

University of Melbourne Student Union

Minutes of Students' Council

Meeting 9/09

CONFIRMED

11 AM, 27 April 2009

Location: Joe Nap A/B, Union House



Agenda

1. Procedural Matters

- 1.1 Election of Chair
- 1.2 Acknowledgement of Indigenous Owners
- 1.3 Attendance
- 1.4 Apologies
- 1.5 Proxies
- 1.6 Membership
- 1.7 Adoption of Agenda

2. Confirmation of Previous Minutes

- 2.1 Minutes from the Meeting on 22-04-2009

3. VCASU Merger

- 3.1 Constitutional Amendments
- 3.2 Special General Meeting

4. Next Meeting

5. Close

Meeting declared inquorate at: 11.19AM, by President Carla Drakeford

Agenda Item 1; Procedural Matters

1.3 Attendance

Students' Council

Josh Schmidt, Phoebe Kelloway, Liam Byrne, Rudy Hosri, Brendan Thomas-Noone, Dominique Ottobre, Onagh Bishop

Office Bearers:

Tim Arnot (Education- Public), Yoshua Wakeham (Media), Shaun Khoo (Secretary), Carla Drakeford (President).

Other:

David Haydon (VCASU)
Rachel Lim
Bruno Friedel
Candice Cranmer (minute taker)

Absent

Students' Council:

Sisi Ying, Stephanie Gold, Goldie Pergl, Dan Musil, Taylor Kendall, James Smith, Kyle Dadleh, John Shipp

Office Bearers:

Laura Harris (Education–Academic), Gemma Leigh–Dodds (Education–Academic), Sadia Schneider (Education–Public), Tristan Clack (Welfare), Frances Lewis (Welfare), Adelaide Rief (Arts), Chris Kloester (Activities), David Liubinas (Activities), Stefania Capogreco (Queer), Ezekiel Gould (Queer), Rachel Barrett (Environment), Sam Cossar–Gilbert (Environment), Gillian Kilby (Media), Bhakthi Puvanenthiran (Media), Zoe Sanders (Media), Piper O'Dowd (Clubs and Societies), Kyle Lancaster (Indigenous), Ruby Warber (Indigenous), Cosima Nyx Stone (Wom*ns)

1.1 Apologies

Students Council:

Clinton Markwell, Zoe Edwards, Scott Bloodworth, Jesse Overton–Skinner, Scott Bloodworth

Office Bearers:

Katherine Klaus (Clubs and Societies), Chris Summers (Arts)

1.2 Proxies

Clinton Markwell to John Shipp,
Jesse Overton–Skinner to Rachael Lim,
Zoe Edwards to Onagh Bishop,
Scott Bloodworth to Bruno Friedel

Agenda Item 9: Next Meeting

Those in attendance discuss potential meeting times to insure quorum for the next meeting. The Secretary Shaun Khoo is directed to inform Students' Council of these times and accordingly send notice of the most suitable date and time.

Next meeting on: To be advised by Secretary

Agenda Item 10: Close

University of Melbourne Student Union

Minutes of the Students' Council

Meeting 8/09

UNCONFIRMED

2 PM, 22 April 2009

Location: Graham Cornish A/B, Union House



Agenda

1. Procedural Matters

- 1.1 Election of Chair
- 1.2 Acknowledgement of Indigenous Owners
- 1.3 Attendance
- 1.4 Apologies
- 1.5 Proxies
- 1.6 Membership
- 1.7 Adoption of Agenda

2. Confirmation of Previous Minutes

- 2.1 Minutes from Meeting on 31-03-2009
- 2.2 Minutes from Meeting on 20-04-2009

3. Matters Arising from the Minutes

- 3.1 Environment Departmental Capital Expenditure
- 3.2 Gaza Motion
- 3.3 Indigenous Department Vandalism Motion
- 3.4 General Meeting

4. Correspondence

5. Office Bearers' Reports

- 5.1 President
- 5.2 Secretary
- 5.3 Activities
- 5.4 Arts
- 5.5 Clubs and Societies
- 5.6 Education Academic Affairs
- 5.7 Education Public Affairs
- 5.8 Environment
- 5.9 Indigenous
- 5.10 Media
- 5.11 Queer
- 5.12 Welfare

5.13 Wom*n

6. Standing Committee Reports

6.1 Staffing Sub-Committee

6.2 Finance Sub-Committee

7. Other Reports

8. Motions on Notice

9. Other Business

10. Next Meeting

11. Close

Meeting opened at: 2.08 PM, by Carla Drakeford

Agenda Item 1: Procedural Matters

1.1 Election of Chair

Motion 1: That Carla Drakeford should chair the meeting.

Moved: Carla Drakeford

CARRIED

1.2 Acknowledgement of Indigenous Owners

So Acknowledged

1.3 Attendance

Students' Council

Liam Byrne, Josh Schmidt, Phoebe Kelloway, Taylor Kendall, Brendan Thomas-Noone, Clinton Markwell, Kyle Dadleh, Jesse Overton-Skinner, Rudolph Hosri, Onagh Bishop, Dominique Ottobre, Goldie Pergl, Sisi Ying.

Office Bearers

Carla Drakeford (President), Shaun Khoo (Secretary), Tim Arnot (Education-Public), Frances Lewis (Welfare) Rachel Barrett (Environment), David Liubinas (Activities), Adelaide Rief (Arts), Zoe Sanders (Media), Gillian Kilby (Media), Bhakthi Puvanenthiran (Media), Katherine Klaus (Clubs and Societies), Piper O'Dowd (Clubs and Societies), Ruby Warber (Indigenous), Sam Cossar-Gilbert (Environment)

Others

John Shipp

Andrew Hallam

Jackson Reynolds (VCASU)

David Haidon (VCASU)

Kaitlin Ferris

Jonathan Donagan

Absent

Students' Council

Zoe Edwards, Scott Bloodworth, Dan Musil, James Smith, Stephanie Gold

Office Bearers

Chris Kloester (Activities), Chris Summers (Arts), Laura Harris (Education-Academic), Gemma Leigh-Dodds (Education-Academic), Sadia Schneider (Education-Public), Kyle Lancaster (Indigenous), Tristan Clack (Welfare), Cosima Nyx Mathews (Wom*ns), Yoshua Wakeham (Media), Stefania Capogreco (Queer), Ezekial Gould (Queer).

1.4 Apologies

Laura Harris, Dan Musil, Scott Bloodworth, Zoe Edwards, James Smith

1.5 Proxies

Zoe Edwards to Dominique Ottobre, Scott Bloodworth to Kaitlin Ferris, Dan Musil to Taylor Kendall (late), James Smith to Andrew Hallam (late).

Motion 2: That Standing Orders be now suspended to accept late proxies.

Moved: John Shipp

Seconded: Taylor Kendall

CARRIED

Upon leaving:

Clinton Markwell to John Shipp

Goldie Pergl to Sam Rankin

Rudolph Hosri to Jesse Overton-Skinner

Onagh Bishop to Bruno Friedel

Josh Schmidt to Liam Byrne

1.6 Membership

Nothing to report

1.7 Adoption of Agenda

There were several proposed amendments to the agenda. The first amendment suspended Standing Orders to allow the VCASU Merger Committee report to be tabled. Carla Drakeford apologised for its late submission.

