

Constitution of the Student Association
of The University of Notre Dame Australia
(Fremantle Campus) Incorporated

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of The University of Notre Dame Australia (Fremantle
Campus) Incorporated

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Constitution of the Student Association of The University of Notre Dame Australia (Fremantle Campus)

WE, the students of The University of Notre Dame Australia (Fremantle Campus), in order to enhance our educational, spiritual and social development during the course of our study and through the Catholic Mission of The University set down here the Constitution of the Student Association of The University of Notre Dame Australia.

The Student Association while being run by students will fulfil these aspirations through the representation of students, the building of a vibrant student community and the promotion of interaction between the students and the University and the wider community.

Part 1: The Association

1. Name of Association

- 1.1 The name of the Association is the “Student Association of The University of Notre Dame Australia (Fremantle Campus) Incorporated”.

2. Definitions

- 2.1 In this constitution, unless the contrary intention appears-

“**absolute majority**” means a majority of all the members of the body concerned regardless of the number attending the meeting of the body with no casting vote counted;

“**annual general election**” means the annual election referred to in section 36;

“**annual general meeting**” means the annual general meeting convened under section 31;

“**College Representative**” means a member of the Student Association that is a representative of a College of the University as stated in section 16;

“**College of the University**” means a College of the University as established under Statute 7 of the University;

“**Committee meeting**” means a meeting referred to in section 20.1;

“**Committee member**” means a person referred to in section 15.1;

“**days**” means any 24 hour period reckoned from and to midnight and includes Public Holidays, University Holidays and weekends.

“**financial year**” means-

- (a) a period not exceeding 15 months fixed by the Committee being a period commencing on the date of incorporation of the Student Association and ending on 30 June; and thereafter
- (b) each period of commencing 1 July and ending on 30 June in the following year;

“**Fremantle Campus**” means the Campus of the University located in Fremantle, Western Australia;

“**general meeting**” means a meeting convened under section 31;

“**member**” means a member of the Student Association;

“**ordinary resolution**” means a resolution other than a special resolution;

“**person**” means any natural person and includes a person who is not a Student Association Member;

“**poll**” means voting conducted in written form (as opposed to a show of hands);

“**simple majority**” means a majority of all the members of the body concerned attending the meeting;

“**special resolution**” has the meaning given to it in s24 of the Act, namely that it is a resolution passed by a majority of not less than three-fourths of the members of the Student Association who are entitled under the constitution of the Student Association to vote and vote in person by proxy or postal vote;

“**student**” means a person enrolled in the University as a student on the Fremantle campus;

“**student body**” means all students enrolled at the University on the Fremantle campus;

“**teaching day**” means a day as defined above which is officially designated by the University as a day when classes are scheduled. The following are specifically excluded from the definition:

- (a) any day which falls outside a semester designated by the University;
- (b) Public Holidays observed by the University;
- (c) days designated by the University as non teaching days; and
- (d) days designated by the University as formal examination periods.

"**the Act**" means the *Associations Incorporation Act 1987*;

"**the Association**", and "**the Student Association**" means the Association referred to in section 1;

"**the Chairperson**" means-

- (a) in relation to the proceedings at a general meeting, the person presiding at the general meeting in accordance with section 30; or
- (b) in relation to the proceedings at a Student Association Committee meeting, the person presiding at the Committee meeting in accordance with section 19;

"**the Commissioner**" means the Commissioner for Fair Trading exercising powers under the Act;

"**the Executive**" and "**the Executive Committee**" means the Executive Committee of the Student Association referred to in s17;

"**the Student Association Committee**" and "**the Committee**" means the Student Association Committee referred to in section 15.1 and shall constitute the Committee of the Association for the purposes of section 19 of the Act;

"**the President**" means the Student Body President referred to in section 26;

"**the Secretary**" means the Student Association Secretary referred to in section 34;

"**the Treasurer**" means the Student Association Treasurer referred to in section 35;

"**the University**" means The University of Notre Dame Australia;

"**the Vice-President**" means the Student Body Vice-President referred to in section 27;

"**this constitution**" refers to this document and all sections of it contained herein, known as "The Constitution of the Student Association of the University of Notre Dame Australia (Fremantle Campus) Incorporated" and constitutes the rules of the Student Association for the purposes of section 16 of the Act;

"**week**" means any seven day period reckoned from and to Saturday midnight.

3. Interpretation

3.1 Where in this constitution-

- i) the word "may" is used in conferring a power such word shall be interpreted to imply that the power so conferred may be exercised or not at discretion, and where in a section the word "shall" is used in conferring a power such word shall be interpreted to mean that the power so conferred must be exercised.
 - ii) a power or a duty to make appointments to an office or position is imposed on a person or body, unless the contrary intention appears, the power includes a power to remove or suspend a person appointed and to appoint another person temporarily in the place of the person suspended or in place of a sick or absent holder of the office or position.
 - iii) the word "section" is used it refers to a section of this constitution unless its context proves it to relate to a section of a specified statute.
 - iv) the word "subsection" is used it refers to-
 - (a) the subsection of the section to which the word was used; or
 - (b) the subsection of a section that is specified in context of the use of the word.
- 3.2 Whenever in the constitution it is provided that appointment shall be made at a specific meeting of the Student Association Committee and such appointment is not made, for whatever reason, the appointment shall be made at the earliest next meeting.
- 3.3 In this constitution unless the context otherwise requires each in the singular number is to be construed as including the plural number.

