



**MURDOCH STUDENT LAW SOCIETY  
INCORPORATED**

**CONSTITUTION**

**AS AMENDED IN OCTOBER 2015**

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## **PART 1 NAME AND OBJECTIVES**

### **1. Name of the Society**

The name of the Society is the Murdoch Student Law Society (Incorporated).

### **2. Objectives of the Society**

- a) The objectives of this Society are:
  - i. to serve the best interests of the Society's Members and students of the School of Law;
  - ii. to provide the Society's Members and student of the School of Law with social events, educational events and competitions;
  - iii. to foster a good relationship between the Society and the faculty;
  - iv. to foster a good relationship between the Society and the University;
  - v. to foster a good relationship between the Society and the legal profession;
  - vi. to assist the Society's Members in their access to information pertaining to employment, career and academic opportunities; and
  - vii. to provide all students with access to the events, services and publications of the Australia Law Students' Association.
- b) The Society shall apply property and income solely towards the promotion of the objects or purposes in this Constitution. No part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Society, except in good faith in the promotion of those objects or purposes.

## **PART 2 MEMBERSHIP**

### **3. Qualifications for Membership**

- a) There shall be three (3) types of membership to the Society. They shall be as follows:
  - i. "Standard Members" who are students of the Law School who pay the annual or biannual membership fee;
  - ii. "Affiliate Members" who are persons other than students of the Law School who pay the annual or biannual membership fee; and
  - iii. "Honorary Life Members" who may be any person who is not required to pay the annual or biannual membership fee.

- b) All students enrolled as a student within the School of Law is eligible for Standard Membership;
- c) Students who are not enrolled within the School of Law are eligible for Affiliate Membership; and
- d) Honorary Life Membership of the Society shall be awarded to any person in accordance with the appropriate By-law.

#### **4. Duration and Subscription of Standard Membership and Affiliate Member**

- 1. Membership shall begin when the predetermined membership fee has been received by the Society;
- 2. The fee for membership to the Society shall be no more than \$20 and shall be the same for all those purchasing membership for that year;
- 3. Membership to the Society bought in the previous year expires at 5pm on the Friday of the first week of Semester One; and
- 4. Membership to the Society shall be available for purchase from the Monday of the University Orientation Week.

#### **5. Standard Member and Affiliate Member Rights**

- a) Any Standard Member of the Society may:
  - i. use the services of the Society;
  - ii. access the publications of the Society;
  - iii. participate in competitions of the Society, subject to the Competition By-laws;
  - iv. attend events of the society; and
  - v. attend Committee meetings without speaking rights.
- b) Any Affiliate Member of the Society shall have the same rights as Standard Members; however, Affiliate Members may not:
  - i. enter the competitions of the Society, unless specifically permitted;
  - ii. vote in any General Meeting, Annual General Meeting or Election; and
  - iii. seek election to any Committee or Sub-Committee positions.

#### **6. Honorary Life Membership**

- a) Honorary Life Membership shall be awarded by a majority vote of the Committee at a Committee Meeting;

- b) The award of Honorary Life Membership must be announced publicly at an event of the Society;
- c) Honorary Life Members may attend Committee meetings without speaking rights;
- d) Honorary Life Members may not:
  - i. vote in any General Meeting, Annual General Meeting or Election; and
  - ii. seek election to any Committee or Sub-Committee positions.
- e) A plaque listing the Honorary Life Members shall be maintained by the Society.

### **PART 3 RESIGNATION AND EXPULSION OF MEMBERS**

#### **7. Resignation of Standard Members and Affiliate Members**

- a) Resignation from the Society shall be by a written notice delivered to the Secretary;
- b) Membership shall cease upon reception of the notice by the Secretary; and
- c) There shall be no refund of membership fees, in part or in whole, upon the resignation of a Member under this section.

#### **8. Expulsion of Standard Members and Affiliate Members**

- a) The Committee shall reserve the right to cancel the membership of any individual or group whose conduct is deemed detrimental to the Society or contrary to its objectives as laid out in this constitution;
- b) A resolution to expel a Member shall be conducted as follows:
  - i. the President (or their delegate) shall inform the Member that such a motion is to be considered at the next Committee Meeting and the Member will be invited to speak at that meeting;
  - ii. the motion shall be put at the Committee Meeting; and
  - iii. such a motion shall require a three-quarters majority of the Committee.
- c) There shall be no refund of membership fees, in part or in whole, upon the expulsion of a Member under this section.

