



**Constitution of the Student Association  
of The University of Notre Dame Australia  
Incorporated**

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## PART ONE: THE ASSOCIATION

### 1. Name and effect

- 1.1 The name of the Association is **The Student Association of the University of Notre Dame Australia Incorporated**.
- 1.2 This Constitution is binding on each member of the Student Association.
- 1.3 Any regulations made under provisions in this Constitution are binding upon the Student Association, affiliated and subsidiary bodies.
- 1.4 Where the Student Association Constitution or regulations created under this Constitution conflict with those of an affiliated or subsidiary body the Student Association Constitution or regulations will prevail.

### 2. Definitions

In this Constitution, unless the contrary intention appears-

**“Act”** means the *Associations Incorporated Act 1987*, as may be amended or replaced from time to time.

**“Absolute majority”** means a majority of all Members attending the meeting and who are entitled to vote under this constitution.

**“AGM”** means the annual general meeting referred to in this Constitution.

**“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 Incorporated” and constitutes the rules of the Student Association for the purposes of the Act.

**“Council”** means the Student Association Council referred to this Constitution and shall constitute the Committee of the Association for the purposes of the Act.

**“Council Meeting”** means a meeting of the council convened in accordance with this Constitution and any applicable standing orders.

**“Council Member”** means any person elected or co-opted to a position as provided for in this Constitution.

**“Day”** means any twenty-four hour period from and to midnight and includes public holidays in Western Australia, University holidays and weekends.

**“Election Tribunal”** means an Election Tribunal established by the Student Association in accordance with the Election Regulations.

**“Election Regulations”** means the regulations governing Student Association elections and passed by Ordinary Resolution.

**“Executive”** means the President, Vice President, Treasurer and Secretary.

**“Financial year”** means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 1 December; and thereafter each period commencing 1 December and ending on 31<sup>st</sup> November in the following year.

**“Immediate past President”** means the person who served as President in the preceding year.

**“Member”** includes all Ordinary members and the members of any additional class of membership created in accordance with this Constitution.

**“Ordinary Member”** means a member of the Student Association that satisfies the requirements of membership as set out in the Constitution.

**“Ordinary Resolution”** means a resolution other than a Special Resolution and requires an Absolute Majority.

**“Presiding Officer”** means the person chairing the meeting

**“Special resolution”** has the meaning given to it by the Act, namely that it is a resolution passed by a majority of not less than three-fourths of the Members who are entitled to vote under this Constitution in person or by proxy

**“Student”** means a person enrolled at the Fremantle Campus of the University.

**“Student Association”** means the Student Association of The University of Notre Dame Australia Incorporated.

**“Terms of reference”** means document outlining the duties, functions, rights and responsibilities as determined by a majority of not less than three-fourths of the previous Council and published with an election notice.

**“Year”** means the period between Semester 1 Orientation Day and the last day of the Semester 2 exam period or as may be published by the University.

**“University”** means The University of Notre Dame Australia;

**“Vice Chancellor”** means the Vice Chancellor of the University (or delegate appointed in writing by the Vice Chancellor).

### **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 such 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.
- 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 the Student Association**

- 4.1 The objects of the Student Association shall be to –
- (i) Foster and promote the Objects and mission of the University;
  - (ii) Promote the wellbeing and interests of Students;
  - (iii) Further the common interest of Students;
  - (iv) Provide for and encourage communication among Students in matters of common interest;
  - (v) Provide extra-curricular activities for the general wellbeing of Students;
  - (vi) Represent Students when such representation is authorised, necessary and desirable, and provide a recognised means of communication between Students and the University authorities;
  - (vii) Cooperate with bodies or organisations having kindred aims;
  - (viii) Provide, conduct or manage education, culture, sporting, welfare 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 Students;
  - (x) Help Students achieve their full social and spiritual potential;

- (xi) Contribute effectively, positively and in accordance with the University's Objects to the wider community;
- (xii) Further the common interest of Students generally.

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

## **5. Equity and diversity**

No student shall be discriminated by the Student Association on the basis of race, gender identity, sexuality, religion, political ideologies, physical or mental disability, or age.

