60. Convening

Meetings may be convened by:

- (a) the chair of the body,
- (b) one-third or more of the voting members of the body at the time, or
- (c) the General Secretary.

61. Notice

61.1 At least 7 days notice in writing of meetings must be given to each member of the body, except in cases of urgency.

61.2 In cases of urgency a meeting may be held without the notice required by clause 61.1, provided that:

- (a) as much notice as practicable is given to each member by the quickest practicable means; and
- (b) resolutions may only be passed by an absolute majority.

61.3 The notice must state:

- (a) the date, time and place (or places) of the meeting, and
- (b) if the meeting is to be held at more than 1 place – the technology that will be used.

61.4 The notice need not include the business to be considered.

61.5 Notice may be given of more than 1 meeting at the same time.

61.6 Members of Student Union bodies (including office-bearers) must give the Student Union their address for notices, and any change in that address.

61.7 The address for notices may include an email address and a fax number.

61.8 Notice may be given to a member of a Student Union body by sending it to the address last given by the member.

- 61.9 Notices sent by prepaid post are taken to have been given on the second day after posting that is not a Saturday, Sunday or public holiday at that address.
- 61.10 Notices sent by email or fax are taken to have been given on the first day after sending that is not a Saturday, Sunday or University holiday at that address.
- 61.11 Despite clauses 61.1 and 61.2, the accidental omission to give notice of a meeting to a member of the body, or the non-receipt of notice of the meeting by a member of the body does not invalidate the meeting.

62. Use of Technology

- 62.1 Meetings may be held at more than 1 place, provided that the technology used enables each member of the body present at all places the meeting is held to clearly and simultaneously communicate with every other such member.
- 62.2 Without limiting clauses 61.2(a) and 62.1, meetings may be convened and held by telephone.

63. Quorum

- 63.1 Quorum is the presence in person of a majority of the voting members of the body at the time.
- 63.2 If a quorum is not present within 30 minutes of the time of which notice has been given, the meeting must not proceed.

64. Chairing

- 64.1 The member of the body specified as the chair in this constitution, or the regulation or resolution establishing the committee is entitled to chair meetings of the body.
- 64.2 If that member is not present, or does not wish to chair, the meeting must elect another voting member of the body to chair.
- 64.3 The chair of the meeting has a deliberative vote, but does not have a casting vote.

65. Attendance

- 65.1 Student members may attend meetings of all Student Union bodies, unless the body resolves to proceed in camera.
- 65.2 Meetings of Student Union bodies may only proceed in camera to consider confidential personal, employment, contractual and legal matters.

66. Voting

- 66.1 Each member of the body present has 1 vote.
- 66.2 Members may only vote in person, and not by proxy.
- 66.3 Voting is by show of hands, subject to clause 66.4.
- 66.4 If:
- (a) the chair of the meeting is in any doubt as to the result of the initial show of hands; or
 - (b) one-third or more of the members of the body present demand a count immediately after the declaration of the result of the initial show of hands;
- the chair must:
- (c) call for a second show of hands; and
 - (d) conduct a count of hands, if necessary with the assistance of tellers appointed by the chair.
- 66.5 If the meeting is held using technology that does not easily enable the chair to see members vote, voting must be by the chair conducting:
- (a) if practicable – a roll call of the members present; or
 - (b) otherwise – a poll (including a poll by electronic means).
- 66.6 If an equal number of votes are cast for and against a motion or amendment, the chair of the meeting must declare the motion or amendment lost.
- 66.7 The declaration by the chair of the meeting of the result of a vote is conclusive evidence of that result.

67. Conflicts of Interest

- 67.1 Members of a body who have a material personal interest in a matter that is being considered at a meeting of the body must:
- (a) disclose the nature and extent of their interest:
 - (i) to the body as soon as they become aware of the interest; and

- (ii) in the case of members of the Student Council – in the statement submitted to the next annual general meeting under section 30(3) of the Associations Act and clause 82.2(b);

- (b) not be present while the matter is being considered at the meeting; and
- (c) not vote on the matter.