4. Objects of Association

- 4.1 The objects of the Student Association, a non-profit organization, shall be to-
- i) to foster and promote the mission of the University;
 - ii) promote the well being and interests of the students of the University;
 - iii) further the common interest of the students of the University;
 - iv) provide for and encourage communication among enrolled students in matters of common interest;
 - v) provide extra-curricular activities for the general well-being of students;
 - vi) represent students whenever such representation is necessary or desirable, and to provide a recognised means of communication between the students and the University authorities;
 - vii) cooperate with any body or organisation having kindred aims;
 - viii) provide, conduct or manage educational, cultural, sporting, welfare, recreational or commercial facilities or activities intended for the benefit directly or indirectly, of students;
 - ix) accommodate and provide for any type of amenities or facilities for enrolled students;
 - x) help students achieve their full social and spiritual potential;
 - xi) reach beyond the University boundaries and contribute effectively to the wider community; and
 - xii) further the common interest of students at the University generally.

- 4.2 The property and income of the Association shall be applied solely towards the promotion of the objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

5. Powers of Student Association

- 5.1 The powers conferred on the Student Association are the same as those conferred by s13 of the Act, so that subject to the Act and the limitations and exclusions noted below, the Student Association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -

- (i) expend and invest moneys-
 - (a) in any security in which trust moneys may lawfully be invested;
 - (b) in any other manner authorized by the constitution of the Student Association;
- (ii) operate banking accounts;
- (iii) transact such financial business as may be necessary to carry out the objects of the Student Association;
- (iv) affiliate with any university association or any other association of students;
- (v) borrow or raise money for any of the objects of the Student Association;
- (vi) appoint agents to transact any business of the association on its behalf;
- (vii) enter into contracts on behalf of the Student Association or any student society, the terms of which have been approved by the Executive Committee;
- (viii) exercise general supervision, control over and co-ordinate all student societies and their activities, and to make grants thereto for approved purposes;
- (ix) register student societies with the Student Association, and affiliate registered societies with subsidiary bodies of the Student Association;
- (x) provide for representation of the Student Association and its members in cultural, sporting and social activities;
- (xi) assume the care, control and management of the property and financial affairs of any student society, for such period as the Student Association Committee thinks fit;
- (xii) make provision for the control and management of any buildings from time to time occupied by the Student Association and for regulating the conduct of any person using such buildings or parts thereof;
- (xiii) incorporate or cause to be incorporated any student society under the *Associations Incorporation Act* or under the *Corporations Act* or any like legislation for the benefit of the members of that society or to limit the liability of the Student Association, and to hold shares in any company so incorporated;
- (xiv) hold licences under any legislation, including the *Liquor Licensing Act*, for the time being in force;
- (xv) admit to Associateship persons other than members of the Student Association, in the manner prescribed by this constitution and regulations made there under;
- (xvi) as prescribed by this constitution, to impose fines upon members of the Student Association, upon members and officers of student societies and on student societies for breaches of the provisions of this Constitution or Student Association regulations;
- (xvii) take such actions as necessary in the performance of its obligations as prescribed by this constitution.

- 5.2 Notwithstanding any provisions of the Act purporting to grant powers to the Students Association, or any of the above provisions, the powers of the Student Association and its officers and members are subject to any and all restrictions or limitations imposed by the University Statutes, Rules, Regulations, Procedures and Policies.
- 5.3 Notwithstanding section 5.2, neither the Student Association nor its members are an agent of the University and the University accepts no responsibility for the debts or liabilities of the Student Association.
- 6. Discrimination**
- 6.1 No person in the Student Body shall be discriminated against by the Student Association on the basis of race, sex, religion, political beliefs, physical disability, age or financial status.

Part 2: Membership

- 7. Qualifications for membership of the Student Association**
- 7.1 The Student Association's members comprise automatically (without the need for application) all students of the University of Notre Dame on the Fremantle campus.
- 7.2 The following persons or classes of persons shall not be eligible to be members-
- i) persons who are not students; and
 - ii) such persons and classes of persons as the Student Association Committee declares to be ineligible for membership of the Student Association.
- 7.3 A member shall cease to be a member when
- (i) he or she ceases to be an enrolled student;
 - (ii) he or she resigns from the Student Association under s11;
 - (iii) he or she becomes ineligible to be a member; or
 - (iv) he or she is expelled from the Association in accordance with s12.
- 7.4 The terms and conditions of membership of the Student Association shall be prescribed by this constitution.
- 7.5 The Student Association shall not charge entrance fees, subscriptions or any other sums of money to members for the purpose of membership.
- 8. Member entitlements**
- 8.1 All members of the Student Association shall be entitled to all the rights and privileges and shall observe the duties and obligations specified in this constitution.

9. Associate Membership

- 9.1 An Associate Membership with the Student Association may be granted by the Student Association Committee to-
- (i) a graduate of the University, its associated colleges, schools and affiliated institutions;
 - (ii) a member of the University; and
 - (iii) other persons or bodies as the Committee deems appropriate.
- 9.2 A person who wishes to become an Associate of the Student Association shall apply for membership to the Executive Committee in writing using the form prescribed by the Committee signed by that person.
- 9.3 The Committee members shall consider each application made under section 9.2 at a Committee meeting and shall at that Committee meeting or a subsequent Committee meeting accept or reject that application.
- 9.4 Associate members have all of the privileges of ordinary members except that they cannot nominate members for a position, nor can they vote or be elected to the Committee.

10. Register of Members and Associates of the Student Association

- 10.1 The Secretary, on behalf of the Student Association, must comply with s27 of the Act by keeping and maintaining in an up to date condition a register of the members and Associate Members of the Association and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.
- 10.2 The Secretary shall on behalf of the Student Association keep and maintain the register of members and associate members of the Student Association and that register shall be so kept and maintained at his or her place of residence or at such place as prescribed by the Student Association Committee.
- 10.3 The Secretary shall cause the name of a person who dies or who ceases to be a member or associate under sections 11.1 or 12 to be deleted from the register of members or associates referred to in sections 10.1 and 10.2.