Motion 3: That Standing Orders be now suspended to include the VCASU Merger Committee report at 6.3.

Moved: Dominique Ottobre

CWD

Liam Byrne suggested that the VCASU Merger Committee report should be discussed sooner and that transitional funding should be included on the agenda.

Motion 4: To move the VCASU Merger Committee report to 2.1 and to add Transitional Funding at 2.2.

Moved: Liam Byrne

CWD

Clinton Markwell moves that the Gaza Motion should be set later in the agenda. A named vote is requested.

Motion 5: To move the Gaza Motion to 6.4

Moved: Clinton Markwell

LOST For: 4 Against: 12

For: Jesse Overton-Skinner, Kyle Dadleh, James Smith via Andrew Hallam and Clinton Markwell.

Against: Dominique Ottobre, Zoe Edwards via Dominique Ottobre, Onagh Bishop, Scott Bloodworth via Kaitlin Ferris, Goldie Pergl, Rudolph Hosri, Brendan Thomas-Noone, Taylor Kendall, Dan Musil via Taylor Kendall, Phoebe Kelloway, Josh Schmidt and Liam Byrne.

David Liubinas requests that the Activities report be heard sooner.

Motion 6: To move the Activities report to before Correspondence.

Moved: David Liubinas

CWD

Dominique Ottobre moves that the Finance Sub-Committee report be heard sooner.

Motion 7: To move the Finance Sub-Committee report to 3.1
Moved: Dominique Ottobre
CWD

The Agenda will now read as follows:

- 2 Merger and Funding Reports**
 - 2.1 VCASU Merger Committee
 - 2.2 Transitional Funding
- 3 Confirmation of Previous Minutes**
 - 3.1 Minutes from Meeting on 31-03-2009
 - 3.2 Minutes from Meeting on 20-04-2009
- 4 Matters Arising from the Minutes**
 - 4.1 Finance Sub-Committee Report
 - 4.2 Environment Departmental Capital Expenditure
 - 4.3 Gaza Motion
 - 4.4 Indigenous Department Vandalism Motion
 - 4.5 General Meeting
- 5 Activities Report**
- 6 Correspondence**
- 7 Office Bearers' Reports**
 - 7.1 President
 - 7.2 Secretary
 - 7.3 Arts
 - 7.4 Clubs and Societies
 - 7.5 Education Academic Affairs
 - 7.6 Education Public Affairs
 - 7.7 Environment
 - 7.8 Indigenous
 - 7.9 Media
 - 7.10 Queer
 - 7.11 Welfare
 - 7.12 Wom*n
- 8 Standing Committee Reports**
 - 8.1 Staffing Sub-Committee
- 9. Other Reports**
- 10. Motions on Notice**
- 11. Other Business**
- 12. Next Meeting**
- 13. Close**

Agenda Item 2: Merger and Funding Reports

Agenda Item 2.1 VCASU Merger Committee

Clinton Markwell leaves at 2.26pm, proxying to John Shipp.

Carla Drakeford spoke to the report, thanking Students' Council for allowing it to be discussed. David Haidon encouraged UMSU to have an SGM to amend the Constitution. A lengthy discussion regarding process and merger logistics takes place.

Sisi Ying arrives at 2.38pm.

Rudolph Hosri leaves at 2.46pm, proxying to Jesse Overton-Skinner.

It is proposed that a special meeting on Monday morning should consider the amendments.

Procedural Motion: That the motion be now put.
Moved: John Shipp
CWD

Motion 8: That Students' Council directs the UMSU General Manager to table the proposed Constitutional changes to the UMSU Students' Council by Friday 24 April.
Furthermore, that a special meeting of Council meet at 11am on Monday 27 April to endorse the changes, and pass a motion to set a Special General Meeting to consider the changes that complies with constitutional requirements.
Moved: Onagh Bishop Seconded: David Haidon
CWD

Agenda Item 2.2 Transitional Funding

Carla Drakeford reported on discussions with the Office of the Provost and the University's intentions to collect approximately \$8.2 million from Student Services Fees, half of which would be distributed to University services such as Wellbeing Services and half of which would be distributed to MU Student Union Limited, UMSU and the Graduate Student Association. A lengthy discussion takes place regarding control of the funds, UMSU's relationship with the GSA during transitional funding negotiations, audits and communication within UMSU.

Motion 9: UMSU supports the full independence of the Graduate Students Association, and the GSA's control of all its current operations.

UMSU should have the right to full independence as a representative of the student political voice on campus, and as a provider of student services, No body that is not democratically elected by and accountable to the student population should hold this right.

Moved: Liam Byrne Seconded: Phoebe Kelloway

Goldie Pergl left at 3.14pm, proxying to Sam Rankin

Liam Byrne subsequently amends his motion.

Motion 9: UMSU supports the full independence of the Graduate Students Association, and the GSA's control of all its current operations.

UMSU should have the right to full independence as a representative of the student political voice on campus, and as a provider of student services, No body that is not democratically elected by and accountable to the student population should hold this right.

Representatives of UMSU to Melbourne University be guided by this motion in all negotiations with the University Administration.

Moved: Liam Byrne Seconded: Phoebe Kelloway

LAPSED

During discussion a procedural motion was put to allow Onagh Bishop to respond to Liam Byrne's comments regarding comments Onagh had made previously.

Procedural Motion: To allow Onagh Bishop to respond.

Moved: Liam Byrne

CARRIED For: 13 Against: 4

Onagh argued that her position was misrepresented and sought to clarify.

Some representatives expressed concern that they do not have enough information to make a decision on this motion.

Procedural Motion: To defer this motion to the next regular meeting.

Moved: David Liubinas

CARRIED For: 14 Against: 3

Agenda Item 3: Confirmation of Previous Minutes

Agenda Item 3.1 Minutes from Meeting on 31-03-2009

Onagh Bishop left at 3.40pm, proxying to Bruno Friedel.

Procedural Motion: To restrict speaking time to 1 minute.

Moved: David Liubinas

CARRIED For: 14 Against: 3

Dominique Ottobre would like Gemma Leigh-Dodd's request regarding petition student numbers to be recorded. Frances' name is incorrectly spelt. Jesse Overton-Skinner also queries the spelling of her name.

Motion 10: That the minutes of the meeting on 31-03-2009 be confirmed with the amendments discussed here

Moved: Bhakthi Puvanenthiran Seconded: David Liubinas

CARRIED

Agenda Item 3.2 Minutes from Meeting on 20-04-2009

On page 2, the manner of the wording of the petition was not actually discussed. Sam Cossar-Gilbert also suggests that the minutes should be amended such that the SGM was cancelled and another called rather than moved.