67.2 Clause 67.1 does not apply to material personal interests that:

- (a) exist only because the member of the body is a student; or
- (b) the member of the body has in common with all or a substantial proportion of the members of the Student Union.

68. Leave of Absence

68.1 If a member of the body requests, the body must by resolution grant the member leave of absence from meetings of the body for up to 2 months.

68.2 The body may not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the member concerned to request leave of absence in advance.

69. Resolutions without Meeting

69.1 A resolution agreed to in writing by all voting members of the body has the same effect as a resolution passed at a meeting of the body.

69.2 In clause 69.1 “all voting members of the body” does not include those members who:

- (a) are prohibited from voting on the resolution under clause 67.1(c); or
- (b) have leave of absence from meetings of the body under clause 68.

70. Minutes

70.1 The Student Council must ensure that minutes are taken and kept of all general meetings, meetings of Student Union bodies and resolutions without meeting.

70.2 The minutes of annual general meetings must include a copy of:

- (a) the financial statement submitted to members in accordance with clause 82.2(b), and

- (b) the audited accounts accompanying that statement in accordance with clause 82.2(c).

70.3 Without limiting clause 77.3:

- (a) members may inspect and obtain copies of the minutes of general meetings; and
- (b) members may inspect and obtain copies of the minutes of Student Union bodies, subject to clause 77.4.

PART 13 – FINANCIAL AND LEGAL

71. Sources of Funds

The funds of the Student Union may be derived from:

- (a) the University, and
- (b) subscriptions, sales, interest and any other sources approved by the Student Council.

72. Financial Year

The financial year of the Student Union is from 1 January to 31 December.

73. Management of Funds

73.1 The Student Council is responsible for the management of the funds of the Student Union.

73.2 Under section 30A of the Associations Act, the Student Union must maintain adequate and accurate accounting records of its financial transactions.

73.3 All money received by or on behalf of the Student Union must be deposited without delay into a bank account in the name of the Student Union.

74. Budget

74.1 In this clause:

- (a) “incoming” means those members of the body who will take office on 1 January; and
- (b) “outgoing” means those members of the body who will go out of office on 31 December.

74.2 After the annual elections each year the incoming Executive in consultation with the outgoing Executive must prepare a draft budget for the Student Union for the following financial year.

74.3 In December each year the incoming Student Council must:

- (a) consider the draft budget; and
- (b) adopt the budget for the Student Union for the following financial year.

74.4 At its first meeting the following year the Student Council must ratify the budget, subject to any amendments it considers appropriate.

74.5 The Student Council may subsequently amend the budget.

75. Payments

75.1 The Student Union may only make payments:

- (a) from a specific line item in the budget; and
- (b) by resolution of the Student Council; or
- (c) under a delegation from the Student Council by regulation or resolution.

75.2 All payments must be:

- (a) specifically authorised in writing, and
 - (b) in the case of cheques – signed,
- by at least 2 persons nominated by the Student Council by regulation or resolution.

75.3 The Student Council may nominate a list of individuals or positions for the purposes of clause 75.2.

75.4 Signatories must not sign cheques until the payee and amount have been written in.

76. Audit

76.1 The Student Council must arrange for the accounts for the last financial year to be audited in accordance with section 30B of the Associations Act before being submitted to the annual general meeting in accordance with clause 82.2(c).

76.2 Clause 76.1 applies whether or not the Associations Act requires the accounts of the Student Union to be audited.

77. Records

77.1 The Student Council must by regulation provide for the safe keeping of the records of the Student Union.

77.2 Members may inspect and obtain copies of the register of members at any reasonable time.

77.3 Members may inspect the other records of the Student Union at any reasonable time, subject to clause 77.4.

77.4 Members may not inspect the records of the Student Union that relate to confidential personal, employment, commercial and legal matters.

77.5 The Student Council must ensure that copies of the constitution and regulations are freely available to members and students.

78. Publication of Material

78.1 All persons producing material for Student Union publications must ensure that the material is not:

- (a) defamatory, or
- (b) racist, sexist or homophobic, or otherwise in breach of the Victorian *Equal Opportunity Act*.

78.2 The General Secretary or nominee:

- (a) is entitled to have access to all material prior to publication; and
- (b) may on legal advice stop publication of the material.

