



MONSU Caulfield Inc.

CONSTITUTION
May 2017

Monash University Student Union Caulfield Incorporated

CONSTITUTION

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PART 2 - NAME AND OBJECTS

C2. Name

The name of the incorporated association is MONSU Caulfield Inc.

C3. Purpose

The purpose of MONSU Caulfield are to advance the education and experience of the students attending the Monash University Caulfield Campus by:

- (a) facilitating the provision of premises, which shall be a common meeting ground and social centre for members of MONSU Caulfield and the wider community;
- (b) facilitating the availability of facilities for the refreshment, entertainment, recreation and convenience of members of MONSU Caulfield and the wider community;
- (c) representing the interests of students within and outside the University where it is deemed necessary or desirable;
- (d) facilitating a suitable cultural, social and sporting climate on the Caulfield campus of the university and encouraging the development of social intercourse between members of MONSU Caulfield and the wider community;
- (e) providing for or promoting the interests of individuals within MONSU Caulfield with regard to social, educational and welfare matters and encourage interest groups such as clubs and societies within the University;
- (f) assuming any other responsibilities and activities that may be deemed appropriate for carrying out the purposes of, or furthering the interests of MONSU Caulfield.

C4. Legal Capacity and Powers

4.1 MONSU Caulfield has all the powers of an individual subject to C4.2 and C4.3.

4.2 MONSU Caulfield may only may only exercise its powers and use its income, assets and profit to give effect to its purposes.

4.3 MONSU Caulfield must not distribute any profit, income or assets director or indirectly to members.

4.4 Notwithstanding C4.3 MONSU Caulfield may only pay its members for expenses properly incurred as follows:

- (a) an expense is properly incurred if it was incurred in good faith and in order to give effect to the purposes of MONSU Caulfield and
- (b) goods or services provided by them on terms no more favourable than if the member were not a member

PART 3 - MEMBERSHIP

C5. Members

5.1 All Caulfield campus enrolled students who pay a prescribed fee are members of MONSU Caulfield subject to C5.2.

5.2 The prescribed fee shall be set by MONSU Caulfield before January 1st of that year. In the event that MONSU Caulfield does not set a fee for that year, the fee shall be in line with that of the preceding year

5.3 Members have the right to:

- (a) use the amenities and services of MONSU Caulfield, subject to C8;
- (b) attend MONSU Caulfield meetings in accordance with C46;

(c) participate in MONSU Caulfield referendums and elections in accordance with Parts 4 and 9; and

(d) access the records of MONSU Caulfield in accordance with C56.2.

5.4 MONSU Caulfield must ensure that a register of members is kept. The register must contain the name and student number of each student.

C6. Associate and Honorary Members

6.1 MONSU Caulfield may by regulation provide for:

(a) associate members, and

(b) honorary members.

6.2 The regulations under C6.1 may provide for entrance fees, subscriptions and other amounts to be paid by associate members.

6.3 There are no entrance fees, subscriptions or other amounts to be paid by honorary members in their capacity as honorary members.

6.4 Associate and honorary members have the right to use the amenities and services of MONSU Caulfield, subject to C8 and the regulations under C6. 1.

6.5 C7 and C8 apply to associate and honorary members.

C7. Obligations and Liability

Members must at all times comply with this constitution and any regulations made under it.

C8 Discipline

8.1 Student Council must make regulations for the disciplining of members.

8.2 Subject to this Constitution, if the Student Council is of the opinion that a member:

(a) has refused or neglected to comply with this Constitution or the regulations, or

(b) has engaged in conduct unbecoming a member or prejudicial to the interests of MONSU Caulfield, or

(c) has caused serious disruption to the use of amenities or services by other members

the Student Council may by resolution suspend the right of a member to use the amenities and services of MONSU Caulfield.

8.3 A resolution of the Student Council under C8.2 does not take effect unless-

(a) at a meeting held in accordance with C8.4, the Student Council confirms the resolution; and

(b) if the member exercises a right of appeal to MONSU Caulfield under this rule, MONSU Caulfield confirms the resolution in accordance with this rule.