Motion 11: That the minutes of the meeting on 20-04-2009 be confirmed with the amendments discussed here

Moved: David Liubinas Seconded: Bhakthi Puvanenthiran

CARRIED For: 12 Against: 0 Abstentions: 5

Agenda Item 4: Matters Arising from the Minutes

Agenda Item 4.1 Finance Sub-Committee

Dominique Ottobre points out that Clinton Markwell and Rudolph Hosri had been accidentally elected to both Staffing and Finance Sub-Committees in violation of rule 142 of the Constitution. Shaun Khoo responds that rule 178 of the Constitution validates acts where it is afterwards discovered that there was a defect in a person's election and that in the past where this has happened the person concerned was contacted and asked to resign from one of their positions.

Some discussion also took place regarding the use of money for security at the General Meeting which was subsequently cancelled.

Motion 12: To open nominations for 4 positions on Finance Sub-Committee to close at the next meeting.

Moved: Dominique Ottobre Seconded:

LAPSED

Josh Schmidt left at 3.50pm, proxying to Liam Byrne.

Quorum Count – 9

QUORUM LOST

Agenda Item 13: Close

Meeting closed at: 3.50 PM

Certified by Chair:

Signed:

Dated:



UMSU INCORPORATED

CONSTITUTION

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... [2]

UMSU INCORPORATED
CONSTITUTION

STATEMENT OF PURPOSES

The purposes for which the Umsu Incorporated is incorporated are:

1. To advance the welfare and interests of Students;
2. To represent Students of the University within the University and to the community;
3. To provide amenities and services, principally for Students and other members of the University community, and incidentally to the public, but in all cases not inconsistent with agreements made with MU Student Union Limited or the University, as the case may be, from time to time;
4. To provide an independent framework for Student social and political activity;
5. To develop, maintain and support Student clubs, societies and associational life generally;
6. To promote and defend the rights of Students to education on the basis of equality, without regard to race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, political religious or ideological conviction, or national or social origin;
7. To provide a democratic and transparent forum in which Students' affairs and interests can be governed in an effective and accountable manner; and
8. To promote free and accessible government-funded education.

In order to achieve these purposes, but for no other purpose and subject always to the terms of any agreements with MU Student Union Limited or the University, as the case may be, the Association has all the powers of a natural person.

UMSU INCORPORATED CONSTITUTION

RULES

GENERAL

1 NAME

The name of the association shall be University of Melbourne Student Union Incorporated.

2 INTERPRETATION

2.1 Definitions. In this Constitution unless the context otherwise requires:

Academic Day has the meaning adopted by the University.

Act means the Associations Incorporation Act 1981.

Activities Committee means the committee of that name established in accordance with rule 60.

Arts Committee means the committee of that name established in accordance with rule 60.

Association means UMSU.

Burnley Student Association Committee means the committee of that name established in accordance with rule 70.

Clubs and Societies Committee means the committee of that name established in accordance with rule 60.

Clubs and Societies Council means the body of that name established in accordance with rule 126.

Collective means a body corresponding to an area of activity by a Committee and the Media Officers which is open to all Students (with the exception of the Queer Collective, Wom*n's Collective and Indigenous Collective which are subject to the restrictions applicable to those Committees) to participate in events and discussions relating to that area of activity each as established in accordance with rule 82.

Committee means each and any of the Activities Committee, Arts Committee, Clubs and Societies Committee, Education Committee, Environment Committee, Indigenous Committee, Queer Committee, Welfare Committee, ~~Wom*n's Committee~~ or the Victorian College of the Arts and Music Student Association Council each as established in accordance with rule 60.

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Constitution means this Constitution, which comprises the Statement of Purposes and the Rules.

Coordinator means the elected coordinators referred to in rule 70, comprising the Burnley Student Association Department President (Education Coordinator), Vice-president (Welfare Coordinator), Publications/Media Coordinator, Facilities Co-ordinator and Sports and Recreation Co-ordinator.

Council of the University means the Council of the University as constituted under the Melbourne University Act 1958 (Vic).

Department means all of the components corresponding to an area of activity including the respective Officer, Committee and Collective applicable to each respective area of

activity and includes each of the departments established in accordance with rule 68, rule 69 and rule 70.

Education Committee means the committee of that name established in accordance with rule 60.

Electoral Regulations means regulations made by the Electoral Tribunal pursuant to rule 121.

Electoral Tribunal means the tribunal of that name established in accordance with rule 102.

Environment Committee means the committee of that name established in accordance with rule 60.

Finance Sub-Committee means the sub-committee appointed in accordance with rule 144.

General Meeting means any general meeting or special meeting.

Grievance Tribunal means the tribunal of that name established in accordance with rule 185.

Indigenous Committee means the committee of that name established in accordance with rule 60.

Indigenous Student means all Students recorded as being indigenous as evidenced by the roll kept at the Centre for Indigenous Education.

International Student means a person who has the enrolment status of an international student.

Mature Age Student means those persons satisfying the requirements in the Electoral Regulations as being within the category of Mature Age Students.

Member means any person who is a member of the Association, and Membership shall have a corresponding meaning.

Office means each office to which an Officer or Officers is elected being the offices described in rule 45.

Officers means each of those officers referred to in rule 45 comprising the President, Secretary, Education (Academic Affairs) Officer, Education (Public Affairs) Officer, Welfare Officer, Wom*n's Officer, Arts Officer, Activities Officer, Queer Officer, Environment Officer, Media Officer, Clubs and Societies Officer, Indigenous Officer and Campus Co-ordinator, Victorian College of the Arts and Music Student Association Council, each of which is also a defined term for the purposes of this Constitution.

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Ordinary Resolution means a resolution other than a Special Resolution.

Part-time Student means those persons satisfying the requirements in the Electoral Regulations as being within the category of Part-time Students.

Policy means the principles or means for implementing the Purposes as applicable to the relevant area of activity or responsibility for each of UMSU, the Students' Council or a Committee (as the case may be).

Postgraduate Students means those persons who have the enrolment status of postgraduate students.

Privacy Legislation means the Information Privacy Act 2000 (Vic) and any replacement or additional legislation governing the provision and distribution of personal information of any person.

Purposes mean the purposes of the Association as set out in rule 3.

Queer Committee means the committee of that name established in accordance with rule 60.

Queer Students means those persons who identify as being within the category of Queer Students.

Referendum means a vote of all Students on a particular issue in accordance with rule 28.

Register of Members or Register means the register maintained by the Secretary in accordance with rule 12.

Regulations mean any regulations made by the Students' Council, the Electoral Tribunal or the Grievance Tribunal pursuant to this Constitution. The Regulations are subsidiary to this Constitution and prescribe certain procedures which apply to the area of activity described in the Regulations, as provided for in this Constitution.

Representatives means those persons elected or appointed to the Students' Council, a Committee or a Sub-Committee in accordance with this Constitution.

Restricted Constituencies means the Queer Students, Indigenous Students, International Students and Mature Age Students.

Returning Officer means the returning officer appointed in accordance with rule 112.

Semester means a semester as prescribed by the University for the purposes of its academic programs made available to Students.

Senior Staff Member means that Staff Member designated by the Students' Council as the Senior Staff Member for the purposes of this Constitution.