## **PART 4 IMMEDIATE PAST PRESIDENT**

### **9. Immediate Past President of the Society**

- a) The Immediate Past President will be the person who, in the previous term, held the position of President within the Committee;
- b) The purpose of the Immediate Past President is to act in a purely advisory role for the President and the Committee;
- c) The Immediate Past President shall have no:
  - i. formal obligations or duties;
  - ii. speaking or voting rights in Meetings, except for voting rights in Elections as per Standard Membership; and
  - iii. rights or power to make any binding recommendations on the Committee;
- d) The inclusion of the Immediate Past President in the consideration of issues before the Committee is purely at the discretion of the President, and only upon invitation can the Immediate Past President be called upon for speaking rights.

## **PART 5 EXECUTIVE COMMITTEE**

### **10. Composition**

- a) The Executive Committee shall be composed of the following:
  - 1. President;
  - 2. Treasurer;
  - 3. Secretary;
  - 4. Education and Careers Vice-President;
  - 5. Socials and Sporting Vice-President;
  - 6. Competition Vice-President; and
  - 7. Publications and Marketing Vice-President.

### **11. President**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the President to:

- a) oversee the activities of the Society;
- b) provide leadership and guidance to the, Committee and Sub-Committee;
- c) preside over all meetings of the Society as Chairperson, unless otherwise specified or delegated;

- d) resolve minor grievances within the Committee, as detailed in Part 18 of these rules;
- e) authorise the appropriation of the Society's funds;
- f) sit as a member of the Australian Law Students' Association (ALSA) Council;
- g) liaise with Murdoch University Law School staff as needed;
- h) obtain sponsorship necessary for the operations of the society;
- i) represent the interests of all Murdoch Law School students in matters pertaining to the objectives of the society;
- j) nominate a Vice-President of the Society to represent the President and act on their behalf should the President be unable to fulfil his duties relating to a particular event, function or project; and
- k) work one (1) weekly shift in the Café of the Society.

## **12. Treasurer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Treasurer to:

- a) be responsible for the receipt of any money paid to or received by the Sponsors, or their representative, and issue receipts for those monies in the name of the Society;
- b) be responsible for Internet Banking, and debit cards associated to the Societies accounts;
- c) reimburse, at their discretion, Committee members for disbursements they may have incurred in carrying out their duties and the business of the Society provided that adequate documentation is provided;
- d) prepare and present a budget to the Committee at the beginning of each semester of study, and prepare a statement of performance at the end of that semester;
- e) present analysis between Budgeted and Actual Cash Flow Statements to Committee at each monthly meetings;
- f) prepare and submit to the Committee a report on the Society's financial status upon request of the Committee;
- g) include in the report prepared for the Annual General Meeting, the accounts of the Society showing the financial position of the society at the end of the immediately preceding financial year;



- h) have orderly custody and ensure that all securities, books and documents of a financial nature and accounting records of the Society are available to all members;
- i) oversee the banking of all money received by the Café of the Society; and
- j) work one (1) weekly shift in the Café of the Society.

### **13. Secretary**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Secretary to:

- a) ensure the recording of all proceedings of the Society's meetings;
- b) co-ordinate and keep a record of all official correspondence of the Society;
- c) be responsible for coordinating and maintaining membership to the Society;
- d) ensure that Committee members are informed of their duties as set out in this Constitution;
- e) have orderly custody and ensure availability of all minutes, correspondence or other information in his/her care;
- f) monitor and oversee the handover procedure of Executive and Committee members;
- g) ensure that meetings of the Society comply with the appropriate By-laws;
- h) comply with the Associations Incorporation Act 1987 (WA) in relation to notifying the Commissioner of changes to the constitution;
- i) maintain a record of the names and residential or postal addresses of all Committee members; and
- j) work one (1) weekly shift in the Café of the Society.

### **14. Education and Careers Vice-President**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Education and Careers Vice-President to:

- a) assist the President with the day-to-day functioning of the Society;
- b) present a written report detailing their work and responsibilities at a Committee Meeting if requested by the President or by a majority of the Committee;
- c) sit as a member of the Australian Law Students' Association (ALSA) Council;
- d) co-ordinate and facilitate educational events held by the Society;
- e) co-ordinate and facilitate events held by the Society and publications such as the annual Careers Guide; and

- f) work one (1) weekly shift in the Café of the Society.