## **6. Powers and functions of the Student Association**

The powers of the Student Association, as exercised by the Council, are to;

- (i) Represent the Student Association and Students in public ceremonies and functions as requested by the University;
- (ii) Represent the Student Association and Members in cultural, sporting and social activities;
- (iii) Upon request by a Student, provide support in relation to any hearings of a University Discipline Committee;
- (iv) Represent Students in liaising with the University, other Universities and external bodies;
- (v) Serve on the Student Board, Student Affairs Committee or other University committees as required under University Regulation or Statute.
- (vi) Affiliate with any university association or any other association of students;
- (vii) Expend and invest moneys
  - In any security in which trust moneys may lawfully be invested, and
  - In any other manner authorised by the Constitution.
- (viii) Operate banking accounts;
- (ix) Transact such financial business as may be necessary to carry out the objects of the Student Association;
- (x) Borrow or raise money for any of the objects of the Student Association;

- (xi) Appoint agents to transact any business of the Student Association on its behalf;
- (xii) Enter into contracts on behalf of the Student Association or any Student group, the terms of which have been approved by the Executive;
- (xiii) Create subsidiary bodies of the Student Association;
- (xiv) Exercise general supervision, control over and co-ordinate all Student societies and their activities, and to make grants thereto for approved purposes;
- (xv) Register Student clubs and societies on the Fremantle Campus with the Student Association, and affiliate registered clubs, societies and subsidiary bodies of the Student Association, in accordance with the Objects of the University, University, regulations, rules and policies in accordance with the Objects of the University, University, regulations, rules and policies;
- (xvi) Monitor Student clubs, subsidiary bodies and societies on the Fremantle Campus to ensure that each acts and continues to action
- (xvii) Assume the care, control and management of the property and financial affairs of any Student society, for such period as the Executive thinks fit;
- (xviii) In consultation, and with the consent of the University (where the University owns or leases buildings) 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;
- (xix) Incorporate or cause to be incorporated any Student society under the Act, 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;
- (xx) Hold licenses under any legislation, including the Liquor Licensing Act, for the time being in force;
- (xxi) Create, by way of a Special Resolution passed through Council, binding regulations relating to any aspect of the operation of the Student Association, the Student Association Council, subsidiary bodies, affiliated and registered clubs and societies in consultation with the relevant body;
- (xxii) Take such actions as necessary in the performance of its obligations as prescribed by this Constitution; and
- (xxiii) Make rules, regulations, terms of reference and standing orders in accordance with this Constitution and as may be necessary in the performance of its obligations as prescribed by this Constitution.

## **7. Membership**

7.1 There shall be two or more classes of membership in the Student Association:

- Ordinary; and
  - Such additional class or classes of membership as may be determined by the Student Association in accordance with Sections 7.3 and 7.5 of this Constitution.
- 7.2 All students enrolled at the Fremantle Campus of the University shall automatically be registered as Ordinary Members of the Student Association without the need for application.
- 7.3 The Student Association may, by a three-fourth majority of the Council and prior to the commencement of the University Year, establish an additional class or classes of membership.
- 7.4 The additional class of membership may entitle Students to such additional benefits, over and above those enjoyed by Ordinary Members, as may be determined by the Council. Access to an additional class of membership may be for payment of an annual fee, for service to the Student Association or for equity reasons.
- 7.5 The Student Association may also grant associate membership to a graduate of the University, a member of the University or such other bodies as the Student Association deems appropriate. Associate members shall have all the rights and privileges of Ordinary Members except that they cannot nominate for a position, cannot vote or be elected to the Committee.
- 7.6 In establishing an additional class of membership:
- No rights, privileges or benefits of Ordinary Members under this Constitution or any regulations shall be reduced, diminished or altered in any way; and
  - Any fee must be reasonable taking into account - the nature and extent of the additional entitlements and benefits, equity, Student capacity and ability to pay the fee and the Objects of the University.
- 7.7 A Student who resigns from an additional membership class created under Section 7.3 shall be entitled to immediate reinstatement as an Ordinary Member and to return of that portion any fee paid on a pro-rata basis for the remainder of the relevant year.
- 7.8 The Student Association shall keep an up to date register of all Members and on request of a Member may make the register available for inspection without charge. Members may also inspect the books, documents, records and securities of the Student Association.
- 7.9 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.



7.10 A Member may resign from the Student Association by giving written notice of resignation to the Secretary. The resignation shall take effect from the Day specified in the notice or, if no date is specified, the date the notice is received by the Secretary.