78.3 In any legal action against the Student Union, the Student Union reserves the right to join any office-bearer or other person responsible for the publication or production of the material the subject of the action.

79. Common Seal

79.1 Under section 14(2) of the Associations Act, the Student Union may have a common seal.

79.2 Clauses 79.3–79.6 only apply if the Student Union has a common seal.

79.3 Under section 12A(1)(a) of the Associations Act, the name of the Student Union must appear in legible characters on the common seal.

79.4 A document may only be sealed with the common seal if authorised by resolution of the Student Council.

79.5 The sealing must be witnessed by the signatures of at least 2 Executive members nominated by the Student Council by regulation or resolution.

79.6 The Student Council must provide for the safe keeping of the common seal.

80. Public Officer

80.1 The Student Council must appoint the General Manager to be the public officer of the Student Union for the purposes of the Associations Act.

80.2 If there is a vacancy in the position of General Manager, the Student Council may appoint another person to be the public officer.

80.3 Under section 25(1) of the Associations Act, the Student Council must fill any vacancy in the position of public officer within 14 days.

80.4 Under section 28(1) of the Associations Act, the public officer must notify the Registrar within 14 days of appointment.

80.5 The effect of section 42 of the Associations Act is that the person last notified to the Registrar remains the public officer until a new person is notified.

81. Registered Address

81.1 The registered address of the Student Union for the service of documents is the address of the Student Union office.

81.2 Under section 13A(2) of the Associations Act, the Student Union must notify the Registrar within 14 days of any change of registered address.

82. Annual General Meeting

82.1 The Student Council must convene an annual general meeting of the members of the Student Union each year, to be held in March, April or May.

82.2 The ordinary business of the annual general meeting is:

- (a) to consider the annual report of the Student Council on the activities of the Student Union during its last financial year;
- (b) to consider the statement submitted by the Student Council to members in accordance with section 30(3) of the Associations Act containing particulars of:
 - (i) the income and expenditure of the Student Union during its last financial year,

- (ii) the assets and liabilities of the Student Union at the end of its last financial year,

- (iii) the mortgages, charges and securities of any description affecting any of the property of the Student Union at the end of its last financial year,

- (iv) the same particulars in respect of each trust of which the Student Union was trustee during any part of the last financial year, and

- (v) any trust, held on behalf of the Student Union by a person or body other than the Student Union, in which funds or assets of the Student Union are placed;

- (c) to consider the audited accounts that accompany the statement in accordance with clause 76.

82.3 The only other business that the annual general meeting may consider is special resolutions in accordance with clause 83.

82.4 Under section 30(4) of the Associations Act, the public officer must give the Registrar a statement of the annual general meeting within 1 month after the annual general meeting.

82.5 The Student Council must make the annual report, financial statements and audited accounts freely available to members and students as soon as practicable after the annual general meeting.

83. General Meetings of Members

83.1 Except for the annual general meeting, general meetings of the members of the Student Union may only be held to pass special resolutions.

83.2 Special resolutions may only be put to general meetings of members if authorised by a binding decision of:

- (a) a student general meeting in accordance with clause 23.2(a), or
- (b) a referendum in accordance with clause 28.5(a).

83.3 The Student Council must convene a general meetings of members as soon as practicable after a binding decision has been made authorising the passing of a special resolution.

- 83.4 At least 21 days notice in writing of general meetings of members must be given to each governing member.
- 83.5 The notice must state:
- (a) the date, time and place of the meeting,
 - (b) the proposed special resolution, and
 - (c) that it is intended that the resolution be proposed as a special resolution.
- 83.6 The quorum for general meetings of members is the presence in person of at least 1 governing member.
- 83.7 Only governing members are entitled to vote at general meetings of members.
- 83.8 When a special resolution is put to the vote at a general meeting of members, all governing members present must vote in favour, as required by clause 29.1.
- 83.9 If any governing member votes against a special resolution, the position held by that member becomes vacant in accordance with clause 57.1(f).
- 83.10 The procedure for general meetings of members is otherwise the same as for meetings of the Student Council.