### **15. Socials and Sporting Vice-President**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Socials and Sporting Vice-President to:

- a) assist the President with the day-to-day functioning of the Society;
- b) present a written report detailing their work and responsibilities at a Committee Meeting if requested by the President or by a majority of the Committee;
- c) co-ordinate and facilitate social events held by the Society;
- d) co-ordinate and facilitate sporting events held by the Society, as well as the Society's participation in external sporting events; and
- e) work one (1) weekly shift in the Café of the Society.

### **16. Competitions Vice-President**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Competitions Vice-President to:

- a) assist the President with the day-to-day functioning of the Society;
- b) present a written report detailing their work and responsibilities at a Committee Meeting if requested by the President or by a majority of the Committee;
- c) co-ordinate and facilitate competitions held by the Society; and
- d) work one (1) weekly shift in the Café of the Society.

### **17. Publications and Marketing Vice-President**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Publications and Marketing Vice-President to:

- a) assist the President with the day-to-day functioning of the Society;
- b) present a written report detailing their work and responsibilities at a Committee Meeting if requested by the President or by a majority of the Committee;
- c) advertise all Society events and functions;
- d) co-ordinate the sale of all Society merchandise;
- e) act as Editor-in-Chief of the Society's biannual publication, Carpe Diem; and
- f) Work one (1) weekly shift in the Café of the Society.

## **PART 6 COMMITTEE**

### **18. Composition**

- a) The Committee shall be composed of:
  - 1. The Executive Committee;
  - 2. Café Manager;
  - 3. Information Technology Officer;
  - 4. Finance Officer;
  - 5. Education Officer;
  - 6. Careers Officer;
  - 7. Socials Officer;
  - 8. Sporting Officer;
  - 9. Two (2) Competition Officers;
  - 10. Publications Officer;
  - 11. Marketing Officer;
  - 12. Social Justice Officer;
  - 13. Legal Studies Representative;
  - 14. Criminology Representative; and
  - 15. Mature Age and Graduate Representative.

### **19. Café Manager**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Café Manager to:

- a) coordinate the stock and maintenance of the Society Café;
- b) coordinate the day-to-day operation of the Society Café;
- c) assist the Committee, where necessary, in matters pertaining to the functioning of the Society Café;
- d) assist the Committee in educational, social and competitive endeavours, events and projects;
- e) ensure all lease obligation are fulfilled and carried out; and
- f) work one (1) weekly shift in the Café of the Society.

## **20. Information Technology Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Information Technology Officer to:

- a) create and maintain the Society web page and keep it up to date;
- b) assist the Executive Committee, where necessary, in information technology related matters pertaining to the functioning of the Society;
- c) assist the Committee in educational, social and competitive endeavours, events and projects; and
- d) work one (1) weekly shift in the Café of the Society.

## **21. Finance Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Finance Officer to:

- a) assist for collection of receipts from café transactions;
- b) assist in monitoring ticket sales for events;
- c) assist in sales of MSLS merchandise;
- d) assist in the handling of all petty cash transactions and report to the Treasurer;
- e) assist in the payment of outstanding debtors, utilities, and invoices;
- f) ensure data entry procedures are up to date and maintained;
- g) reconcile weekly transactions with bank statements;
- h) prepare actual weekly cash flows, and present to the Treasurer;
- i) communicate and coordinate with the Treasurer; and
- j) work one (1) weekly shift in the Café of the Society.

## **22. Education Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Education Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;
- c) assist the Education and Careers Vice-President in the facilitation of educational events held by the Society and in publications such as the annual Careers Guide;
- d) assist the Committee in social and competitive endeavours, events and projects as needed;

- e) communicate and coordinate with the Education and Careers Vice-President; and
- f) work one (1) weekly shift in Café of the Society.

### **23. Careers Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Careers Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;
- c) assist the Education and Careers Vice-President in the facilitation of career events held by the Society and in publications such as the annual Careers Guide;
- d) assist the Committee in social and competitive endeavours, events and projects as needed;
- e) communicate and coordinate with the Education and Careers Vice-President; and
- f) work one (1) weekly shift in Café of the Society.

### **24. Socials Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Socials Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;
- c) assist the Socials and Sporting Vice-President in the facilitation of social events held by the Society;
- d) assist the Committee in educational and competitive endeavours, events and projects as needed;
- e) communicate and coordinate with the Socials and Sporting Vice-President; and
- f) work one (1) weekly shift in Café of the Society.