## **PART TWO: GOVERNING STRUCTURE**

### **8. The Council**

8.1 The Council shall have the power and authority to manage the affairs and property of the Student Association. The Council shall exercise the powers provided to the Student Association in this Constitution and in accordance with the Act.

8.2 The Council shall contain the following officers:

- President (1)
- Vice President (1)
- Treasurer (1)
- Secretary (1)
- Academic Committee Chair (1)
- Clubs Committee Chair (1)
- Welfare Committee Chair (1)
- Marketing and Strategy Director (1)
- Events Director (1)
- Sport and Health Director (1)
- Assist Director (1)
- Environment Director (1)
- Ordinary Council Members (2)

8.3 The term of office for any elected position will begin on the 1<sup>st</sup> December in the year of election, or if any Student is co-opted or elected to a position on Council later than 1<sup>st</sup> December, on the date they are co-opted or elected, and will end on the subsequent 1<sup>st</sup> December.

8.4 The Council may delegate, in writing, to one or more subsidiary bodies the exercise of such functions of the Council as are specified in the delegation other than:

- (i) The power of delegation; or
- (ii) A function that is a duty imposed on the Council by the Act or any other law.

8.5 The Council's subsidiary bodies must consist of no less than:

- (i) an Academic Committee;
- (ii) a Clubs Committee; and
- (iii) a Welfare Committee.

Each Committee will act in accordance with its particular Terms of Reference.

8.6 The Council may continue to exercise any delegated function and may, in writing, revoke wholly or in part any delegation under Section 8.5.

### **9. Functions of Council Members**

9.1 All Council Members will:

- (i) Act according to the objects of the Student;

- (ii) Act to improve the Student community through development of their area of responsibility in the Student Association;
  - (iii) Act with due diligence in respect to any function of the Council; and
  - (iv) Serve on such student boards or committees as may be required under University Statute, Regulation or otherwise upon request by the Vice Chancellor.
- 9.2 A failure by any Council Member to comply with the duties or functions provided for under this Constitution or the Terms of Reference shall constitute grounds for removal from the Council.
- 9.3 The President of the Student Association will:
- (i) Direct, co-ordinate and supervise the work of the other officials elected and appointed under the Constitution; and
  - (ii) Direct the activities and manage the affairs of the Student Association.
- 9.4 The Vice President of the Student Association will:
- (i) Assist the President in all areas of responsibility; and
  - (ii) In the event of a vacancy of the office of President, assume the role of President until a new President is elected by a majority vote of the Council at the next Council Meeting.
- 9.5 The Treasurer of the Student Association will:
- (i) Keep true and fair accounting records that show the financial transactions and position of the Student Association, and comply with the Act;
  - (ii) Be responsible for all financial affairs of the Student Association including the receipt and payment of all moneys as directed by the Council; and
  - (iii) Have custody of all securities, books and documents of a financial nature and accounting records of the Student Association.
- 9.6 The Secretary of the Student Association will:
- (i) Co-ordinate the correspondence of the Student Association;
  - (ii) Keep full and correct records of the proceedings of the Council and of the Student Association; and
  - (iii) Ensure that the Student Association's record-keeping obligations under the Act are fulfilled.

## **10. Removal and Casual vacancies**

- 10.1 Any Council Member who does not fulfil his or her functions as a Council Member may be assessed as liable for removal from the Council by the following procedure:
- (i) The Council Member will be informed in writing of the reason for the assessment, which shall be signed by two Executive members or five Council Members.
  - (ii) The Council Member will be allocated time to defend their position at the next Council Meeting and a motion to remove them from their post will be debated by the Council.
  - (iii) The Council will vote on the motion to remove the Council Member, which must succeed by a three-fourth majority of Council.
- 10.2 Council Members may resign from their position by submitting their resignation in writing to the President. If the Council Member resigning is the President, the resignation must be submitted to the Vice President.
- 10.3 A casual vacancy occurs if:
- (i) A Council position is not filled following the annual election;
  - (ii) A Council Member resigns; or
  - (iii) A Council Member is removed from office.
- 10.4 A casual vacancy on the Council will be filled by co-opting a Member into the position by a majority vote of the Council.
- 10.5 Casual vacancies for all Council positions other than Member positions without portfolio, must be filled within one month of being declared vacant.
- 10.6 The Vice Chancellor of the University shall be informed of:
- (i) All appointments to, and resignations from Council.
  - (ii) All proceedings to remove a Council Member.