11. Resignation of members of the Student Association

- 11.1 A member may resign from the Association by giving a written notice of resignation to the secretary.
- 11.2 The resignation takes effect on:
- (i) The day and at the time the notice is received by the secretary; or
 - (ii) If a later date is stated in the notice – the later day.

12. Suspension or expulsion of members and associates of the Student Association

- 12.1 If the Student Association Committee considers that a member or associate should be suspended or expelled from membership or associateship of the Student Association because his or her conduct is detrimental to the interests of the Student Association, the Committee shall communicate, either orally or in writing, to the member or associate-
- (i) notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and
 - (ii) particulars of that conduct,
- not less than 30 days before the date of the Committee meeting referred to in this section.
- 12.2 At the Committee meeting referred to in a notice communicated under section 12.1, the Committee may, having afforded the member or associate concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Committee, suspend or expel or decline to suspend or expel that member or associate from membership or associateship of the Student Association and shall, forthwith after deciding whether or not to suspend or expel that member or associate, communicate that decision in writing to that member or associate.
- 12.3 Subject to section 13, a member or associate has his or her membership suspended or ceases to be a member or associate 14 days after the day on which the decision to suspend or expel the member is communicated to him or her under 12.2.

13. Appealing Suspension or Expulsion

- 13.1 A member or associate who is suspended or expelled under section 12 from membership or associateship of the Student Association must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in section 12.3.
- 13.2 When notice is given under section 13.1-
- (i) the Student Association in a general meeting must either confirm or set aside the decision of the Committee to suspend or expel the member or associate, after having afforded the member or associate who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Student Association in the general meeting, and
 - (ii) the member or associate who gave that notice is not suspended or does not cease to be a member or associate unless and until the decision of the Committee to expel him or her is confirmed under this subsection.

Part 3: Governing Structure

14. Governing Bodies

14.1 Subject to this constitution, the Student Association shall be governed by the Student Association Committee.

15. Student Association Committee

15.1 The affairs of the Student Association shall be managed by the Student Association Committee consisting of-

- (i) the President;
- (ii) the Vice-President;
- (iii) the Secretary;
- (iv) the Treasurer, and
- (v) student representatives from each College of the University as set out in section 16.

15.2 All Student Association Committee members are elected under the provisions of this constitution.

16. College Representatives

16.1 A College of the University with a total enrolment at the Fremantle Campus as determined from time to time by the Registrar of the University of-

- (i) less than one hundred (100) effective full time student units shall have one (1) representative on the Student Association Committee;
- (ii) more than one hundred (100) but less than five hundred (500) effective full time student units shall have two (2) representatives on the Student Association Committee;
- (iii) more than five hundred (500) effective full time student units shall have three (3) representatives on the Student Association Committee.

17. The Executive Committee of the Student Association

17.1 The Executive Committee of the Student Association will consist of -

- (i) the President;
- (ii) the Vice-President;
- (iii) the Secretary; and
- (iv) the Treasurer.

18. Authority of the Student Association Committee

18.1 The Student Association Committee has the power and authority to manage and control the affairs, concerns and property of the Student Association and may act in all matters concerning the Student Association in such manners as appears best calculated to promote the interests of the Student Association.

- 18.2 Without limiting the application of section 18.1, the Student Association Committee has the power to take such actions as necessary in the performance of its functions as prescribed by this Constitution.
- 18.3 Subject to and without limiting the application of sections 18.1 and 18.2, the Student Association Committee shall have the following specific functions:
- i) to represent the students of the University in all public ceremonies and functions;
 - ii) to liaise with other universities and bodies external to the University on matters of interest to the student body;
 - iii) to provide representatives for individual students before hearings of the Discipline Committee;
 - iv) to represent the student body in liaising from time to time with the Vice Chancellor, Provost, the Registrar and his nominee, senior members of University staff, the University Academic Council and the University Board of Governors;
 - v) to be responsible for the management, content and publication of the student newspaper and other student publications;
 - vi) create committees;
 - vii) co-opt non-voting members onto the Student Association Committee;
 - viii) to impose sanctions;
 - ix) to raise funds and seek sponsorships for the Student Association; and
 - x) to co-ordinate and support student clubs and societies.

19. Presiding Officer

- 19.1 The presiding officer of the Student Association Committee shall be the Student Body President, and subject to this rule, the President must preside at all Student Association Committee meetings.
- 19.2 In the event of the absence from a Committee meeting of-
- (i) the President, the Vice-President; or
 - (ii) both the President and the Vice-President, a Committee member elected by the other Committee members present at the committee meeting;
- shall preside at the Committee meeting.

20. Proceedings of Student Association Committee

- 20.1 The Committee shall meet together for the dispatch of business not less than once in each calendar month and the President, or at least half the members of the Committee may at any time convene a meeting of the Committee.
- 20.2 Notice of meetings must be given to members of the Committee at least 36 hours prior to the meeting either-
- (i) in writing
 - (ii) by telephone;
 - (iii) via email; or

- (iv) in person.
- 20.3 The Secretary shall prepare and distribute an agenda to all members of the Student Association Committee at least 12 hours prior to the commencement of a meeting in any of the following ways-
- (i) in writing
 - (ii) by telephone;
 - (ii) via email; or
 - (iii) in person.
- 20.4 Any member of the Student Body may submit an item to be put on the agenda provided that such agenda items must be submitted to the secretary at least 48 hours prior to the commencement of a Committee meeting.
- 20.5 Each Committee member has a deliberative vote.
- 20.6 A question arising at a Committee meeting shall be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- 20.7 Subject to this constitution, the Committee members present at the Committee meeting shall determine the procedure and order of business to be followed at Committee meetings.
- 20.8 At a Committee meeting, quorum is achieved when at least half of the Committee are present, including either the President or Vice-President.
- 20.9 As required under sections 21 and 22 of the Act, a Committee member who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), shall
- (i) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee, and
 - (ii) not take part in any deliberations or decision of the Committee with respect to that contract.
- 20.10 Section 20.9 does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.
- 20.11 The secretary must cause every disclosure made under section 20.9 by a member of the Committee to be recorded in the minutes of the meeting at which it is made.