Special Constituency means each of Postgraduate Students, International Students, and Students enrolled in courses at the Faculty of Land and Food Resources at campuses of the University other than the Parkville campus, who are each represented by the organisations outlined in rule 8.

Deleted: Students of the Victorian College of the Arts

Special Meeting means a meeting other than an annual General Meeting.

Special Resolution has the same meaning as defined in the Act, being a resolution passed by a majority of not less than three fourths of the Members who are present in person or (if proxies are allowed) by proxy and entitled to vote at a General Meeting of the Association, of which notice specifying the intention to propose the resolution as a special resolution has been given in accordance with this Constitution.

Staff Member means a person employed as a member of staff of UMSU, and if there is none, shall be deemed to mean, where a function is to be performed by a Staff Member, the Secretary of UMSU.

Staffing Sub-Committee means the sub-committee appointed in accordance with rule 148.

Students means students enrolled at the University. **Students' Council** means the body established in accordance with rule 42 and having the responsibilities as outlined in rule 41 and elsewhere in the Constitution.

Deleted: , including students enrolled at higher education award courses at the Victorian College of the Arts.

Students studying at a campus other than Parkville means those persons satisfying the requirements in the Electoral Regulations as being within the category of Students studying at a campus other than Parkville.

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Sub-Committee means the Finance Sub-Committee and/or the Staffing Sub-Committee.

University means The University of Melbourne, a body politic and corporate constituted under the Melbourne University Act 1958 (Vic).

UMSU means UMSU Incorporated.

Victorian College of the Arts and Music Student Association Council means the committee of that name established in accordance with rule 60. **Woman** means a person who identifies as a woman as evidenced in the enrolment records of the University.

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Welfare Committee means the committee of that name established in accordance with rule 60.

Wom*n's Committee means the committee of that name established in accordance with rule 60.

2.2 Construction. In this Constitution unless the context otherwise requires:

- (a) words importing the singular include the plural and vice versa;
- (b) words importing any gender include the other gender;
- (c) references to persons include corporations and bodies politic;

- (d) a reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (e) references to this or any other document include the document as varied or replaced, and notwithstanding any change in the identity of the parties;
- (f) references to writing include any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmission;
- (g) if a word or phrase is defined, cognate words and phrases have corresponding definitions;
- (h) an obligation incurred in favour of two or more parties shall be enforceable by them jointly and severally;
- (i) reference to anything (including, without limitation, any amount) is a reference to the whole or any part of it and the reference to a group of things or persons is a reference to any one or more of them;
- (j) a defined term shall have the same meaning whether used as a noun or otherwise;
- (k) reference to a month and cognate terms means a period commencing on any day of a calendar month and ending on the corresponding day in the next succeeding month but if a corresponding date does not occur in the next succeeding calendar month the period shall end on the last day of the next succeeding calendar month;
- (l) references to this document include schedules and annexures;
- (m) in the event of any inconsistency between the provisions of any Regulation and any provision of this Constitution, the relevant provision of this Constitution shall prevail.

2.3 Headings. Headings shall be ignored in construing this Constitution.

3 PURPOSES

The purposes for which UMSU is incorporated are:

- (a) To advance the welfare and interests of Students;
- (b) To represent Students of the University within the University and to the community;
- (c) To provide amenities and services, principally for Students and other members of the University community, and incidentally to the public, but in all cases not inconsistent with agreements made with MU Student Union Limited or the University, as the case may be, from time to time;
- (d) To provide an independent framework for Student social and political activity;
- (e) To develop, maintain and support Student clubs, societies and associational life generally;
- (f) To promote and defend the rights of Students to education on the basis of equality, without regard to race, colour, sex, sexuality, gender identity, age, physical disability, mental illness, economic circumstances, political religious or ideological conviction, or national or social origin;
- (g) To provide a democratic and transparent forum in which Students' affairs and interest can be governed in an effective and accountable manner; and
- (h) To promote free and accessible government-funded education.

4 POWERS

In order to achieve its Purposes, but for no other purpose and subject always to the terms of any agreements with MU Student Union Limited or the University, as the case may be, the Association has all the powers of a natural person.

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5 INCORPORATION

- 5.1 UMSU is an association incorporated under the Associations Incorporation Act 1981 (Victoria) and is subject to the provisions of that Act and the regulations made under that Act.
- 5.2 In the event of any inconsistency between any provision of the Act and this Constitution, the provisions of the Act will apply and the offending provision of this Constitution will be read down to the extent necessary to ensure any inconsistency is resolved.

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6 RECOGNITION OF ORIGINAL CUSTODIANS

- UMSU Incorporated recognises that Aboriginal people, as the original custodians of the land on which the University sits:
- (a) Have a unique status as the descendants of Australia's first peoples;
 - (b) Have a spiritual, social, cultural and economic relationship with their traditional lands and waters within Australia; and
 - (c) Have made a unique and irreplaceable contribution to the identity and wellbeing of Australia.

REPRESENTATIVE ROLE

7 REPRESENTATIVE OF STUDENTS

At the time of its incorporation, UMSU was recognised by the Council of the University as the representative body of all Students completing higher education award courses at all campuses of the University and at the Victorian College of the Arts which is an affiliated institution of the University.

8 SPECIAL CONSTITUENCIES

- 8.1 UMSU in turn recognises the following organisations as representative of Special Constituencies of Students enrolled at the University:
- (a) University of Melbourne Postgraduate Association Incorporated, which represents Postgraduate Students;
 - (b) Melbourne University Overseas Student Service, which represents International Students;
 - (c) The campus student associations of the Faculty of Land and Food Resources of the University, which represent Students enrolled in courses at the Faculty of Land and Food Resources campuses of the University other than the Parkville campus.
- 8.2 UMSU recognises the right of each of these bodies to speak on behalf of its Special Constituents on issues, which specifically affect them.
- 8.3 UMSU may not make representations to the University on issues specific to any of these constituencies unless requested to do so by the relevant organisation.

Deleted: <#>Victorian College of the Arts Student Union Incorporated, which represents Students of the Victorian College of the Arts;¶

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MEMBERS

9 MEMBERS

- 9.1 The Members of UMSU are:
- (a) those persons enrolled as Students in a higher education award course conducted or otherwise approved by the University, except for those Students who have indicated that they do not wish to become or remain Members; and
 - (b) Officers under this Constitution, should they cease to be Students during their term of office.

9.2 For the purposes of rule 9.1(a), a Student will be taken to have indicated that they do not wish to become or remain a Member if that Student has taken (or not taken as the case may be) any necessary action as required not to become or remain a Member of UMSU.

10 NO DISCRIMINATION IN THE PROVISION OF FUNDED SERVICES

In accordance with the Tertiary Education Act 1993, UMSU may not discriminate on the basis of membership of UMSU in relation to the provision of services funded in whole or in part by fees compulsorily imposed by the University as a non-academic fee.