8.4 A meeting of the Student Council to confirm or revoke a resolution passed under C8.2 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with C8.5.

8.5 The General Secretary must, as soon as practicable, cause to be given to the member a written notice-

(a) setting out the resolution of the Student Council and the grounds on which it is based; and

(b) stating that the member, or his or her representative, may address the Student Council at a

meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and

- (c) stating the date, place and time of that meeting; and
- (d) informing the member that he or she may do one or both of the following-
 - (i) attend that meeting;
 - (ii) give to the Student Council before the date of that meeting a written statement seeking the revocation of the resolution;
- (e) informing the member that, if at that meeting, the Student Council confirms the resolution, he or she may not later than 48 hours after that meeting, give the General Secretary a notice to the effect that he or she wishes to appeal to MONSU Caulfield by taking the matter to mediation.

8.6 At a meeting of the Student Council to confirm or revoke a resolution passed under C8.2, the Student Council must-

- (a) give the member, or his or her representative, an opportunity to be heard; and
- (b) give due consideration to any written statement submitted by the member; and
- (c) determine by resolution whether to confirm or to revoke the resolution.

8.7 If at the meeting of the Student Council, the Student Council confirms the resolution, the member may, not later than 48 hours after that meeting, give the General Secretary written notice that he or she is dissatisfied with the resolution and wishes the Grievance Procedure in Clause 9 to be applied.

C9 Grievance Procedure

9.1 The grievance procedure set out in this clause applies to disputes under this constitution, regulations or any other

determination of the Student Council whether or not by resolution.

9.2 This procedure applies to disputes between:

- (a) a member and another member; or
- (b) a member and MONSU Caulfield, or
- (c) a resolution under Clause 8 hereof.

9.3 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

9.4 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

9.5 The Mediator

- (a) must not have a personal interest in the matter;
- (b) must not be biased in favour of or against any party; and
- (c) if possible, must be appointed with the agreement of all parties.

9.6 The mediator cannot be a member who is a party to the dispute.

9.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

9.8 The mediator, in conducting the mediation, must-

- (a) give the parties to the mediation every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

9.9 The mediator must not determine the dispute.

9.10 If the mediation does not result in the dispute being resolved the parties may seek to resolve the dispute in accordance with the *Association's Incorporation (Reform) Act 2012 (Vic)* or otherwise at law.

PART 4 - REFERENDUMS

C10. Questions

10.1 Any question that is within the purpose and powers of MONSU Caulfield may be put to a referendum (except special resolutions)

10.2 Without limiting C10.1, elected officers and members of MONSU Caulfield bodies may be removed by referendum, in accordance with C39.1(b).

C11. Binding Decisions

11.1 A question put to referendum only has effect as a binding decision if.

- (a) at least 500 of members vote in the referendum; and
- (b) a majority of those members who vote, vote in favour.

11.2 All elected officers and members of MONSU Caulfield bodies must give effect to a binding decision made by referendum.

11.3 Binding decisions remain in force until changed by a subsequent binding decision.

C12. Convening

12.1 Student Council may by resolution passed by an absolute majority convene a referendum.

12.2 Student Council must convene a referendum on the request in writing of at least 500 of members.

12.3 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 be signed by the members making the request; and
- (d) must be given to the General Secretary or any other member of the Executive.

12.4 If a referendum is requested in accordance with C 12.2 and C 12.3:

- (a) Student Council must convene the referendum within 15 academic days of the request having been received;
- (b) Student Council may by resolution passed by an absolute majority reword for the purpose of clarification only the question or questions to be put; and
- (c) the referendum must commence within 15 academic days of being convened.

C13. Notice

13.1 At least 5 academic days notice of referendums must be given.

13.2 The notice must state:

- (a) the question or questions to be put,
- (b) the dates, times and places of polling for the referendum,
- (c) the dates, times and places of the discussion forums to be held in accordance with C 15; and
- (d) the availability of postal voting.