21. Minutes of Committee Meetings

- 21.1 The secretary must cause proper minutes of all proceedings of all Committee meetings to be taken and then to be entered within 7 days after the holding of the Committee Meeting in a minute book kept for that purpose.
- 21.2 Minutes must be distributed to all members of the Student Association Committee at least 48 hours prior to the commencement of the next Student Association Committee meeting.
- 21.4 Minutes must be checked and confirmed at the next Student Association Committee meeting by the members who were present at the relevant meeting and the President must sign the minutes as a correct record.
- 21.5 Following signing by the President, the minutes must be made available to all members of the Student Association.

22. Resignation or Removal from office of Committee Members

- 22.1 A member of the Student Association Committee who wishes to resign from the Committee must submit their resignation in writing to the President, except that where the Committee member wishing to resign is the President, he or she must submit their resignation in writing to the Vice-President.
- 22.2 The resignation takes effect-
 - (i) two weeks after the day and time the notice is received by the President (or Vice President as the case may be); or
 - (ii) if a later date is specified in the notice, on the later date.
- 22.3 Any member of the Student Association Committee who acts in such a way as to be antagonistic towards the mission and purpose of the Association may be assessed by the Committee as liable to removal from the Student Association Committee.
- 22.4 A Committee member liable to removal will be issued with a letter from the President calling upon the Committee member to show cause why he or she should not be removed from office, at a meeting of the Student Association Committee, except that where the Committee member liable to removal is the president, the Vice President shall issue such a letter.
- 22.5 The meeting of the Student Association Committee referred to in section 22.4 shall be convened no less than two weeks after the letter has been issued to the Committee member.
- 22.6 At the meeting referred to in section 22.4, the member shall be given a full and fair opportunity to show cause why he or she should not be removed from office, and only after that opportunity has been provided will the Committee vote on the issue.

- 22.7 A member of the Student Association Committee may only be removed from office if-
- (i) at the Committee meeting referred to in section 22.4, the Committee members pass a special resolution to remove that member, and
 - (ii) the decision to remove the Committee member is endorsed by the Vice Chancellor of the University.

23. Casual vacancies in membership of Student Association Committee

- 23.1 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member-
- (i) dies;
 - (ii) resigns following the procedure outlined in Section 22.1 and 22.2;
 - (iii) is convicted of an offence under the Act;
 - (iv) is permanently incapacitated by mental or physical ill-health;
 - (v) is absent from more than-
 - (a) 3 consecutive Committee meetings; or
 - (b) 3 Committee meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee meetings;
without leave being granted by the Committee;
 - (vi) ceases to be a member of the Student Association;
 - (vii) ceases to satisfy the qualifications for candidates contained in section 40.1,
or
 - (viii) Is removed from office under the procedures outlined in sections 22.3 to 22.7.

24. Purpose of the Executive Committee

- 24.1 The Executive Committee shall determine any matters referred to it by the Student Association Committee and any matters that cannot be reasonably deferred until the following meeting of the Student Association Committee.
- 24.2 The Executive Committee shall meet at such times and places as the President may from time to time decide.

25. Interim Policy

- 25.1 The Executive Committee may determine an interim policy where no policy of the Student Association Committee exists.
- 25.2 An interim policy as referred to in section 25.1 will automatically lapse upon the day of the following Student Association Committee meeting unless specifically ratified by that meeting of the Student Association Committee.

25.3 An interim policy that has lapsed as in section 25.2 may not be readopted in style or substance by the Executive Committee.

26. Student Body President

26.1 The President of the Student Association shall-

- (i) be known as the “Student Body President”;
- (ii) be elected by the entire student body in accordance with the provisions of this constitution;
- (iii) serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.

26.2 The President shall-

- (i) direct, co-ordinate and supervise the work of the other elected and appointed office bearers of the Committee, and
- (ii) direct the activities and manage the affairs of the Association.

26.3 Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or the Student Association Committee

27. Student Body Vice-President

27.1 The Vice-President of the Student Association shall-

- (i) be known as the “Student Body Vice-President”;
- (ii) be elected by the student body in accordance the provisions of this constitution;
- (iii) serve a one year term beginning on the date of the Annual General Meeting held after the General Election and ceasing on the date of the Annual General Meeting in the following year.

27.2 The Vice President shall

- (i) assist the President in the performance of the presidential duties as prescribed in section 26;
- (ii) in the event of a vacancy in the office of President assume the role of the President until a new president is elected by a majority vote of the Student Association Committee at the next Student Association Committee meeting;
- (iii) if unable to assume the role of President as stipulated in the preceding paragraph appoint another Student Association Committee member as temporary President until the next Student Association Committee meeting.

27.3 Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or the Student Association Committee.