11 RIGHTS OF MEMBERS

Subject to any restrictions imposed elsewhere in this Constitution (but not to any restrictions imposed by Regulations made in accordance with this Constitution) every Member is entitled to:

- (a) all the rights granted to students;
- (b) be advised that Members are requesting the calling of a General Meeting or Referendum, and of the contact details of those Members or at least one of them;
- (c) inspect any requests sent to the Secretary for the calling of a General Meeting or Referendum;
- (d) take part in a request for the calling of a General Meeting or a Referendum;
- (e) receive notice of General Meetings and Referenda;
- (f) have access to the facilities of UMSU to call a General Meeting or Referendum if the Secretary does not do so;
- (g) attend, speak and vote at General Meetings;
- (h) vote in a Referendum;
- (i) vote at elections for membership of the Students' Council and other Committees established by this Constitution;
- (j) nominate and stand for election to the Students' Council (as an Officer or a voting Member), or to any Committee established under this Constitution;
- (k) attend and speak at meetings of the Students' Council and any Committee or Sub-Committee (unless meeting in camera);
- (l) inspect the minutes, certified as a true copy by the chair, of:
 - (i) any General Meeting;
 - (ii) any meeting of the Students' Council;
 - (iii) any Committee or Sub-Committee established under this Constitution; or
 - (iv) any group of persons exercising delegated authority under this Constitution, as soon as possible after the conclusion of that meeting, or the part of a meeting held on a particular day, and in no case later than the end of the third working day after the day on which the meeting or part of the meeting was held.

12 REGISTER OF MEMBERS

12.1 The Secretary shall keep a Register of Members. The Register shall contain the name and email address (if applicable) of each Member who has consented to their inclusion on the Register of Members in accordance with the applicable Privacy Legislation.

12.2 The Secretary shall also keep a document containing a statement from the relevant officer of the University, stating the total number of Students enrolled for a course leading to a degree or diploma as at the first Monday of first Semester in that year. That number shall serve as the number of enrolled Students for the purposes of this Constitution until the first Monday of first Semester in the following year.

12.3 The Secretary shall also keep a document containing a statement from the relevant officer of the University stating the number of Students who have taken (or not taken as the case may be) any necessary action as required not to be a Member of UMSU.

13 COMMENCEMENT OF MEMBERSHIP

A person becomes a Member when that person completes enrolment for a higher education award course conducted by the University, and has not indicated as part of that enrolment that the person does not wish to become or remain a Member of UMSU.

14 END OF MEMBERSHIP

A person ceases to be a Member:

- (a) when the Secretary receives a signed resignation from the Member;
- (b) when the Member withdraws from all courses for which that person is enrolled, or is expelled from the University;
- (c) at the conclusion of the enrolment period for the first Semester of the following year, if the Member has not enrolled for that Semester, or been granted leave of absence in order to take up an Officer position; or
- (d) at the end of one month after being advised that a Membership fee or any other fee imposed under this Constitution is in arrears, unless within that month all fees in arrears are paid.

15 MEMBERSHIP FEES

15.1 At the commencement of this Constitution no joining fee or subscription is payable for membership of UMSU.

15.2 The Students' Council, by resolution approved by more than half of all the voting Representatives then in office, and with the consent of the Council of the University, may impose a subscription fee. The subscription may not be imposed retrospectively.

15.3 The Students' Council may determine:

- (a) the amount of any joining fee or subscription fee;
- (b) the dates and method for payment of any joining fee or subscription fee; and
- (c) any differential rates of joining fee or subscription fee applicable to different categories of Members.

GENERAL MEETINGS OF STUDENTS

16 REQUESTING GENERAL MEETINGS

The Secretary must call a General Meeting if:

- (a) the Students' Council by vote approved by more than half of all its voting Representatives directs that one be held; or
- (b) at least one per cent of Students (including Students who are not Members) request in writing or by email that one be held.

17 TIME WITHIN WHICH NOTICE OF A GENERAL MEETING MUST BE GIVEN

The Secretary must issue the notice for a General Meeting not later than the end of the fifth Academic Day after the day on which the direction of the Students' Council or the necessary number of requests is received by the Secretary. The Secretary shall be deemed to have received any such direction or request when it is served on the Secretary as provided in rule 159.

18 TIME WITHIN WHICH A GENERAL MEETING MUST BE HELD

- 18.1 The date notified for the holding of the General Meeting must not be later than the twelfth Academic Day after the date on which the direction is made and received by the Secretary, or the required number of requests has been received by the Secretary, unless a General Meeting is called to consider a Special Resolution.
- 18.2 If a Special Resolution is to be considered, at least twenty one days notice, including at least five Academic Days notice, must be given.
- 18.3 A General Meeting must be held on an Academic Day, and on University grounds at a location generally accessible to Students.

19 RIGHTS IF SECRETARY DOES NOT COMPLY

- 19.1 If:
- (a) no notice of a General Meeting has been given within the time specified in this Constitution; or
 - (b) the date for the holding of the General Meeting is later than the date required by this Constitution,
- any Representative of the Students' Council, or any Member who requested the holding of the General Meeting, may give a notice of General Meeting which complies with this Constitution.
- 19.2 The Officers and Staff Members of UMSU must facilitate the giving of a notice of General Meeting which complies with the provisions of this Constitution.

20 HOW NOTICE MUST BE GIVEN

Notice of a General Meeting must be given:

- (a) to each Member by sending it to the email address notified by that Member to the University. If no email address has been notified by a Member, this obligation will not apply in relation to that Member;
- (b) by posting the notice on the UMSU website;
- (c) by posting the notice on a prominent notice board in Union House; and
- (d) in such additional manner as is set out in the Regulations.

21 HOW MUCH NOTICE MUST BE GIVEN

Subject to rule 18, there must be at least five Academic Days between the day on which a notice of a General Meeting is given and the day on which the meeting is held.

22 ACCIDENTAL FAILURE TO GIVE NOTICE

A General Meeting is not invalid if a Member fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

23 CHAIRING GENERAL MEETINGS

- 23.1 The chair of a General Meeting is appointed:
- (a) by the Students' Council, if the meeting is called at the direction of the Students' Council; or
 - (b) by those requesting the holding of the meeting, if called on a request, pursuant to rule 16(b) or 19.1,
- but if more than half the Students present at the General Meeting vote to remove the chair, the person appointed must vacate the chair, and the Students present must elect a new chair.

23.2 The chair will only have a deliberative vote if the chair is otherwise entitled to vote at the General Meeting in accordance with this Constitution.

23.3 The chair does not have a casting vote in addition to any deliberative vote.

24 QUORUM AT GENERAL MEETINGS

24.1 The quorum required for a General Meeting is at least one per cent of Students, present and voting.

24.2 Notwithstanding rule 24.1, the quorum required for a General Meeting considering a Special Resolution is either 400 Members or 10 per cent of Members, whichever is the lesser.

24.3 If at the end of half an hour from the time advertised for the commencement of the meeting, a quorum is not present, the chair must close the meeting.

25 PROXIES

Proxies are not permitted at General Meetings.

26 POWERS OF A GENERAL MEETING

26.1 Subject to the other provisions of this Constitution and the Act (including those restricting the entitlement of non Members to vote), the Students present in General Meeting may:

(a) pass a resolution stating the manner in which the Students' Council or any Committee should exercise its powers subject to the obligations of the Officers under this Constitution and the Act, if at least half of the Students voting vote in favour of the resolution; or

(b) dismiss any person elected in accordance with this Constitution, if at least two thirds of the Students voting vote in favour of the resolution.