13.3 Student Council must by regulation provide for notice to be given to members:

- (a) in the case of on-campus students - by advertisement on campus; and
- (b) in the case of off-campus students - by advertisement by the most feasible means.

C14. Voting

14.1 Voting in referendums must be by secret ballot.

14.2 Voting must be held on campus:

- (a) on at least 3 consecutive academic days,
- (b) over no more than 2 weeks,
- (c) for at least 5 hours each day,
- (d) at one or more polling places on campus, and

14.3 Student Council must by regulation provide for postal voting by off-campus students, including the circulation of a "Yes" and a "No" case for each question.

14.4 Should technology allow, the student council may include

electronic voting as part of the referendum regulation.

C 15. Discussion Forums

15.1 A discussion forum must be held between noon and 2.00 p.m. on the first day of the referendum.

15.2 Student Council must appoint a member of MONSU Caulfield to chair each discussion forum.

15.3 At the discussion forum the chair must ensure that as far as possible there is a reasonable opportunity for the "Yes" and the "No" case for each question to be presented.

15.4 No straw poll or other vote may be taken at a discussion forum.

PART 5 - GENERAL MEETINGS

C 16 Annual General Meeting

16.1 Student Council must convene an Annual General Meeting each year to be held in March April or May.

16.2 The ordinary business of the annual general meeting is:

- (a) to verify the minutes of:
 - (i) the last annual general meeting; and
 - (ii) any special general meetings since the last annual general meeting;
- (b) to consider the annual report of Student Council on the activities of MONSU Caulfield during its last financial year;
- (c) to consider the financial statements and the audit report.

16.3 The only other business that the annual general meeting may consider is a special resolution of which notice has been given in accordance with C18.2(b)

C17. Special General Meetings

17.1 Student Council may by resolution passed by an absolute majority convene a special general meeting.

17.2 The only business that special general meetings may consider is special resolutions of which notice has been given in accordance with C 18.2 (b).

C18. Notice

18.1 At least 21 days notice of general meetings must be given.

18.2 In addition to C42.3, the notice must state:

(a) the agenda for the meeting, and

(b) if a special resolution is to be proposed:

(i) the exact wording of the proposed resolution and

(ii) that it is intended that the resolution proposed is a special resolution.

18.3 All members must be given 21 days notice of the special resolution identified in C18.2 (b)

C19. Procedure

19.1 The quorum for general meetings is 50 members.

19.2 The President is entitled to chair general meetings. If the President is not present, or does not wish to chair, Student Council must elect another member of MONSU Caulfield to chair.

19.3 Any special resolution proposed may only be passed by a vote in favour by 75% of members present and entitled to vote.

19.4 Five or more members may demand a count.

19.5 A member is not entitled to appoint a proxy.

PART 6 - STUDENT COUNCIL

C20. Composition of Student Council

20.1 The MONSU Student Council consists of 17 members and is formed in accordance with C21 and C22

20.2 The following officers and representatives must be directly elected to the Student Council by and from the members

(a) President - Chair and Spokesperson;

(b) Vice President - General Secretary;

(c) Overseas Student Service Officer;

(d) Two (2) Activities Officer;

(e) Sports and Recreation Officer;

(f) Education, Officer;

(g) Welfare Officer;

(h) Queer Officer;

(i) Clubs Officer;

(j) Women's Representative (a female student)

(k) Three (3) General Representatives, each of whom will choose an optional portfolio;

- (l) Postgraduate Representative (a student enrolled in a postgraduate course on the Caulfield Campus of Monash University);

20.3 The elected officers in C20.2 must, subject to C20.4, appoint the following positions to the Student Council

- (a) First year local student representative (a student being less than 25 years of age, and in their first year of study at Monash at the time of election);
- (b) First year international student representative (an international student being less than 25 years of age, and in their first year of study at Monash at the time of election);

20.4 The positions in C20.3 must be filled no later than March each year subject to the following:

- (a) The Student Council must provide notice to all members calling for nominations for the positions in C20.3; and
- (b) Nominations must remain open for a period no shorter than five academic days, inclusive of the day in which the notice is given; and
- (c) The Student Council must, by special resolution, appoint two nominated members to the positions in C20.3.