28. Secretary

28.1 The Secretary shall-

- (i) be elected by a majority vote of the Student Association Committee, at a meeting to be held within two weeks of the election of the Student Association Committee, and
- (ii) serve a one year term beginning on the date of the Student Association Committee meeting at which he or she is elected and ceasing on the date of the Annual General Meeting in the following year.

28.2 The Secretary shall-

- (i) co-ordinate the correspondence of the Student Association;
- (ii) keep full and correct minutes of the proceedings of the Student Association Committee;
- (iii) on behalf of the Student Association –
 - (a) keep and maintain in an up to date condition a register of the members of the Student Association;
 - (b) keep and maintain in an up to date condition the constitution of the Student Association; and
 - (c) maintain a record of the names and residential or postal addresses of the persons who hold the offices of the Student Association Committee provided for by the constitution of the Student Association and the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Student Association,
- (iv) have custody of all books, documents, records and registers of the Student Association, other than those required by section 29 to be kept and maintained by, or in the custody of, the Treasurer;
- (v) be responsible for communication within the Student Association, including but not limited to co-ordinating all Student Association correspondence;
- (vi) be able to delegate responsibilities from the preceding subsections to a member of the Committee;
- (vii) perform such other duties as are imposed by this constitution on the Secretary.

28.3 Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or the Student Association Committee.

29. Treasurer

29.1 The Treasurer shall-

- (i) be elected by a majority vote of the elected Student Association Committee, at a meeting to be held within two weeks of the election of the Student Association Committee; and
- (ii) serve a one year term beginning on the date of the Student Association Committee Meeting at which he or she is elected and ceasing on the date of the Annual General Meeting in the following year.

29.2 The Treasurer shall

- (i) be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, the Student Association and shall issue receipts for those moneys in the name of the Student Association;
 - (ii) pay all moneys referred to in paragraph (i) into such account or accounts of the Student Association as the Committee may from time to time direct;
 - (iii) make payments from the funds of the Student Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised committee member, or by any two others as are authorised by the Committee;
 - (iv) on behalf of the Student Association-
 - (a) keep such accounting records as correctly record and explain the financial transactions and financial position of the Student Association;
 - (b) keep its accounting records in such manner as will enable true and fair accounts of the Student Association to be prepared from time to time; and
 - (c) keep its accounting records in such manner as will enable true and fair accounts of the Student Association to be conveniently and properly audited.
 - (d) submit to its members at each annual general meeting of the Student Association accounts of the Association showing the financial position of the Student Association at the end of the immediately preceding financial year.
 - (v) whenever directed to do so by the President, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
 - (vi) have custody of all securities, books and documents of a financial nature and accounting records of the Student Association;
 - (vii) ensure that all affiliated and registered student clubs receiving funds from the Student Association adhere to the fiscal policy;
 - (viii) have the power to freeze the funds of any account which exceeds its budget allocation;
 - (ix) have the power to nominate two assistants from the Student Association Committee to assist in maintaining the funds of the Student Association;
 - (x) conduct one formal meeting with a representative from each registered student club seeking funds prior to the submission of budget proposals; and
 - (xi) perform such other duties as are imposed by this constitution on the Treasurer.
- 29.3 Failure to adhere to constitutional duties shall constitute grounds for removal from office and/or the Student Association Committee.

Part 4: General Meetings

30. Presiding Officer

- 30.1 The presiding officer of a general meeting shall be the Student Body President.

- 30.2 In the event of the absence from a general meeting of-
- (i) the President, the Vice-President; or
 - (ii) both the President and the Vice-President, a member elected by the other members present at the general meeting;
- shall preside at the general meeting.
- 30.3 At the President's request and upon approval at the meeting the President may vacate the chair.

31. Proceedings of General Meeting

- 31.1 The Student Association Committee -
- (i) may at any time convene a special general meeting;
 - (ii) must convene an annual general meeting in the second semester of the University Calendar; and
 - (iii) shall, within 30 days of-
 - (a) receiving a request in writing to do so from not less than 50 members, convene a special general meeting for the purpose specified in that request; or
 - (b) the Secretary receiving a notice under section 13.1, convene a special general meeting for the purpose of dealing with the appeal to which that notice relates.
- 31.2 The members making a request referred to in section 31.1(iii)(a) shall-
- (i) state in that request the purpose for which the special general meeting concerned is required; and
 - (ii) sign that request.
- 31.3 If a special general meeting is not convened within the relevant period of 30 days referred to in
- (i) section 31.1(iii)(a) the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
 - (ii) section 31.1(iii)(b) the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Committee.
- 31.4 When a special general meeting is convened under section 31.3-
- (i) the Committee shall ensure that the members or member convening the special general meeting are supplied free of charge with particulars of all members; and
 - (ii) the Student Association shall pay the reasonable expenses of convening and holding the special general meeting.

32. Notice of General Meeting

- 32.1 Subject to section 32.3, the Secretary shall give to all members not less than 14 days notice of a general meeting and that notice shall specify.
- (i) when and where the general meeting concerned is to be held; and