### **25. Sporting Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Sporting Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;

- c) assist the Committee in educational and competitive endeavours, events and projects as needed;
- d) assist the Socials and Sporting Vice-President in the facilitation of sporting events held by the Society, as well as the Society's participation in external sporting events;
- e) communicate and coordinate with the Socials and Sporting Vice-President;
- f) work one (1) weekly shift in Café of the Society.

## **26. Competition Officer (x2)**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Competition Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;
- c) assist the Competition Vice-President in the facilitation of competitions held by the Society;
- d) assist the Committee in educational and social endeavours, events and projects as needed; and
- e) work one (1) weekly shift in Café of the Society.

## **27. Publications Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Publications Officer to:

- a) promote and publicise Society events and functions to all students;
- b) represent the interests of the students before the Committee;
- c) assist the Publication and Marketing Vice-President in the facilitation of preparing and publishing materials;
- d) assist the Committee in educational, competitive and social endeavours, events and projects as needed;
- e) communicate and coordinate with the Publication and Marketing Vice-President;
- f) work one (1) weekly shift in Café of the Society.

## **28. Marketing Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Marketing Officer to:

- a) promote and publicise Society events and functions to all students;

- b) represent the interests of the students before the Committee;
- c) assist the Publication and Marketing Vice-President in the facilitation of selling all merchandise;
- d) oversee the Murdoch Student Law Society Facebook Page;
- e) assist the Committee in educational, competitive and social endeavours, events and projects as needed;
- f) communicate and coordinate with the Publication and Marketing Vice-President; and
- g) work one (1) weekly shift in Café of the Society.

## **29. Social justice Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Representative to:

- a) co-ordinate and facilitate events and functions that aim to increase student knowledge about social justice;
- b) co-ordinate and facilitate events relating to the mental health and wellbeing of students;
- c) co-ordinate and facilitate events promoting diversity in law;
- d) assist the Committee in educational, social and competitive endeavours, events and projects as needed; and
- e) work one (1) weekly shift in the Café of the Society.

## **30. Legal Studies Representative**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Legal Studies Officer to:

- a) promote and publicise Society events and functions to all Legal Studies students;
- b) coordinate and facilitate events targeted at students studying Legal Studies;
- c) represent the interests of the Legal Studies students before the Committee;
- d) assist the Committee in educational, social and competitive endeavours, events and projects; and
- e) work one (1) weekly shift in the Café of the Society.

### **31. Criminology Officer**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Criminology Officer to:

- a) promote and publicise Society events and functions to all Criminology students;
- b) coordinate and facilitate events targeted at students studying Criminology;
- c) represent the interests of the Criminology students before the Committee;
- d) assist the Committee in educational, social and competitive endeavours, events and projects; and
- e) work one (1) weekly shift in the Café of the Society.

### **32. Mature Age and Graduate Representative**

In addition to any provisions set out elsewhere in this Constitution or in the By-laws it shall be the duty of the Mature Age and Graduate Representative to:

- a) promote and publicise Society events and functions to all Mature Age and Graduate students;
- b) coordinate and facilitate events targeted at Mature Age and Graduate students;
- c) represent the interests of the Mature Age and Graduate students before the Committee;
- d) assist the Committee in educational, social and competitive endeavours, events and projects; and
- e) work one (1) weekly shift in the Café of the Society.



## **PART 7      SUB-COMMITTEE**

### **33. Eligibility and Responsibilities**

- a) Membership to the Sub-Committee shall be open to any Standard Member or Affiliate Member, subject to any section in these rules;
- b) Members who wish to be involved in the organisation of Society projects may express their interest in working as a member of the Sub-Committee;
- c) Each Sub-Committee member shall be allocated an appropriate role in the organisation of a particular project;
- d) Each Sub-Committee member shall be responsible to the Committee member who is overseeing the project:
  - i. if there is no particular Committee member overseeing the project, the Sub-Committee member shall be responsible to the President.
- e) Sub-Committee members may not vote at Committee Meetings;
- f) Sub-Committee members shall have speaking rights at Committee Meetings; and
- g) Should a Sub-Committee member be made redundant at the conclusion of their particular event, function or project, that Sub-Committee member may either be removed appropriately or the Committee, by a three-quarter majority, may choose to transfer that Sub-Committee member's responsibility to another event, function or project.