84. Amendment of Constitution

- 84.1 Under section 22(1) of the Associations Act, this constitution may only be amended by special resolution.
- 84.2 Under section 22(2) of the Associations Act, an amendment to this constitution does not take effect until it has been approved by the Registrar.
- 84.3 Under section 22(4) of the Associations Act, the public officer must apply to the Registrar for approval of the amendment within 28 days after the special resolution was passed.

85. Winding Up

- 85.1 The Student Union may be wound up voluntarily by special resolution in accordance with section 33 of the Associations Act.

- 85.2 If the Student Union is:

- (a) wound up:
 - (i) voluntarily, or
 - (ii) by a court; or
- (b) its incorporation is cancelled;

the surplus assets of the Student Union must not be distributed to any member.

- 85.3 The surplus assets must be given to an entity that:

- (a) has a similar purpose to the Student Union; and
- (b) also prohibits the distribution of any surplus, income and assets to its members to at least as great an extent as the Student Union;

subject to section 36CA of the Associations Act.

- 85.4 If the Student Union is wound up voluntarily, the Student Council must by resolution passed by an absolute majority decide the entity to which its surplus assets are to be given.

- 85.5 In this clause “entity” includes body, trust and fund.

86. Interpretation

- 86.1 In this constitution, unless the contrary intention appears:
- (a) “absolute majority” means a majority of the votes of all members of the body entitled to vote at the time, whether or not those members are present, and whether or not they vote;
 - (b) “academic day” means a day in a University semester that is not a Saturday, Sunday or University holiday;
 - (c) “associated bodies” has the meaning given in clause 45.1;
 - (d) “the Associations Act” means the *Victorian Associations Incorporation Act 1981*;
 - (e) “campus” means a campus of the University;
 - (f) “the Committees” has the meaning given in clause 37.1, and “Committee” has a corresponding meaning;

- (g) “convene” means call and arrange to hold, and includes:
- (i) in the case of meetings – setting the date, time and place of the meeting; and
 - (ii) in the case of referendums – setting the dates, times and places of voting;
- (h) “General Manager” means the senior employee of the Student Union;
- (i) “governing member” has the meaning given in clause 8;
- (j) “permanent employee” means a full-time or part-time employee, and does not include a casual employee or a person employed on a short-term contract;
- (k) “postgraduate student member” has the meaning given in clause 7.2;
- (l) “the Registrar” means the Registrar of Incorporated Associations under the Associations Act;
- (m) “regulations” means regulations of the Student Union made under clause 32.2, and “regulation” has a corresponding meaning;
- (n) “special resolution” means a resolution:
- (i) to amend this constitution;
 - (ii) to change the name of the Student Union;
 - (iii) to amalgamate the Student Union with another association incorporated under the Associations Act; or
 - (iv) to wind up the Student Union;
- which under section 29 of the Associations Act may only be passed at a general meeting of the members of the Student Union where:
- (v) at least 21 days notice of the proposed resolution has been given to all members entitled to vote;
 - (vi) the notice specifies that it is intended that the resolution be proposed as a special resolution; and
 - (vii) at least three-quarters of those members who vote at the meeting, vote in favour;

- (o) “student”:
- (i) means a student enrolled at least 1 of the Melbourne, Mildura, Shepparton and City Campuses of the University; and
 - (ii) does not include a student who has been granted intermission of study by the University (subject to clause 86.2);
- (p) “student member” has the meaning given in clause 7.1;
- (q) “the Student Union” has the meaning given in clause 2.1;
- (r) “Student Union body” means a body established by or under this constitution, including the Student Council, the Executive and the Committees, but not including the associated bodies;
- (s) “Student Union noticeboard” means the noticeboard immediately outside the Student Union office;
- (t) “the University” means La Trobe University, and “University” has a corresponding meaning; and
- (u) “in writing” and “writing” include emails and documents sent electronically.

86.2 Despite clause 86.1(o)(ii), the President is taken to be a student for any period the President has been granted intermission of study by the University.

86.3 Unless the contrary intention appears:

- (a) expressions used in this constitution have the same meanings as in the legislation of the University; and
- (b) this constitution is to be interpreted in accordance with the Victorian *Interpretation of Legislation Act 1984* as if this constitution were an Act of the State of Victoria.