- (ii) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- 32.2 Subject to section 32.3, the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify –
- (i) when and where the annual general meeting is to be held; and
 - (ii) the particulars and order in which business is to be transacted, as follows-
 - (a) first, the consideration of the accounts and reports of the Committee,
 - (b) second, the announcement of the new committee members, and
 - (c) third, any other business requiring consideration by the Association at the Annual General Meeting.
- 32.3 The Secretary shall give to all members not less than 21 days notice of a general meeting at which a special resolution is to be proposed and of any other motions to be moved at that general meeting.
- 32.4 The Secretary may give a notice under the preceding sections by-
- (i) serving it on a member personally;
 - (ii) sending it by email to a member at the University email address of the member; or
 - (iii) by publishing such a notice-
 - (a) on the Main Library notice board;
 - (b) Student Association website; and/or
 - (c) in the Student Newspaper or any other publication generally circulated among the students, produced under the authority of the Student Association.
- 33. Quorum and procedure at general meetings**
- 33.1 At a general meeting two-thirds of the total Student Association membership or thirty members, whichever is the lower, present in person or by proxy constitute a quorum.
- 33.2 If within 30 minutes after the time specified for the holding of a general meeting in a notice given under section 32 a quorum is not present-
- (i) as a result of a request or notice referred to in section 31.1(iii) or as a result of action taken under section 13.1, the general meeting lapses; or
 - (ii) otherwise than as a result of a request, notice or action referred to in paragraph (i) the general meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 33.3 If within 30 minutes of the time appointed by section 33.2 (ii) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

- 33.4 The Chairperson may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 33.5 There shall not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- 33.6 When a general meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under section 32 of the adjourned general meeting as if that general meeting were a fresh general meeting.
- 33.7 At a general meeting-
- (i) an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands, subject to section 33.9; and
 - (ii) a special resolution put to the vote shall be decided by a majority of not less than three-fourths of the members of the association who are present at the meeting and who are entitled under the constitution of the association to vote and vote in person, by proxy or postal vote, subject to section 33.9.
- 33.8 A declaration by the Chairperson at a general meeting that a resolution has been passed as an ordinary resolution or as a special resolution shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with section 33.9.
- 33.9 At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, shall be taken in such manner as the Chairperson directs.
- 33.10 If a poll is demanded and taken under section 33.9 in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.
- 33.11 A poll demanded under section 33.9 must be taken immediately on that demand being made.
- 34. Voting rights and proxies of members of the Student Association**
- 34.1 Subject to this constitution, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- 34.2 A member (in this section called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

35. Minutes of meetings of Student Association

- 35.1 The Secretary shall cause proper minutes of all proceedings of all general meetings to be taken and then to be entered within 30 days after the holding of each general meeting in a minute book kept and maintained for that purpose.
- 35.2 The President or Vice-President shall ensure that the minutes taken of a general meeting under section 35.1 are checked and signed as correct by the Chairperson of the general meeting to which those minutes relate or of the next succeeding general meeting, as the case requires.
- 35.3 When minutes have been entered and signed as correct under this section, they shall, until the contrary is proved, be evidence that-
- (i) the general meeting to which they relate (in this subsection called "the meeting") was duly convened and held;
 - (ii) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
 - (iii) all appointments or elections purporting to have been made at the meeting have been validly made.
- 35.4 All minutes are be made available to all members of the Student Body through the Main Library or electronically.

Part 5: Elections

36. Election Governance

- 36.1 All elections, polls and referendums are to be run in accordance with this Constitution and any election by-laws passed by an absolute majority of the Student Association Committee.
- 36.2 The general elections for members of the Student Association Committee shall be held annually not less than 14 days before the holding of the Annual General Meeting of the Association..
- 36.3 Subject to the following provisions, all members of the Student Association Committee shall be elected at the Annual General Election.

37. Terms of Office

- 37.1 The term of office for Student Association Committee members shall commence-
- (i) for those elected at an Annual General Election, immediately after the Annual General Meeting following their election;
 - (ii) in the case of a casual vacancy arising under s23.1, the date that the Returning Officer declares who is to fill the casual vacancy in accordance with the provisions in s38.1, or the date of the vacancy, whichever is the later;

(iii) For those co-opted by the Student Association Committee, at the time of the passing of the Student Association Committee's resolution or the date the vacancy occurs, whichever is the later.

37.2 All Student Association Committee member's terms of office shall conclude at the end of the annual general meeting in the following year.

38. Filling Casual Vacancies

38.1 If any office of the Student Association Committee falls vacant -

(i) before, but not on the last day of the second week of first semester then the candidate who received the next highest amount of votes for that position at the preceding Annual General Election shall fill the vacancy;

(a) If the person elected as per this section to fill the vacancy is unable or unwilling to act in that capacity then the candidate who received the next highest amount of votes for that position at the preceding Annual General Election shall fill the vacancy;

(b) Each such unsuccessful candidate will be considered in turn until the position has been filled; and

(c) If none of the unsuccessful candidates for the position at the Annual General Election are willing and able take up a vacated position, or there were no other candidates for the position at the Annual General Election, then the Student Association may co-opt an eligible person to take up the position subject to section 38.4.

(ii) on or after the last day of the second week of first semester then the Student Association Committee may co-opt an eligible person to the position subject to section 38.4.

38.2 In those circumstances where the Student Association Committee is empowered to co-opt members to vacant positions on the Student Association Committee under s38.1, the decision to co-opt such members by the Student Association Committee is a discretionary one, subject to section 38.4.

38.3 The Student Association shall within one month of the occurrence of the vacancy, fill any casual vacancy amongst its members.

38.4 When filling a vacancy on the Student Association Committee by co-opting, the Committee shall select the person-

(i) from the same College of the University that the member vacating office represented; or

(ii) from the entire student body if the office vacated is that of the President.

39. Qualifications for Enrolment to Vote

39.1 To be eligible for enrolment for the Student Association elections a person must be:

- (i) an enrolled student of the University on the Fremantle campus at the close of rolls; and
- (ii) not otherwise disqualified.

39.2 To be eligible to vote for President a person must be eligible to vote.

39.3 To be eligible to vote for Vice-President a person must be eligible to vote.

39.4 To be eligible to vote for a College Representative a person must be eligible to be enrolled to vote and enrolled in that College of the University unless permission has been granted by the Registrar to vote for a student enrolled in another College of the University.