C21. Status, Responsibility and Powers

- 21.1 The MONSU Student Council is the governing body of MONSU Caulfield.
- 21.2 Student Council is responsible for the management of MONSU Caulfield.
- 21.3 Student Council may exercise all powers of MONSU Caulfield on its behalf.
- 21.4 A referendum may direct Student Council on any matter within its responsibility and powers, as provided by C 11.2.

21.5 Student Council must prescribe, by regulation:

- (a) The responsibilities of each officer; and
- (b) Which MONSU Caulfield bodies may direct each officer

21.6 The Vice President shall act as the General Secretary for all sub committees of the Student Council.

21.7 MONSU Caulfield may only pay officers directly elected by members referred to in C20.2 (a)-(i), subject to C21.8

21.8 Student Council may pay an officer filling a vacancy of a directly elected position in C20.2 (a)-(i), in accordance with C39

21.9 Student Council may, by resolution passed by an absolute majority:

- (a) Grant a leave of absence to any elected officer for a period of not more than 3 months.
- (b) Elect a member of MONSU Caulfield to hold the position for that period; and
- (c) If the member is elected to hold a position referred to in C20 (a)-(i), pay the officer so elected.

C22 Frequency of Meetings

Student Council must meet at least once a month.

C23 Disclosure of Interests

23.1 In addition to C48, members of Student Council who have any direct or indirect financial interest in a contract or proposed contract with MONSU Caulfield must disclose the nature and extent of their interest:

- (a) to Student Council as soon as they become aware of the interest; and
- (b) in a statement submitted at the next annual general meeting under

23.2 C23.1 does not apply to financial interests that:

- (a) the member of Student Council has in common with all or a substantial proportion of the members of MONSU Caulfield;

or

- (b) exist only because the member of Student Council is:
 - (i) a student; or
 - (ii) an employee of MONSU Caulfield.

C24. Regulations

24.1 Student Council may, subject to C26.1, make regulations to give effect to this constitution if:

- (a) the resolution is passed by an absolute majority.

24.2 At least 7 days notice in writing of the proposed making of regulations must be given to each member of Student Council.

24.3 The notice must state the proposed regulations or change to the regulations.

24.4 Members must at all times comply with the regulations as if

they formed part of this constitution.

C25. Establishment of Committees

25.1 Student Council may by resolution, establish committees, including portfolio and faculty committees.

25.2 Student Council may by resolution establish other standing and ad hoc committees as it thinks appropriate.

25.3 Other MONSU Caulfield bodies may by resolution, establish committees as they think appropriate.

25.4 Resolutions under C25.1–25.3 must specify:

- (a) the terms of reference 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 and members are to be elected or appointed.

25.5 In accordance with C25.1 and subject to C25.4, upon foundation, the Student Council may establish an Education Committee comprising:

(a) Education Officer - Chair;

(b) a student elected to represent the students enrolled in each Faculty that conducts courses on the Caulfield Campus of Monash University

(c) General Representative (Mature Age) (a student aged 25 years or older at the time of election);

(d) Postgraduate Officer

25.6 In accordance with C25.1 and subject to C24.4 upon foundation, the Student Council will establish an Overseas Student Service Committee comprising:

(a) Overseas Student Service Officer - Chair;

(b) Deputy Overseas Student Officer;

(c) seven (7) General Committee members (with portfolios as determined by the Committee).

25.7 In accordance with C25.1 and subject to C25.4 upon foundation the Student Council will establish an Activities committee comprising:

(a) Activities Officer

(b) Deputy Activities Officer;

(c) 5 General Representatives;

(d) OSS delegate (non-voting);

(e) Clubs Officer (non-voting);

(f) Sports and Recreation Officer (non-voting);

25.8 The Clubs Officer may call meetings of the Presidents of all affiliated clubs with MONSU Caulfield to make recommendations to the Student Council for consideration.