86.4 For the purposes of the Associations Act:

- (a) Part 2 of this constitution is the statement of purposes of the Student Union; and
- (b) all the provisions of this constitution (including those in Part 2) are its rules.

86.5 The headings form part of this constitution.

- 86.6 In this constitution a period of notice of an event expressed in days:
- (a) does not include the day on which notice is given; but
 - (b) includes the day on which the event takes place.
- 86.7 Notices of student general meetings, referendums and elections given by advertisement in accordance with the constitution or regulations are to be taken to have been given to every student, whether or not each student actually sees the advertisement.
- 86.8 The Student Council is responsible for the interpretation of the constitution and regulations.
- 86.9 This constitution is intended to include all matters in relation to which the model rules prescribed under section 54(2)(c) of the Associations Act make provision, with the intention that none of the model rules apply to the Student Union.

PART 14 – TRANSITIONAL

87. Start-Up Period

- 87.1 In this clause, “the start-up period” means the period from when the Student Union is incorporated until 30 September 2010.
- 87.2 In this clause and clause 88:
- (a) “the SRC” means the La Trobe University Students’ Representative Council Incorporated;
 - (b) “the Guild” means the La Trobe University Guild of Students; and
 - (c) “the first annual elections” means the first annual elections of the Student Union held in 2010.
- 87.3 During the start-up period, the only members of the Student Union are:
- (a) the President of the SRC,
 - (b) the General Secretary of the SRC,
 - (c) the President of the Guild,
 - (d) the Chief Executive Officer of the Guild, and
 - (e) the President of the La Trobe University Postgraduate Association Incorporated.
- 87.4 During the start-up period, the members of the committee for the purposes of the Associations Act are the 5 members of the Student Union (in this clause, “the Interim Committee”).
- 87.5 During the start-up period, the Interim Committee may exercise all powers of the Student Union on its behalf.
- 87.6 The quorum for meetings of the Interim Committee is the presence in person of 4 members of the Interim Committee.
- 87.7 Decisions of the Interim Committee may only be made by resolution passed with at least 4 votes in favour.
- 87.8 Without limiting clause 87.5, during the start-up period the Interim Committee:
- (a) must make regulations for the conduct of elections under clause 52.1;
 - (b) may make other regulations for the purposes of clause 33 and this constitution;
 - (c) may employ staff on behalf of the Student Union; and
 - (d) may enter into agreements with the University on behalf of the Student Union.
- 87.9 The Committee must ensure that, as far as practicable, the first annual elections are conducted in accordance with clauses 52–55, including the regulations made under clause 52.1.
- 87.10 The regulations made by the Interim Committee under clause 52.1 may include transitional provisions modifying the application of clauses 52–55 and this constitution to the extent necessary for the purposes of conducting the first annual elections.
- 87.11 Subject to this clause:
- (a) the first annual elections are to be taken to have been annual elections properly held in accordance with the constitution and regulations; and
 - (b) the office-bearers, members of the Student Council and members of the Committees elected at the first annual elections are to be taken to have been validly elected to those positions.

- 87.12 During the start-up period, the provisions of the constitution and regulations only apply:
- (a) as required by the Associations Act; and
 - (b) subject to any modifications that the Interim Committee considers necessary; or
 - (c) as determined by the Interim Committee.

88. Transitional

- 88.1 For the purposes of clause 9, those subscribing members of the Guild who are students are taken to be ordinary members of the Student Union.
- 88.2 For the purposes of clause 10, those subscribing members of the Guild who are not students are taken to be associate members of the Student Union.
- 88.3 For the purposes of clause 11, the life members of the Guild are taken to be life members of the Student Union.
- 88.4 Despite clause 56.1, office-bearers and members of Student Union bodies elected at the first annual elections hold office from 1 October 2010 until their successors take office.
- 88.5 Despite clause 72, the first financial year of the Student Union is from the date of incorporation of the Student Union to 31 December 2011.
- 88.6 Despite clause 82.1, the Student Union is not required to hold an annual general meeting in 2010.

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