### **34. Appointment and Removal**

- a) Should the Executive Committee wish to appoint a Sub-Committee member the action shall be conducted as follows:
  - i. the President (or their delegate) should inform the potential candidate that such an action is to be discussed at the next Committee Meeting; and, the candidate shall be invited to attend said meeting;
  - ii. at the meeting, Committee members may put questions to the candidate that are relevant to their gaining of a position; and
  - iii. the Committee will then vote by secret ballot as to whether or not the person shall be appointed to the position. The vote shall be carried with a three-quarter majority of the Committee.
- b) Should the Executive Committee wish to remove a Sub-Committee member the action shall be conducted as follows:

- i. the President (or their delegate) should inform the Sub-Committee member that such an action is to be discussed at the next Committee Meeting; and, the candidate shall be invited to attend said meeting;
- ii. questions may be put to the candidate regarding the proposed reasons for removal; and
- iii. the Committee will then vote by secret ballot as to whether or not the person shall be removed from their position. The vote shall be carried with a three-quarter majority of the Committee.

## **PART 8 CONFLICT OF INTEREST**

### **35. Other Bodies**

- a) Committee members may not use their position on the Society to further the interests of any other society or body that has a conflict of interest with Society. Committee members who breach this provision may be expelled from their position by a majority of the Committee.

### **36. Disclosure of Interest**

- a) A Committee Member who has any direct or indirect pecuniary or personal interest in a contract or proposed contract or matter made by or contemplated by the Committee shall, as soon as they become aware of the interest, disclose the nature and extent of the interest to the Executive Committee;
- b) The Executive Committee will then decide, by a three-quarter majority of the Committee, whether the interest is of a conflicting nature with the Society; and
- c) Any person with such an interest shall not:
  - i. take part in any deliberations, decisions or vote with respect to that contract or matter; or
  - ii. hold, nominate for, or be elected to, a position on the Executive Committee.

## **PART 9 CASUAL VACANCIES**

### **37. Executive Committee Vacancies**

- i. A member of the Executive Committee shall nominate a representative from within the Committee if they are absent for a short period of time; and

- ii. This representative shall have all the powers and responsibilities of the Executive Committee member, including their vote in meetings.

### **38. Committee Vacancies**

- a) Any Committee member who is not a member of the Executive Committee may nominate a representative should they be absent for a short period of time; and
- b) This representative shall have all the powers and responsibilities of the Executive Committee member, including their vote in meetings.

## **PART 10 MEETINGS**

### **39. Executive Committee Meetings**

- a) The Executive Committee shall meet to discuss administrative and day-to-day matters of the Society. The Executive Committee shall meet at least once per fortnight and such meetings shall be closed to anyone other than the Executive Committee, their representatives or guests invited by an Executive Committee member. At all such meetings:
  - a) the quorum shall be at least two thirds of the Executive Committee; that is no less than five (5) Executive Committee members. In determining whether quorum is present, count individuals attending as proxies or Executive Committee members. However, if an individual is attending both as a Committee Member and as a proxy, count them only once;
  - b) motions involving the operation of ALSA shall not be passed unless the Education and Careers Vice-President is present; and
  - c) Executive Committee members shall be informed of the meeting by the Secretary at least seven (7) days prior to the meeting via email.

### **40. Committee Meetings**

- 1. The Committee shall meet at least once per calendar month and such meetings shall be open to all Standard and Affiliate Members of the Society. At all Committee meetings:
  - a) the quorum shall be at least two thirds of the Committee; and

- b) in determining whether quorum is present, count individuals attending as proxies or Committee members. However, if an individual is attending both as a Committee member and as a proxy, count them only once.
- 2. Minutes of such meetings shall be displayed on the Society web-page no later than seven (7) days after the said meeting;
- 3. Motions involving the operation of ALSA shall not be passed unless the Education and Careers Vice-President is present;
- 4. Committee members shall be informed of the meeting by the Secretary at least seven (7) days prior to the meeting via email; and
- 5. Formal meeting procedures shall apply as specified in the By-laws.