26.2 For the avoidance of doubt, subject to any provisions of this Constitution and the Act restricting the entitlement of non Members to vote at a General Meeting, Students who are not Members are nevertheless entitled to vote at a General Meeting and any vote by a Student who is not a Member will be treated as a vote by a Member for the purposes of determining the votes in favour of or against a resolution. Students who are not Members are not entitled to vote on a Special Resolution.

26.3 Subject to the other provisions of this Constitution, the Members present in General Meeting may pass a Special Resolution, if at least three quarters of the Members voting vote in favour of the resolution as prescribed by the Act, and the other relevant provisions of the Act have been complied with.

26.4 A General Meeting considering one or more Special Resolutions cannot consider any resolutions which are not Special Resolutions.

26.5 If a resolution otherwise passed by the Members in accordance with this rule is referred to a Referendum in accordance with rule 27 or 28, the resolution only takes effect:

(a) if and when the Referendum is withdrawn;

(b) when the Referendum is concluded, unless the decision of the Referendum is contrary to the resolution in which case the resolution will have no effect; or

(c) if the Referendum is not concluded within one month of the request to refer the matter to a Referendum, at the end of that period.

27 MATTERS WHICH MAY NOT BE DETERMINED BY GENERAL MEETINGS

27.1 A General Meeting may not consider a motion specifically affecting Students of a Special Constituency as defined in rule 8 of this Constitution, if the proposed motion is not in accordance with a resolution of the representative body for that Special Constituency.

- 27.2 A General Meeting may not consider a motion which does not require a Special Resolution if, before the meeting, a Referendum is requested in accordance with this rule.
- 27.3 A resolution, including a Special Resolution, passed at a General Meeting is suspended if a Referendum is requested in accordance with rule 27.5 within the specified time after the meeting.
- 27.4 A request for a Referendum in respect to a resolution made before or after a meeting must be made by at least fifty Members who are either Part-time Students or Post-graduate Students or Students studying at a campus other than Parkville.
- 27.5 The request must be in writing or by email and be addressed to the Secretary.
- 27.6 The specified time for the purposes of rule 27.3 is the period ending at 5:00pm on the third Academic Day after the day on which the General Meeting is held.
- 27.7 In all cases, any matter or resolution considered and approved at a Referendum must still be passed as a resolution of UMSU as provided in rule 26 before it has any effect, unless the terms of the Referendum provide that it is a resolution for the purposes of rule 26 and the terms of the Referendum are otherwise consistent with the Act and rule 40.

27A MINUTES OF GENERAL MEETING

- 27A.1 Minutes must be taken and kept of all General Meetings detailing:
 - (a) that the General Meeting was duly convened and held;
 - (b) all proceedings, recorded as having taken place at the General Meeting; and
 - (c) all elections or appointments purporting to have been made at the General Meeting.
- 27A.2 Minutes of the meeting certified as a true copy by the chair of the General Meeting must be displayed as soon as possible after a General Meeting on the UMSU website and on a prominent notice board in Union House.
- 27A.3 Subject to this Constitution, meeting minutes and documents tabled at a General Meeting must be made available for Students to inspect both online and in person.

REFERENDUM

28 REQUESTING A REFERENDUM

The Secretary must call a Referendum if:

- (a) the Students' Council by vote approved by more than half of all its voting Representatives directs that one be held; or
- (b) at least one per cent of Students (including Students who are not Members) request in writing or by email that one be held; or
- (c) a Referendum has been requested in accordance with rule 27.

29 TIME WITHIN WHICH NOTICE OF A REFERENDUM MUST BE GIVEN

The Secretary must issue the notice for a Referendum not later than the end of the fifth Academic Day after the day on which the direction of the Students' Council or the necessary number of requests is received.

30 TIME WITHIN WHICH A REFERENDUM MUST BE HELD

The date notified for the commencement of a Referendum must not be later than the twenty-first day after the date on which the direction is made or the required number of requests has been received by the Secretary; and in respect of which the relevant provisions of rule 159 also apply in relation to such receipt.

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31 RIGHTS IF SECRETARY DOES NOT COMPLY

31.1 If:

- (a) no notice of a Referendum has been given within the time specified in this Constitution; or
 - (b) the date for the holding of the Referendum is later than the date required by this Constitution,
- any Representative of the Students' Council, or any Member who requested the holding of the Referendum, may give a notice of Referendum which complies with this Constitution.

31.2 The Officers and Staff Members of UMSU must facilitate the giving of a notice of Referendum which complies with the provisions of this Constitution.

32 HOW NOTICE MUST BE GIVEN

Notice of a Referendum must be given in the same manner as for a General Meeting.

33 HOW MUCH NOTICE MUST BE GIVEN

Subject to the Act, there must be at least five Academic Days between the day on which a notice of a Referendum is given and the first of the days on which it is held.

34 ACCIDENTAL FAILURE TO GIVE NOTICE

A Referendum is not invalid if a Student fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

35 RETURNING OFFICER FOR REFERENDUM

The Electoral Tribunal appoints the Returning Officer to conduct a Referendum.

36 LENGTH OF REFERENDUM

A Referendum must be conducted over five consecutive Academic Days.

37 QUORUM AT REFERENDUM

No result in a Referendum can occur unless at least three per cent of Students cast a vote in that Referendum.

38 PROXIES

Proxies are not permitted at a Referendum.

39 POWERS OF A REFERENDUM

Subject to the other provisions of this Constitution, the Members, by Referendum, may, if at least half of the Students voting vote Yes to the question put:

- (a) direct the Students' Council or any Committee to make a decision within its powers;
- or
- (b) direct the dismissal of any person elected in accordance with this Constitution.

40 MATTERS WHICH MAY NOT BE DETERMINED BY REFERENDUM

A Referendum may not determine a matter if:

- (a) it is a matter which under the Act is required to be dealt with by Special Resolution, and a Special Resolution has not been passed by a General Meeting; or

- (b) it is a matter only affecting Students of a Special Constituency as defined in rule 8 of this Constitution, and the proposed determination is not in accordance with a resolution of the representative body for that Special Constituency.

40A DETERMINATION OF REFERENDUM

40A.1 Confirmation of the outcome of a Referendum certified as a true copy by the Returning Officer must be displayed as soon as possible after a Referendum is concluded on the UMSU website and on a prominent notice board in Union House.

40A.2 Subject to this Constitution, confirmation of the outcome of a Referendum must be available for Students to inspect both online and in person.