25.9 Committees of Student Council may co-opt as many general committee members as it deems appropriate. Any co-opted general committee members, except those filling casual vacancies, shall not have voting rights or count towards quorum.

C26. Delegation

26.1 The Student Council may, by resolution, delegate any powers as they think appropriate except:

(a) any power that requires the Student Council or the members of MONSU Caulfield to pass a special resolution; or

(b) any power that requires the Student Council or members of MONSU Caulfield to pass a resolution by an absolute majority; and

(c) any power contained in Part 9 of this Constitution, including:

(i) any resolution passed under Part 9; and

(ii) any regulations made under Part 9

C27. Duties and Conduct

27.1 Officers of MONSU Caulfield and members of MONSU Caulfield bodies must exercise their powers and discharge their duties:

(a) in good faith in the best interests of MONSU Caulfield;

(b) with the degree of care and diligence that a reasonable person in the same position would exercise; and

(c) for a proper purpose

27.2 Officers of MONSU Caulfield and members of MONSU Caulfield bodies must not use any information obtained through their position as an officer of MONSU Caulfield, or as a member of a MONSU Caulfield body to:

- (a) gain an advantage for themselves or someone else; or
- (b) cause detriment to MONSU Caulfield

27.3 C27.2 applies to former officers of MONSU Caulfield and members of MONSU Caulfield bodies.

C28. Indemnity

MONSU Caulfield indemnifies officers and members of MONSU Caulfield bodies against any liability incurred by them as in that capacity, unless the liability arises out of conduct involving a breach of their duties.

C29. Validity of Acts and Decisions

- 29.1 A defect or irregularity in, or in connection with, the election or appointment of an officer will not of itself invalidate the acts and decisions of that officer.
- 29.2 The acts and decisions of MONSU Caulfield bodies are not invalid by reason only that there was a vacancy in the membership of the body or that it is subsequently discovered that there was
 - (a) a defect or irregularity in, or in connection with, the election or appointment of a member; or
 - (b) a defect or irregularity in, or in connection with, the election of the chair of a meeting.

PART 7 - THE EXECUTIVE

C30. Composition of the Executive

- 30.1 The Executive is a committee of Student Council, exercising delegated power from Student Council under C26.1
- 30.2 The members of the Executive are:

- (a) President – Chair;
- (b) Vice President – General Secretary;
- (c) Welfare Officer;
- (d) Education Officer; and
- (e) One (1) Activities Officer
 - (i) The position of Activities Officer on the Executive is to be determined by resolution of Student Council

30.3 The Executive must meet at least once each fortnight from mid-March to mid-October.

C31. Summer Executive

- 31.1 The powers of the Student Council shall be exercised by a special committee known as the Summer Executive during the period from 1 November to 31 January in the following year.
- 31.2 The Summer Executive shall consist of no more than seven (7) members including:
 - (a) the outgoing President;
 - (b) the incoming President;
 - (c) not less than five (5) members of the incoming Student Council other than the incoming president
- 31.3 Where a member identified in C31.2 is unable to sit on the Summer Executive, the outgoing Student Council must, prior to the commencement of the Summer Executive, pass a resolution identifying the members who shall sit on the Summer Executive

C32. General Manager of MONSU

- 32.1 The General Manager of MONSU Caulfield shall be responsible to the Executive
- 32.2 The General Manager of MONSU Caulfield is responsible, on behalf of the executive, for the employment and management of staff of MONSU Caulfield.

PART 8 - ELECTIONS

C35. Conduct

- 35.1 Student Council must make regulations for the conduct of elections.
- 35.2 All elections must be conducted by secret ballot.
- 35.3 All elections must be conducted in accordance with the election regulation
- 35.4 Officers and members of MONSU Caulfield bodies directly elected by members must be elected at the annual elections.
- 35.5 Voting in the annual elections must be held on campus:
- (a) on at least 3 consecutive academic days,
 - (b) over no more than 2 weeks,
 - (c) for at least 5 hours each day,
 - (d) at one or more polling places on campus, and
- 35.6 The regulations under C35.1 must in the case of the annual elections provide for:
- (a) notice to be given to off-campus students of.
 - (i) the calling for nominations, and
 - (ii) polling,

by advertisement by the most feasible means; and

- (b) postal voting by off-campus students, including the circulation of candidates' policy statements.