#### **41. General Meetings**

- a) Subject to this Constitution, a General Meeting of the Society shall be convened by the Secretary upon a resolution of the Executive Committee, or upon receipt of a written request by at least five (5) Standard Members or Affiliate Members stating the nature of the business to be conducted;
- b) The Secretary shall convene such a General Meeting within ten (10) days of the date of such a resolution, and shall cause at least five (5) days notice of time, date, venue and agenda to be given to all Society members;
- c) The Secretary shall call for, accept and include in the agenda any written notice of motions to be discussed at the General Meeting;
- d) The Secretary shall allow at least three (3) days prior to the General Meeting for the submission of motions by Society members;
- e) The General Meeting is empowered, subject to this Constitution, to exercise all powers of the Society;
- f) Any decision of a General Meeting shall be binding upon the Society members and the Committee provided that it does not infringe any section of this Constitution;
- g) The quorum for a General Meeting shall be 10% (of Society members) provided that this number is not less than ten (10) persons who are Members of the Society; and
- h) Formal meeting procedures shall apply as specified in the By-laws.

#### **42. Annual General Meetings**

- i. A meeting of Society Members to be called the Annual General Meeting shall be held once every calendar year, in second semester, within four (4) months of the end of the Society's financial year;
- ii. Two (2) weeks prior to the Annual General Meeting, the Secretary shall call for the submission of written motions from Society Members to be discussed at that meeting;
  - a. all submissions must be received within five (5) days of this request; and
  - b. submissions received within that time shall be included in the agenda for that meeting.
- iii. One (1) week prior to the Annual General Meeting the Secretary will call for the submission of reports of all Committee Members which will then be available to all Standard Members and Affiliate Members;
- iv. At least one (1) week prior to the Annual General Meeting, notification of time, date, venue and agenda shall be made public;
- v. The Annual General Meeting is empowered, subject to this Constitution, to exercise all the powers of the Society;
- vi. Any decision of an Annual General Meeting shall be binding upon the Members and MSLS Committee provided that it does not infringe any section of the Constitution.
- vii. A quorum for the Annual General Meeting shall be no less than 10% of all voting members provided that this is not less than ten (10) Members; and
- viii. Formal meeting procedures shall apply as outlined in the By-laws.

#### **43. Minutes of Meetings of the Society**

- a) The Secretary shall cause proper minutes of all proceedings of the Society to be taken and then to be entered within fourteen (14) days after the holding of each Society meeting, as the case requires;
- b) The Chairperson of any Committee Meeting shall ensure that the minutes taken at the meeting at which they Chair, are checked and signed as correct by the Chairperson and adopted by the Committee at the subsequent meeting; and
- c) When minutes have been entered, signed and adopted as correct under this section, they shall, until the contrary is proven, be evidence that:

- i. the meeting to which those minutes relate was duly convened and held;
- ii. all proceedings recorded as having taken place at the meeting did in fact take place;
- iii. all appointments or elections purporting to have been made at the meeting have been validly made; and
- iv. all motions are correctly passed by the Committee.

## **PART 11 ELECTIONS AND APPOINTMENT**

### **44. Elections of the Society**

- a) All members of the Committee shall be elected;
- b) Only Standard Members may nominate for a position on the Committee;
- c) A Standard Member may nominate for a maximum of one Executive position and one Non-Executive position;
  - i. the results of executive nominations shall be determined first.
- d) unopposed Executive nominations will be elected against a vote of no confidence;
- e) should an uncontested nominee be defeated by a vote of no confidence, then that nominee will be deemed to be not elected;
- f) if an uncontested position is defeated by a vote of no confidence, the position will remain an open office;
- g) Elections shall be conducted in accordance with the By-laws; and
- h) An appointed Returning Officer shall be responsible for facilitating elections.

## **PART 12 TERMS OF OFFICE**

### **45. Committee and Sub-Committee Terms of Office**

- a) Committee members shall take office at the conclusion of semester 2 of the Murdoch University academic year, when the office is vacated by the preceding Committee member, immediately following the Annual General Meeting or in the event of a bi-election shall take office upon announcement of election results;
- b) Sub-Committee members shall take office at the approval of their appointment; and
- c) The term of office of Committee and Sub-Committee members shall end upon:
  - a) formal resignation of the individual;
  - b) death of the individual;

- c) expiration of term being the conclusion of semester 2 of the Murdoch University academic year, of the year of election;
- d) expulsion from the Committee;
- e) removal from the Sub-Committee; or
- f) expulsion from the Society.