40. Qualifications for Candidates

40.1 Subject to section 40.2-

- (i) all members of the Student Association are eligible to be candidates for the positions of President and Vice-President; and
- (ii) only students who are deemed by the Registrar to be enrolled in the College of the University for which College Representative position they are contesting are eligible to be candidates for the position of College Representative for the Student Association Committee for that College of the University.

40.2 A person shall be disqualified from candidature if he or she is:

- (i) not a member of the Student Association;
- (ii) a member of the academic staff of the University;
- (iii) a member of the Election Tribunal;
- (iv) an election official;
- (v) previously convicted of an offence and sentenced to imprisonment or who is currently under sentence or has not been given a free pardon;
- (vi) a non voting member at the close of rolls;
- (vii) an undischarged bankrupt or who has entered into a scheme of arrangement with creditors;
- (viii) certified insane;
- (ix) a former member of the Executive Committee who has had his or her position declared vacant due to excessive absence without apology within the last 12 months; or
- (x) ineligible to hold a sought position due to other section or regulation.

41. Election Procedure

41.1 Subject to the provisions of this Constitution, a member of the Student Association Committee may only be elected as follows:

- (i) the Committee shall, at least one month prior to the Annual General Elections, appoint two Returning Officers, who:
 - (a) shall supervise and count the ballot;

(b) must not be members of the Association or of the Student body of the University; and

(c) must be neutral and publicly perceived as such.

(ii) the Secretary shall post written notice calling for nominations for the positions on the Committee in the Student Common Room (or equivalent location), at least fourteen days before the Annual General Election.

(iii) nominations for the positions shall be submitted to the returning officers and shall be:

(a) in writing;

(b) signed by the nominee;

(c) signed by two members supporting the nomination; and

(d) received by the Returning Officers no later than 48 hours before the commencement of the voting in the Annual General Election.

(iv) A candidate may be nominated for more than one position, and, if the candidate wins more than one position, that candidate shall be elected to the senior most position and their votes for the other position(s) will be disregarded.

(v) The names of the candidates on the Ballot forms will be in alphabetical order.

(vi) Voting will be open and ballot cards available for a total of not less than 20 hours and must be spread over at least 3 weekdays.

41.2 Voting shall be voluntary and no sanctions are attached to failure to vote.

41.3 Each voter may only vote once per election or referenda.

41.4 Voting will be by secret ballot and voting may be by postal vote.

41.5 All positions on the Committee will be determined on a first past the post voting system as follows:

(a) Where more than one candidate runs for the position of President, the candidate who receives the highest number of votes shall be declared elected to the position;

(b) Where more than one candidate runs for the position of Vice President, the candidate who receives the highest number of votes shall be declared elected to the position;

(c) where one College Representative is to be elected in accordance with the rules set out in section 16 and more than one candidate is contesting the position, the candidate who receives the highest number of votes shall be declared elected to the position;

(d) where two College Representatives are to be elected in accordance with the rules set out in section 16 and more than two candidates are contesting the positions, the candidate who receives the highest number of votes shall be declared elected to the first position and the candidate who receives the second highest number of votes shall be declared elected to the second position;

(e) where three College Representatives are to be elected in accordance with the rules set out in section 16 and more than three candidates are contesting the positions, the candidate who receives the highest number of votes shall be declared elected to the first position, the candidate who receives the second highest number of votes shall be declared elected to the second position, and the candidate who receives the third highest number of votes shall be declared elected to the third position;

(f) in the event that the voting is tied between two or more candidates with respect to any of the positions, the Returning Officers will place the names of those candidates into a hat and, in the presence of at least 3 members of the outgoing Student Association Committee, draw one of those names out of the hat and that person shall be declared the winner of the contested position.

41.6 In the event that there are no candidates contesting a vacant position on the Committee, or an insufficient number of candidates contesting a position of College Representative where more than one College Representative is required, the position(s) will be declared unfilled by the Returning Officer and the Student Association Committee may, within one month of taking office, co-opt an eligible person to take up the position provided that such person satisfies the qualifications for candidates contained in Section 40.

41.7 Any disputes or complaints about the conduct of the elections shall be referred in the first instance to the Returning Officers, except that where the disputes or complaints involve any action or inaction taken by the Returning Officers, the disputes or complaints shall be referred to the Registrar, whose determination on the matter shall be final.

42. Referenda

42.1 The Student Association Committee shall, if -

- (i) the Student Association Committee resolves by an absolute majority;
- (ii) a general meeting resolves by a simple majority; or
- (iii) one hundred students submit a petition to the Student Body President; submit a question to a referendum of the Student Body or of the members of the Student Association.

42.2 Unless expressed to the contrary in this section, sections applying to an Annual General Election shall also apply to a Referendum in so far as they are appropriate and practical.

42.3 If the referendum is-

- (i) of the whole student body, all students of the Student Body shall be entitled to one vote;
- (ii) of Association members only, each Student Association member only shall be entitled to one vote.

42.4 Referenda may be held in conjunction with any election.

- 42.5 The Student Association Committee shall determine all matters of detail in connection with any referenda.
- 42.6 The result of a referendum shall be decided in the affirmative by a simple majority of the votes.
- 42.7 A valid vote in a referendum is a ballot paper that has only the question and “yes” or “no” written on the ballot paper unless otherwise determined by the Executive Committee prior to the commencement of voting in a referendum.