C36. Eligibility to Stand and Vote

- 36.1 All members who have been enrolled and completed one full semester may stand in elections except for the positions of President and Vice President. Members who been enrolled and completed two full semesters may stand for the positions of President and Vice President.
- 36.2 All members wishing to stand in elections must do so on the basis that they can complete a full term if they are elected, which equates to two full semesters.
- 36.3 All members may vote in elections.
- 36.4 C36.1, C36.2 and C36.3 do not prevent the constitution or regulations from limiting the eligibility to stand and vote in particular elections to specified categories of students.

C37. Eligibility to Hold Positions

A member may stand for, but not hold;

- (a) more than one (1) officer position,
- (b) more than one (1) position on the same MONSU Caulfield body, or

(c) any position on Student Council and any other directly elected position.

C38. Term of Office

38.1 Officers and members of MONSU Caulfield bodies elected at the annual elections hold those positions from 1 February to 31 October subject to C39 and the regulations.

38.2 Officers and members of MONSU Caulfield bodies not elected at the annual elections hold office from the time of their election or appointment until their successor is elected or appointed, subject to C39 and the regulations.

38.3 Officers and members of MONSU Caulfield bodies filling vacancies hold those positions for the remainder of the term of office of the position filled, subject to C39.

C39. Vacancies

39.1 The position of an officer or member of a MONSU Caulfield body becomes vacant if the officer or member:

(a) resigns in writing given to the General Secretary (or, in the case of the General Secretary, to the President);

(b) is removed by referendum;

(c) ceases to be a student;

(d) becomes a full and part time continuing member of staff of MONSU Caulfield or the University;

(e) is removed by resolution of Student Council passed by an absolute majority on the ground that the officer 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) dies.

39.2 A position of a member of a MONSU Caulfield body becomes vacant if the member without leave of the body 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, provided:

(a) 7 days notice in writing of the meeting has been given to the member; and

(b) the body must grant the member leave if the member has a reasonable excuse for not attending the meeting.

39.3 C39.2 applies to officers who are members of MONSU Caulfield bodies by virtue of their officer position, in which case the position as officer also becomes vacant.

39.4 A position elected by a MONSU Caulfield body becomes vacant if the person holding the position is removed by resolution of the body passed by an absolute majority.

39.5 The position of a person appointed to a MONSU Caulfield body becomes vacant if the person or body making the appointment withdraws it.

39.6 Vacancies should be filled not later than the first Student Council meeting held more than 20 academic days after the vacancy arises:

(a) in the case of officer positions and other directly elected positions - by election by Student Council;

- (b) in the case of positions that are nominated - by another nomination being made.

39.7 Nominations for positions other than nominated positions must be called for within five academic days of the vacancy arising, and must remain open for ten academic days from the date on which first advertised.

39.8 The Student Council must by special resolution determine the procedure for election by filling the vacancy.

39.9 MONSU Caulfield bodies may continue to act despite vacancies in their membership.

PART 9 - MEETINGS

C40. Applicability

This Part applies to all meetings of MONSU Caulfield bodies, except as otherwise provided by this constitution, or the regulation or resolution establishing the committee. It does not apply to General Meetings of MONSU Caulfield.

C.41 Convening

Meetings may be convened by:

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

C42. Notice

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

42.2 In cases of urgency a meeting may be held without the notice required by C42. 1, provided that:

- (a) as much notice as practicable is given by whatever means will reach

each member of the body soonest;
and

- (b) no resolution may be passed except by an absolute majority.

42.3 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 one (1) place - the technology that will be used.