#### **46. Expulsion from the Committee**

- a) A Committee member may be expelled from their position as a Committee member for the following reasons, notwithstanding additional provisions of these rules:
  - i. failing to adequately fulfil the responsibilities associated with their position, as outlined in these rules; or
  - ii. acting in a manner that has caused, or will cause, detriment to the Society and its members, as decided by the Executive Committee; or
  - iii. subject to the By-laws, fails to attend three (3) meetings, cafe shifts, or other events as deemed by the Executive Committee as necessary, after having been served with good notice of the occurrence of the meeting, shift or event.
- b) A resolution to expel a Committee member shall be conducted as follows:
  - i. the President (or their delegate) shall inform the Committee member that such a resolution is to be considered at the next Committee Meeting and he/she will be invited to speak at that meeting;
  - ii. the Committee will then be asked to vote on the expulsion of the Committee member;
  - iii. the vote shall be by secret ballot;
  - iv. the Committee member will be eligible to vote in the resolution; and
  - v. the resolution will only be carried with a three-quarter majority of voting Committee members;
- c) If the resolution to expel is successful, an election to fill the vacant position shall be held within two (2) weeks of such an event occurring.

#### **47. Handover**

The current Secretary will monitor and oversee the handover procedure of incoming Executive and Committee members. At the end of the incumbent Committee's elected period, each Committee member must provide the incoming Committee member with:

- a) Any records available pertaining to the Committee member's position;
- b) A copy of the report made by the outgoing Committee member at the Annual General Meeting; and
- c) Any suggestions and practical advice for their term.

#### **48. Open offices**

- a) If a position becomes empty, no member of the Society may hold more than one position of the Society, unless:
  - i. Two (2) elections have been held for the position; and
  - ii. No candidates have nominated for the position.
- b) In the event of a position remaining empty, Committee members may then nominate for the vacant office. The appointment of that person must be ratified by a three-quarter majority of the Committee; and
- c) In the event of a member holding two (2) positions in accordance with subsection (b), that person shall be entitled to one vote only at all Executive, Committee, and General Meetings.

### **PART 13 REGISTER AND RECORDS**

#### **49. Register of Members**

A register of current Standard Members shall be kept and updated from time to time by the Secretary on behalf of the Society. This register shall be kept at the Society's offices, the location of which shall be determined by the Executive Committee. The register must contain the name and postal or residential address of each Standard Member.

#### **50. Register of Affiliates**

A register of current Affiliate Members shall be kept and updated from time to time by the Secretary on behalf of the Society. This register shall be kept at the Society's offices, the location of which shall be determined by the Executive Committee. The register must contain the name and postal or residential address of each Affiliate Member.



## **51. Non-financial Records**

- i. A copy of all significant non-financial records, including the minutes of meetings, shall be kept by the Secretary in the Society's offices, the location of which shall be determined by the Executive Committee;
- ii. Every Standard Member and Affiliate Member of the Society shall have the right to inspect and make copies of any non-financial records of the Society;
- iii. On request by a Standard Member or Affiliate Member or the Committee the Secretary shall produce any particular non-financial records that they have access to;
- iv. A current copy of these rules shall be available publicly on the Society website; and
- v. A copy of all minutes of Society meetings shall be available publicly on the Society website.

## **52. Financial Records**

- a) A copy of all financial records shall be kept by the Treasurer in the Society's offices, the location of which shall be determined by the Executive Committee;
- b) Every Standard Member and Affiliate Member of the Society shall have the right to inspect and make copies of any financial records of the Society;
- c) On request by a Standard Member or Affiliate Member or the Committee the Treasurer shall produce any particular financial records that they have access to; and
- d) By a two-thirds majority of the Committee a request for financial records may be denied within seven (7) days of the request being made.

## **PART 14 FINANCE**

### **53. Finance of the Society**

- a) The Treasurer must ensure that the Society complies with all conditions and legislation pertaining to Society financial matters;
- b) Cheques drawn for payment from the Society's account must be signed by at least two specified Executive Committee members;
- c) Any member of the Executive Committee may endorse payment into the Society's cheque account;

- d) A record of expenditure and receipts shall be kept by each Committee Member and shall be forwarded to the Treasurer before the each Committee Meeting;
- e) The Society, through the Executive Committee, shall hold accounts with any financial institution, which it deems necessary;
- f) A majority of the Executive Committee can make a donation for a charitable purpose;
- g) The Financial Year for the society will begin on the 1st of December and conclude on the 30th of November; and
- h) The Committee shall have the power to control the finances and property of the society in the following manner:
  - i. authority is delegated to the Treasurer and President to both authorise transactions less than and including \$AUD1,000; and
  - ii. any transaction of over \$AUD1,000 requires two-thirds approval by the Committee.