## **PART THREE: MEETINGS**

### **11. Council Meetings**

- 11.1 Council business will be conducted in Council Meetings either:
- (i) held at least once per calendar month; or
  - (ii) Convened as and when required by the President, the Secretary, or at least half the Council Members.
- 11.2 The procedure of Council meetings shall be determined by the Council and published as the Council Standing Orders.
- 11.3 Each Council Member shall have a vote.
- 11.4 The Secretary must give at least 36 hours written notice prior to the Council Meeting.
- 11.5 The Secretary shall prepare and distribute the agenda of the Council Meeting at least 12 hours prior to the start time of the meeting.
- 11.6 Any Member may submit an item to be put on the agenda 48 hours prior to the Council Meeting.
- 11.7 A Quorum is achieved when one half of the Council and either the President or the Vice President is present in person.
- 11.8 Except as otherwise set out in this Constitution, matters arising for determination at Council meetings shall be decided by Ordinary Resolution. If there is no majority, the Presiding Officer will have a casting vote in addition to their deliberative vote.
- 11.9 A Council Member who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in contemplation of, the Council, shall not take part in any deliberations or decision of the Council with respect to that contract and will disclose the interest to the Council before such deliberations take place.
- 11.10 The Secretary must take proper minutes of all proceedings and enter these minutes in the minute book within 7 Days of the meeting. Minutes must be distributed to all Council Members at least 48 hours prior to the next Council Meeting.
- 11.11 The President must sign the minutes as a correct record. Minutes must be made available to all Members.

### **12 Executive**

- 12.1 The Executive shall determine any matters referred to it by the Council and any matters that cannot be reasonably deferred until the next Council Meeting.
- 12.2 The Executive shall meet at such times and places as the President may from time to time decide.

- 12.3 The Executive may determine an interim policy where no policy of the Council exists. An interim policy will automatically and finally lapse on the day of the next Council meeting unless ratified at that meeting.
- 12.4 An interim policy will automatically lapse upon the day of the following Council Meeting, unless specifically ratified at that meeting.

### **13. General Meetings**

- 13.1 The Council can convene a general meeting at any time, or within 30 Days upon receipt of a request in writing to do so, signed by not less than 50 Members, stating the purpose for which the general meeting is required.
- 13.2 If a general meeting is not convened under section 13.1 within 30 Days the Members making the request may convene a general meeting as if they were the Council.
- 13.3 The Council must convene an annual general meeting after the annual election, but prior to 31<sup>st</sup> October, each year. The Presiding Officer for general meetings shall be the President.
- 13.4 A general meeting quorum is 30 Members recorded as present in person or by proxy. Proxy votes shall be deemed to be valid if the Secretary has received signed notice of such.
- 13.5 Matters are determined at General Meeting by Special Resolution.
- 13.6 The Secretary shall give all Members 14 Days written notice of general meetings and motions to be debated, including the full text of the proposed Special Resolution. Where a general meeting is the Annual General Meeting the Secretary must give members not less than 21 Days written notice of the meeting and the motions to be debated.
- 13.7 The Secretary shall take minutes of the general meeting, which shall be signed by the President and made available to all Members within 30 Days of the meeting.
- 13.8 Minutes are evidence, until the contrary is proven, that:
- (i) The general meeting was convened and held;
  - (ii) All proceedings recorded as having taken place did in fact take place; and
  - (iii) All appointments or elections have been validly made.

## **PART FOUR: ELECTIONS**

### **14. Elections**

- 14.1 All elections are to be run in accordance with this Constitution and the Election Regulations. Any election by-laws (provided that they are not inconsistent with this Constitution or the Election Regulations) must be passed by an absolute majority of the Council.
- 14.2 The Council will appoint an Election Tribunal no later than Friday, week 4, Semester 2.
- 14.3 The Election Tribunal will include:
- (i) A Disputes Resolution Officer;
  - (ii) Two Returning Officers; and
  - (iii) Two Members of the outgoing Council not contesting the relevant election.
- 14.4 The powers and functions of the Election Tribunal will include:
- (i) Setting the dates for nominations and election;
  - (ii) Resolving disputes between and of candidates;
  - (iii) Counting the ballots; and
  - (iv) Declaring and publishing the results of the election.
- 14.5 General elections shall be held annually not less than 14 Days before the holding of the AGM.
- 14.6 The Election Tribunal will give written notice of the dates under section 14.4.1 at least 14 Days before the election.
- 14.7 All Members are eligible to vote.
- 14.8 All positions of the Council as established in section 8.2 are to be elected at the Election.
- 14.9 Subject to section 14.10 below all Members are eligible to stand as candidates for election to Council.
- 14.10 A student will be disqualified from candidature if he or she is:
- (i) Not a Member;
  - (ii) A member of staff, excluding students employed on the Notre Dame Student Employment Scheme;
  - (iii) A member of the Election Tribunal;