42.4 The notice need must include the business to be considered.

42.5 Notice may be given of more than one (1) meeting at the same time.

42.6 Members of MONSU Caulfield bodies (including officers) must give MONSU Caulfield their address for notices, and any change in that address.

42.7 The address for notices must include an email address and a fax number.

42.8 Notice may be given to a member of a MONSU Caulfield body by sending it to the address last given by the member.

42.9 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.

42.10 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.

42.11 The accidental failure to give notice to a member of the body does not invalidate the meeting.

42.12 A notice of the meeting of the Student Council must be advertised in a location decided by Student Council for each meeting of Student Council within the Union buildings, or any other appropriate place.

C43. Use of Technology

43.1 Meetings may be held at more than 1 place, provided that the technology that is 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.

43.2 Without limiting C43.1 and C42.2(a), meetings may be convened and held by telephone.

C44. Quorum

44.1 Quorum is the presence of a majority of the members of the body at the time.

44.2 If a quorum is not present within 30 minutes of the time of which notice has been given, the meeting must not proceed.

C45. Chairing

45.1 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.

45.2 If that member is not present, or does not wish to chair, the meeting must elect another member of the body to chair.

45.3 The chair of the meeting has a deliberative vote and has a casting vote.

C46 Attendance

46.1 Meetings of MONSU Caulfield bodies may only proceed in camera to consider confidential personal, employment, contractual and legal matters.

C47. Voting

47.1 Each member of the body other than a delegate from another body has one vote. Delegates do not have a vote. In accordance with C45.3 the Chair of a body also has a casting vote.

47.2 Members may vote by proxy and may only hold 2 proxies,

47.3 Voting is by show of hands, subject to C47.5.

47.4 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 the hands, if necessary with the assistance of tellers appointed by the chair

47.5 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.

47.6 The declaration by the chair of conclusive evidence of that result.

C48. Conflict of Interest

48.1 Members of MONSU Caulfield bodies who have a personal or financial interest (whether direct or indirect) in a matter that is to be considered at a meeting of the body:

(a) must not be present while the matter is being considered; and

(b) must not vote on the matter.

48.2 The body may by resolution passed by an absolute majority exempt the member from C48. I (a), subject to such conditions as it deems appropriate.

48.3 Despite C48.1 (a), the member concerned may still be counted towards quorum.

C49. Resolutions without Meeting

A resolution set out in a document (or documents) signed by all members of the body at the time entitled to vote stating that they are in favour has the same effect as a resolution passed at a meeting of the body.

C50. Minutes

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

PART 10 - FINANCIAL AND LEGAL

C51. Sources of Funds

All funds of MONSU Caulfield may be derived from:

(a) grants from the University;

(b) fees collected from students by the University, and

(c) any other sources approved by Student Council.

C52. Financial Year

The financial year of MONSU Caulfield is from 1 January to 31 December.

C53. Management of Funds

53.1 Student Council is responsible for the management of the funds of MONSU Caulfield.

53.2 MONSU Caulfield must maintain adequate and accurate accounting records of its financial transactions.

C54. Cheques

54.1 All cheques must be signed by at least two (2) persons approved in accordance with the regulations, one of whom should be a member of staff

54.2 Student Council must make regulations for the drawing and signing of cheques.

C55. Audit

Student Council must arrange for the accounts for the last financial year to be audited before being submitted to the annual general meeting in accordance with C16.2 (d).

C56. Records

56.1 Student Council must by regulation provide for the safe keeping of the records of MONSU Caulfield.

56.2 Members may inspect the records of MONSU Caulfield at any reasonable time subject to C56.3.

56.3 Members (other than members of the Student Council) may not inspect the records of MONSU Caulfield that relate to confidential personal, employment, contractual and legal matters.

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

C57. Publication of Material

57.1 All persons producing material for MONSU Caulfield publications must ensure that the material is not defamatory.

57.2 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.

57.3 In any action for defamation against MONSU Caulfield, MONSU Caulfield reserves the right to join any officer or other person responsible for the publication or production of the material the subject of the action.