STUDENTS' COUNCIL AND OFFICERS

41 STUDENTS' COUNCIL

Subject to the other provisions of this Constitution, the Students' Council is responsible for:

- (a) the control and management of UMSU;
- (b) coordinating the activities of UMSU;
- (c) determining appeals as outlined in rule 134;
- (d) affiliating, cooperating with, and joining other organisations in order to carry out the Purposes of UMSU;
- (e) representing Students, and petitioning on behalf of Students, to the University and in the community;
- (f) the finances of UMSU;
- (g) setting the UMSU budget;
- (h) the employment of staff by UMSU, and the honoraria and conditions of Officers;
- (i) enacting Regulations, unless the power to enact Regulations is specifically entrusted with another body by this Constitution; and
- (j) such other matters as are prescribed in this Constitution and the Regulations.

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42 MEMBERSHIP OF THE STUDENTS' COUNCIL

42.1 The Students' Council consists of:

- (a) the following eighteen voting Representatives:
 - (i) one Representative elected by each of the following constituencies:
 - (A) Queer Students
 - (B) Indigenous Students
 - (C) International Students
 - (D) Mature Age Students
 - (ii) fourteen general Representatives elected by all Students, of whom at least seven must be Women. If at least seven candidates for election are not Women, those places not filled by Women may be filled by any other Member; and
- (b) the following non-voting Representatives:
 - (i) the Officers;
 - (ii) the President of the Melbourne University Overseas Student Service;
 - (iii) the President of the University of Melbourne Postgraduate Association Incorporated;
 - (v) the Presidents of the campus associations of the Faculty of Land and Food Resources campuses.

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Deleted: iv) the President of the Victorian College of the Arts Student Union Incorporated; and¶

43 ELECTION OF VOTING REPRESENTATIVES

The voting Representatives of the Students' Council are elected by enrolled Students at the annual elections, subject to the restrictions set out in this Constitution dealing with such matters.

44 ELIGIBILITY TO HOLD OFFICE

Only Members of UMSU are eligible to be elected as voting Representatives of the Students' Council.

45 OFFICERS

The following Officers shall be elected annually:

- (a) President;
- (b) Secretary;
- (c) Education (Academic Affairs) Officer;
- (d) Education (Public Affairs) Officer;
- (e) Welfare Officer;
- (f) Wom*n's Officer;
- (g) Arts Officer;
- (h) Activities Officer;
- (i) Queer Officer;
- (j) Environment Officer;
- (k) Media Officers;
- (l) Clubs & Societies Officer; and
- (m) Indigenous Officer
- (n) Campus Co-ordinator, Victorian College of the Arts and Music Student Association Council

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46 BY WHOM ELECTED

- 46.1 The Officers are elected by all Students (including Students who are not Members), subject to the restrictions set out in this Constitution dealing with such matters.
- 46.2 For the avoidance of doubt, Students who are not Members are nevertheless entitled to vote in the annual elections for Officers and any vote by a Student who is not a Member will be treated as a vote by a Member for the purposes of determining the outcome of the election.

47 ELIGIBILITY TO HOLD OFFICE

Only Members of UMSU are eligible to be elected as Officers.

48 JOINT OFFICE

- 48.1 Any Officer position may be held by two persons jointly except the positions of President, Secretary, Campus Co-ordinator Victorian College of the Arts and Music Student Association Council, and Media Officer.
- 48.2 If more than one person holds the office of Queer Officer, one of them must be a Woman.
- 48.3 The position of Media Officer shall be held jointly by no less than three and no more than four persons.
- 48.4 Each person holding a position jointly is responsible for the carrying out of the duties of the office and for attendance at meetings in accordance with this Constitution.

49 TERM OF OFFICE

All Officers, voting Representatives of the Students' Council and voting Representatives of Committees elected at the annual elections hold office for the following calendar year.

50 OFFICERS NOT EMPLOYEES

50.1 An elected Officer is not an employee of UMSU, and is not entitled to benefits resulting from employment. This does not affect the obligation of UMSU to comply with statutory obligations.

50.2 All Officers, with the exception of the Campus Co-ordinator, Victorian College of the Arts and Music Student Association Council, holding an office individually shall be remunerated an honorarium in the same amount irrespective of the office held.

50.3 The Campus Co-ordinator, Victorian College of the Arts and Music Student Association Council, shall be remunerated with an honorarium being 50% of the honorarium determined in accordance with Rule 50.2.

50.4 Each Officer holding an office jointly shall be remunerated with an honorarium being 60% of the honorarium received by Officers holding an office individually.

50.5 The Students' Council may by Regulation set honoraria for the Media Officers provided that:

- (a) Each Media Officer is not to receive less than 60% of the honorarium received by an Officer holding an office individually; and
- (b) Each Media Officer is not to receive more than 100% of the honorarium received by Officers holding an office individually.

51 CASUAL VACANCIES

51.1 A person ceases to be an Officer or other Representative of the Students' Council or of a Committee if:

- (a) the Secretary receives a resignation in writing or by email from that person;
- (b) the person is dismissed by a General Meeting or Referendum;
- (c) the person ceases to be a Member;
- (d) the person is employed by the University, any body controlled by the University, MU Student Union Limited, or UMSU in at least a .5 position; or
- (e) the person, without leave granted by resolution of the Students' Council or the Committee to which they are a member, fails on three consecutive occasions to attend at or within thirty minutes after the time specified for the commencement of a meeting (other than a special meeting) of the Students' Council or the Committee to which they are a member.

51.2 If an Officer holding a position jointly ceases to be an Officer, the other joint holder continues to hold that office individually. A casual vacancy will only arise if all joint holders of an office cease to hold that office.

52 LEAVE

52.1 Leave may only be granted retrospectively if documented evidence is produced of the circumstances which prevented the timely application for a leave of absence.

52.2 Not more than three months' leave may be granted to any person in a calendar year.

52.3 No person may receive any remuneration whilst on leave.

53 FILLING CASUAL VACANCIES

53.1 If a casual vacancy occurs in an elected position at any time between the declaration of results of the annual election prior to the relevant term of office commencing, and a date which is at least 21 days prior to the opening of polling in the annual election in the year of

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office, that vacancy is to be filled at a by-election or other method as regulated by the Electoral Tribunal, unless it is an Officer position. If it is an Officer position, the position may only be permanently filled by a by-election, or temporarily filled according to the procedure for temporary filling a vacancy.

- 53.2 Any by-election to be held in Semester Two before the end of the annual election must be held concurrently with the annual election.
- 53.3 If a casual vacancy in an elected position occurs during the term of office, but after the date 21 days before the opening of polling in the annual election, it may be filled in a manner to be determined by the Electoral Tribunal, unless it is an Officer position. If it is an Officer position, the procedure for temporarily filling a vacancy applies, unless the body entitled to fill that vacancy decides that it is not necessary to fill the vacancy.

54 TEMPORARY FILLING OF OFFICER POSITIONS

- 54.1 If the Officer position of President or Secretary becomes vacant, the Students' Council may appoint a Member to act as the President or Secretary on a temporary basis.
- 54.2 If the Officer position of Media Officers becomes vacant, the Students' Council may appoint a Member or Members to act as the Media Officers on a temporary basis.
- 54.3 If any other Officer position becomes vacant, the Committee to which that Officer is accountable may appoint a Member or Members to act as the Officer on a temporary basis.
- 54.4 The vacancy must be notified to Members by email for at least one week prior to the appointment, in addition to any requirements as to advertising prescribed by Regulation.
- 54.5 If a person so appointed is an elected voting Representative of the Students' Council or a Committee under this Constitution, the right to vote, but not membership of the Committee or the Students' Council, is suspended while the person is acting as an Officer.