## **PART 15 INDEMNITIES**

### **54. Indemnification of the Committee**

- a) Committee members are indemnified against all actions, costs, expenses, losses and demands where the Committee as a whole or an individual Committee Member are:
  - a) acting within the scope of its/their portfolio;
  - b) acting in good faith;
  - c) not acting (or acted) in breach of any criminal conduct; or
  - d) not acting (or acted) with gross negligence.

## **PART 16 COMMON SEAL**

### **55. Common Seal of the Society**

- a) The Society shall have a common seal on which its name and Australian Business Number shall appear in legible characters;
- b) The common seal of the Society shall not be used without the express authority of the Committee and every use of the common seal shall be recorded in the minutes of the Society;

- c) The affixing of the common seal of the Society shall be witnessed by any two (2) Executive Committee members; and
- d) The common seal of the Society shall be kept in the custody of the Secretary or any such other person as the Committee decides by a simple majority.

## **PART 17 DISPUTE RESOLUTION**

### **56. Application and Process**

- a) The grievance procedure set out in these rules applies to disputes under these rules between:
  - i. members;
  - ii. member(s) and Committee member(s); or
  - iii. Committee members.
- b) Within three (3) days of being notified of a dispute, the President may convene a meeting between the affected parties or their representatives;
- c) The President shall act as a mediator between the parties;
- d) If the President is unable to act as a supervisor of the meeting, whether due to availability or conflict of interest, they shall appoint a Vice-President to act as their representative and the meeting;
- e) Parties may, within ten (10) days of an initial meeting, hold a meeting in the presence of an independent mediator in the following manner:
  - i. the mediator must be a person chosen by agreement between the parties;
  - ii. a member of the Society may be a mediator;
  - iii. a member of Murdoch University Academic Staff may be a mediator;
  - iv. the mediator must preside over the mediation in their personal capacity, not professional capacity; and
  - v. the mediator cannot be paid in any way for their services.
- f) A mediator, in conducting the mediation, must:
  - i. give the parties to the mediation process every opportunity to be heard;
  - ii. allow due consideration by all parties of any written statement submitted by any party; and
  - iii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- g) The mediator must not determine the dispute; and

- h) The mediation must be confidential and without prejudice.

## **PART 18 DISSOLUTION**

### **57. Dissolution of the Society**

- a) The Society may be dissolved at any time at any General or Annual General Meeting, providing a Special Resolution to dissolve is passed by a three-quarters majority of Standard Members and Affiliate Members present at such a meeting;
- b) In the event of dissolution, the Committee must notify the Commissioner within fourteen (14) days of the Special Resolution;
- c) If there is are surplus assets after the satisfaction of all Society debt and liabilities, the Committee must submit a distribution plan to the Commissioner for review;
- d) The Committee may nominate an association incorporated under the Act to be the beneficiary of surplus assets; and
- e) The Committee may donate the surplus assets for a charitable purpose.

## **PART 19 BY-LAWS**

### **58. Application and Alteration of the By-laws of the Society**

- a) The Society shall also be governed by the provisions within the By-laws and these By-laws shall have the same force as these rules;
- b) The By-laws equally bind all Committee members, all Sub-Committee members, all Standard Members and all Affiliate Members of the Society; and
- c) The By-laws of the Society may be altered at any Committee Meeting with approval of a two-thirds majority of the Committee.

## **PART 20 THE CONSTITUTION**

### **59. Rules of the Society**

- i. These constitutional rules bind every Committee member, Standard Member, Affiliate Member and the Society to the same extent as if every Committee member, Standard Member, Affiliate Member and the Society itself had signed these rules and agreed to be bound by all of its provisions.

### **60. Alterations to the Constitution**

- a) A provision of this Constitution may only be repealed, amended or supplemented by Special Resolution passed at a General Meeting or Annual General Meeting:

- i. by a three-quarters majority of all Standard Members and Affiliate Members present at the General Meeting or Annual General Meeting, provided that at least seven (7) days notice of the motion has been given of any proposed repeal, amendment or supplementation of these sections.
- b) Upon passing changes to this Constitution, the Secretary must lodge notice of these changes with the Commissioner, as outlined in the Act.