- (iv) Previously convicted of an offence under the Act or that carries a sentence of imprisonment
- (v) Is alleged to have contravened University regulations, policies or the University's student codes of conduct and proceedings have been commenced by the University, or has been found by a University Discipline Committee to have contravened University regulations, policies or the University's student codes of conduct;
- (vi) An undischarged bankrupt or someone who has entered into a scheme of arrangement with creditors; or
- (vii) A formerly expelled member of the Student Association Council or subsidiary body;

14.11 Any candidate who repeatedly fails to comply with this Constitution or the Election Regulations may be disqualified from the election.



## PART FIVE: CONSTITUTION

### 15. Constitution - Alteration and Amendment

15.1 The Constitution can be amended by Special Resolution and in accordance with the following procedure –

- (i) Notice for the general meeting at which the Special Resolution is to be presented, including the full motion to be debated, must be sent to all Members;
- (ii) The Special Resolution must be presented at the general meeting and debated;
- (iii) Amendments can be made to the proposed Special Resolution by a three - fourths majority of the eligible Members present in person or by proxy; and
- (iv) The resolution must be passed by a  $\frac{3}{4}$  majority of the eligible Members present in person or by proxy.

15.2 Within one month of the general meeting both:

- (i) Notice of the resolution (with particulars of the amendment); and
- (ii) A certificate signed by the presiding officer certifying that the resolution was duly passed and that the amended constitution complies with the Act

Must be lodged with the relevant statutory authority.

15.3 The President must submit any proposed change to the Vice Chancellor for approval at least 7 Days prior to any notice of any general meeting being send out proposing the change.

15.4 Notwithstanding any other provision of this Constitution, the Vice Chancellor may amend or disallow any proposed amendments to this Constitution, if the amendment is determined by the Vice Chancellor (in his or her absolute discretion) to be inconsistent with the Objects of the University.

15.5 Where the Vice Chancellor has disallowed an amendment the relevant amendment is deemed never to have been made.

## **PART SIX: MISCELLANEOUS**

### **16. Common Seal**

- 16.1 The Student Association shall have a common seal on which its corporate name appears in legible characters.
- 16.2 The common seal shall not be used without the express authority of the Council.
- 16.3 The affixing of the common seal must be witnessed by two Council Members.

### **17. University Relationship**

- 17.1 Neither the Student Association, the Council, Executive nor any Members are agents of the University, nor can bind or represent the University (without the express written consent of the Vice Chancellor) in any capacity.
- 17.2 The University has no responsibility whatsoever for the debts or liabilities of the Student Association.
- 17.3 Notwithstanding any provisions of the Act, or this Constitution, the Student Association is subject to the restrictions or limitations imposed by the University Statutes, Rules, Regulations, Procedures and Policies.

### **18. Distribution of Surplus on Winding Up of Association**

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must 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 shall be determined by resolution of the members.

### **19. Disputes**

- 19.1. The grievance procedure set out in this rule applies to disputes under these rules between-
  - (i) A member and another member; or
  - (ii) A member and the Association; or XXI
  - (iii) If the Association provides services to non-members, those non-members who receive services from the Association, and the Association.
- 19.2. 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.

- 19.3 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.
- 19.4 The mediator must be-
- (a) A person chosen by agreement between the parties; or
  - (b) In the absence of agreement:
    - (i) In the case of a dispute between a member and another member, a person appointed by the Committee of the Association;
    - (ii) In the case of a dispute between a member or relevant non-member (as defined by sub-rule 19.1(iii) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.
- 19.5. A member of the Association can be a mediator.
- 19.6. The mediator cannot be a member who is a party to the dispute.
- 19.7. The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 19.8. The 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.
- 19.9. The mediator must not determine the dispute.
- 19.10 The mediation must be confidential and without prejudice.
- 19.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law