Part 6: Constitution of Student Association

43. Constitution of Student Association

- 43.1 This constitution binds every member and the Student Association to the same extent as if every member and the Student association had signed and sealed this constitution and agreed to be bound by all their provisions.
- 43.2 An amendment to this Constitution may be proposed in either of two ways:
 - (i) by a member of the Association provided that such proposed amendments shall be in writing and submitted to the Student Association Secretary by any member of the Student Association with the signatures of the proposing member and twenty (20) other students accompanied by a statement of explanation; or
 - (ii) by a resolution of an absolute majority of the Student Association Committee.
- 43.3 This constitution may be made, altered or repealed in accordance with the following procedure-
 - (i) A resolution to amend shall be put to a general meeting as a special resolution as in section 33.7.
 - (ii) If at the general meeting required by section 33.7, alterations are made to the proposed amendment-
 - (a) in form only, the proposed amendment may be voted on at the general meeting;
 - (b) that affect the substance of the proposed amendment, the change will constitute a new proposed amendment and the procedures outlined in this section must be followed through again for the new proposed amendment.
 - (iii) Within one month of the passing of a resolution to amend, the Secretary shall lodge with the relevant Statutory authority:
 - (a) notice of the resolution setting out particulars of the amendment to this Constitution; and
 - (b) a certificate, signed by the officer presiding at the General Meeting, certifying that the resolution was duly passed and that the constitution so amended conforms to the requirements of the Act.

43.4 Subject to this section an amendment of this Constitution may be disallowed by the Vice-Chancellor of the University on consultation with the Executive Director, Academic Services of the University and the Student Association Committee if such an amendment is determined to be inconsistent with Regulation 24 of the University.

43.5 Where the Vice-Chancellor of the University has disallowed an amendment the relevant amendment is deemed to never have been made.

44. Common Seal

44.1 The Association shall have a common seal on which its corporate name appears in legible characters.

44.2 Unless the Committee decides otherwise, the Secretary shall have the custody of the Common Seal.

44.3 The Common Seal shall not be used without the express authority of the Committee.

44.4 The affixing of the Common Seal shall be witnessed by any two members of the Committee.

45. Inspection of records, etc. of the Student Association

45.1 A member may at any reasonable time inspect without charge the books, documents, records and securities of the Student Association.

45.2 A member may make a copy of or take an extract from any of the books, documents, records and securities of the Student Association but shall have no right to remove the books, documents records or securities for that purpose.

46. Distribution of surplus property on winding up of Association

46.1 If upon the winding up or dissolution of the Student Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members but shall be given or transferred to another association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members and which association will be determined by the resolution of the members when authorising and directing the Committee to prepare a distribution plan of the surplus property of the association.

Part 7: Establishment of Paper

47. Establishment of Student Newspaper

47.1 There shall be a student newspaper.

47.2 The name of the student newspaper shall be “Quasimodo”.

48. Appointment of Editor(s)

48.1 The Notre Dame Student Association will call for nominations and publicise the position of editor, along with other positions, for at least one week. This shall be done before the end of Semester Two of the previous year. The Student Association shall select the editor(s) from the nominees. The editor(s) shall be elected for a term of no more than one year.

49. Removal of Editor(s)

49.1 The Student Association may, if the editor(s) fail to uphold the standards of the Quasimodo and the University, remove the person from their position. New editor(s) may be appointed either from the existing Committee, or by following the nomination procedure described in (2).

49.2 The Editor may resign from the position by giving two months notice to the Student Association Committee Executive.

49.3 The position of Editor also becomes vacant upon the-

- (i) death; or
- (ii) incapacity;

50. Appointment of Committee

50.1 The editor(s) may create positions on the Quasimodo Committee as they see fit. The editor(s) may appoint any nominated student, or any other student, to the Committee.

51. Frequency of Publications

51.1 The Quasimodo shall, finances permitting, be published at least four times per year (two per semester).

52. Finances

52.2 The Quasimodo Committee is responsible for securing advertising, funding or sponsorship to fund the publication. Although Quasimodo finances may be kept separately from the Student Association’s treasury, the Student Association is ultimately responsible for the financial situation of the Quasimodo and liable for any debts accrued.

53. Editing and Review Process

53.1 Before going to print, each edition of Quasimodo shall be submitted to the Review Committee. The Review Committee shall be given a complete draft of the edition to review over a period of no less than seven days. Any concerns raised by the Review Committee shall be communicated, either in writing or in person to the editor(s), within the seven day period. If the magazine is approved, each member of the Review Committee shall sign off on the draft within this period. The Quasimodo Committee may proceed with printing if each member of the

Review Committee has signed the draft or seven days has elapsed. Any changes made to the Quasimodo in response to a concern of the Review Committee shall be cleared with the person raising the concern before printing begins.

Any matter raised by the Review Committee is to be a recommendation only and it is ultimately up to the discretion of the editor(s) whether they follow the recommendation. The Student Association may, however, veto the printing of all or part of an edition if it sees fit.

54. Review Committee

54.1 The Review Committee shall consist of the President of the Student Association and up to three other members chosen by the Vice Chancellor or his representatives.

55. Amendments to the Constitution

55.1 The Quasimodo Constitution may only be amended by a majority vote of the Student Association.

56. Sanctions

56.1 The Student Association Committee may impose sanctions or penalties on the Editor and the Editorial Committee for-

- (i) breaching the policies or directions of the Student Association Committee or ;
- (ii) breaching University Regulations .

56.2 The sanctions referred to in subsection (a) may include, but are not limited to-

- (i) The removal of the editor, subject to section 36.1;
- (ii) The removal of members of the Editorial Committee; and
- (iii) The relinquishment of endorsement of the newspaper by the Student Association.

Part 8: Transitional

57 Savings

57.1 Any right conferred or office gained by individuals under the repealed constitution shall remain in force until the holding of the first Annual General Meeting using this constitution.