C58. Common Seal

58.1 The Vice President/General Secretary is responsible for the custody of the Common Seal of MONSU Caulfield.

58.2 The Common Seal of MONSU Caulfield may only affixed in accordance with a resolution of the Student Council, and its affixing must be witnessed by two members of the Student Council.

C59. Public Officer

The Student Council must appoint a Public Officer who is responsible for ensuring that the requirements of the

Associations Incorporation Act are complied with.

C60. Authority To Trade

The Association is authorised to trade in accordance with *section 51 of the Associations Incorporation Act*.

C61. Amendment of Constitution

61.1 This constitution may only be amended by special resolution.

61.2 C60 and C62 may not be amended without the consent of the Minister administering the Associations Incorporation Act.

C62. Winding Up

62.1 MONSU Caulfield may be wound up voluntarily by special resolution.

62.2 If MONSU Caulfield is:

(a) wound up:

(i) voluntarily, or

(ii) by a court;

the remaining assets of MONSU Caulfield must not be distributed to any member.

62.3 The remaining assets must be given to a body, trust or fund nominated by Student Council that:

(a) has a similar purpose to MONSU Caulfield;

(b) is also charitable; and

(c) also prohibits the distribution of profit, income and assets to its

members to at least as great an extent as this constitution.

C63. Interpretation

63.1 In this constitution, unless the contrary intention appears:

- (a) "absolute majority" means a majority of the votes of all members of the body at the time entitled to vote, whether or not those members are present at the meeting, and whether or not they vote;
- (b) "academic day" means a day in first or second semester on which according to the University calendar lectures may be held, and which is not a Saturday, Sunday or University holiday;
- (c) a reference to "C" followed by a number or a number and letters is a reference to the correspondingly numbered provision of this constitution;
- (d) "committee" includes subcommittee;
- (e) "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 polling and discussion forums;
- (f) "member" means a member of MONSU Caulfield under C5, and does not include associate and honorary members under C6;
- (g) "MONSU Caulfield" is an abbreviation of MONSU Caulfield Inc, and has the meaning given in C2.1;
- (h) "MONSU Caulfield body" means Student Council, the Executive,

Summer Executive and committees established under C30, but does not include general meetings;

- (i) "officer" means an officer of MONSU Caulfield under C28;
- (j) "Caulfield campus" means the Caulfield campus of Monash University;
- (k) "member of staff" means a person employed as a staff member of any company or entity providing any student services at any campus of Monash University , and does not include:
 - (i) paid officers referred to in C.28 or
 - (ii) people employed directly by the university in a casual position for not more than 40 hours per semester, or
 - (iii) people employed by the university specifically to provide student input into a particular project or program
- (l) "regulations" means regulations of MONSU Caulfield made under C24, and "regulation" has a corresponding meaning;
- (m) "special resolution" means a resolution:
 - (i) to amend this constitution;
 - (ii) to change the name of MONSU Caulfield;
 - (iii) to amalgamate MONSU Caulfield with another association; or
 - (iv) to wind up MONSU Caulfield;

which may only be passed at a general meeting where

- (v) at least 21 days' notice of the proposed resolution has been given to members;
- (vi) the notice specifies that it is intended that the resolution be proposed as a special resolution; and
- (vii) at least three-quarters of the members who vote at the meeting, vote in favour;

"student" means:

- (i) a student enrolled in a course leading to an award of the University, or
 - (ii) a paid officer; and
- (n) "the University" means Monash University, and "University" has a corresponding meaning.

63.2 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.

63.3 The headings form part of this constitution.

63.4 In this constitution a period of notice expressed in days:

- (a) includes the day on which notice is given; but

- (b) does not include the day on which the meeting is held or referendum commences.

63.5 A notice of a referendum, meeting or election given by advertisement in accordance with the regulations is to be taken to have been given to every member, whether or not the member actually sees the advertisement.

63.7 Student Council is responsible for the interpretation of the constitution and regulations.

APPENDICES

EXPLANATORY MEMORANDUM