55 RESPONSIBILITIES OF OFFICERS

- 55.1 Each Officer is accountable to and subject to direction by the Students' Council, as the governing body of UMSU.
- 55.2 Each Officer is also accountable to and subject to direction by the relevant Committee corresponding to the office held by the Officer. The provisions of rule 79A.6 will apply in the event of any inconsistency between the direction of the Committee and the Students' Council.
- 55.3 The President and Secretary are accountable to and subject to direction by the Students' Council and must act in accordance with the direction of the Students' Council except to the extent the direction would require the President or the Secretary to act in breach of this Constitution or the Act.
- 55.4 The Media Officers are accountable to and subject to direction by the Students' Council in respect of finance and compliance with the law and with the Purposes of UMSU.
- 55.5 No Officer has the capacity to bind UMSU or any Committee or incur liabilities on behalf of UMSU or any Committee except with the prior authority of the Students' Council or the Committee (as the case may be).

56 DUTIES OF OFFICERS

Each Officer in carrying out his or her functions and duties:

- (a) must report in writing to each regular meeting of the Students' Council and of the Committee to which they are accountable;
- (b) is directly accountable through the relevant Committee corresponding to the Office held by the Officer to the Members;
- (c) is bound at all times by UMSU Policy and Regulations in the execution of their duties;

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- (d) is responsible for implementing the decisions of the relevant Committee corresponding to the Office held by the Officer;
- (e) must liaise with grant applicants and recipients at the direction of the relevant Committee corresponding to the Office held by the Officer;
- (f) must provide support and resources for Committees and the Students' Council;
- (g) must ensure that appropriate research has been undertaken to ensure an informed decision-making process occurs in the Students' Council and the Committees;
- (h) must endeavour to inform all Students of the working and decisions of the Committee corresponding to the Office held by the Officer by reporting to UMSU print and electronic media;
- (i) must maintain the Department noticeboard and web page corresponding to the Office held by the Officer;
- (j) must provide the Students' Council and the Committee corresponding to the Office held by the Officer with timely and accurate financial information;
- (k) must report the workings of the Department corresponding to the Office held by the Officer to each regular meeting of the Students' Council;
- (l) must endeavour to provide information and assistance to Students with regards to UMSU Regulations and Policy;
- (m) must liaise with other UMSU Departments to better coordinate the activities of UMSU;
- (n) must liaise with other student organisations to better the interests of Students;
- (o) must endeavour to implement the Purposes of UMSU;
- (p) must endeavour to implement the aims and objectives of the Department corresponding to the Office held by the Officer;
- (q) must act in good faith, honestly and for proper purposes consistent with the Purposes and interests of UMSU;
- (r) must undertake financial and prudential oversight and management;
- (s) must exercise appropriate care and diligence; and
- (t) must take reasonable steps to avoid all conflicts of interest.

DUTIES OF SPECIFIC OFFICERS

57 PRESIDENT

57.1 The responsibilities of the President are:

- (a) To act as a spokesperson for UMSU;
- (b) To implement the Purposes and Policies of UMSU;
- (c) To be available for Student consultations on any matter relating to the interests of Students at the University; and
- (d) To carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council.

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58 SECRETARY

The responsibilities of the Secretary are:

- (a) to maintain proper records of UMSU, including up to date copies of this Constitution, the Regulations and Policy documents and to make them accessible to all Students;
- (b) to liaise regularly with MU Student Union Limited regarding the financial situation of UMSU, and to the extent financial information is available and able to be passed on, ensure accurate and timely financial information is provided to Officers, Students' Council Representatives and Committee Representatives;

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- (c) to act as secretary to the Students' Council, the Committees and all Sub-Committees of UMSU, except where other provision for this responsibility is made in, or in accordance with, this Constitution or the Regulations;
- (d) to be the publisher of all material published by the Association, unless otherwise decided by Regulation;
- (e) to act as the Public Officer of the Association, unless otherwise decided by Regulation; and
- (f) to carry out such other duties as are prescribed by this Constitution and the Regulations or directed by the Students' Council.

59 MEDIA OFFICERS

The responsibilities of the Media Officers are:

- (a) to produce regular editions of a student newspaper, named Farrago, showcasing Student opinion and creativity, and UMSU activities;
- (b) to ensure all Media Department publications do not contravene the aims and purposes of UMSU;
- (c) to promote greater Student participation in all forms of media, including, but not limited to:
 - (i) supporting publications produced by other Officers;
 - (ii) producing election broadsheets;
 - (iii) producing weekly newsletters;
 - (iv) liaising with other media outlets;
 - (v) training Students;
 - (vi) being involved with art festivals; and
 - (vii) supporting other Student media initiatives; and
- (d) to provide opportunities for Students to gain skills in publishing, editing and design.

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COMMITTEES

60 COMMITTEES

The following Committees are established:

- (a) Activities Committee
- (b) Arts Committee
- (c) Clubs and Societies Committee
- (d) Education Committee
- (e) Environment Committee
- (f) Indigenous Committee
- (g) Queer Committee
- (h) Welfare Committee
- (i) Wom*n's Committee
- (j) Burnley Student Association Committee
- (k) Victorian College of the Arts and Music Student Association Council

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61 MEMBERSHIP OF COMMITTEES

Each Committee, with the exception of the Victorian College of the Arts and Music Student Association Council and the Arts Committee, consists of:

- (a) seven voting Representatives, of whom at least three must be Women. If at least three candidates for each Committee are not Women, those places not filled by Women may be filled by other candidates;
- (b) the relevant Officer or Officers as a non-voting Representative; and

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(c) not more than three additional non-voting Representatives co-opted by the Committee.

(d) The Arts Committee consists of:

- (i) seven voting Representatives, of whom at least three must be Women. If at least three candidates for each Committee are not Women, those places not filled by Women may be filled by other candidates;
- (ii) two voting Representatives elected by and from the voting members of the Victorian College of the Arts and Music Student Association Council, of whom at least one must be a Woman. If at least one candidate for each position is not a Woman, those places not filled by Women may be filled by other candidates;
 - (a) the relevant Officer or Officers as a non-voting Representative; and
 - (b) not more than three additional non-voting Representatives co-opted by the Committee.

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62 VICTORIAN COLLEGE OF THE ARTS AND MUSIC STUDENT ASSOCIATION COUNCIL

The Victorian College of the Arts and Music Student Association Council consists of the following voting members:

- (a) Campus Co-ordinator (casting vote only);
- (b) Campaigns Co-ordinator;
- (c) One Representative elected by each of the following constituencies:
 - i. Queer Students
 - ii. Indigenous Students
 - iii. International Students
 - iv. Wom*n Students
 - v. Graduate Students

(d) One representative each of the following academic units of the Faculty of the VCA and Music, elected by and from students of those academic units:

- i. Art;
- ii. Drama;
- iii. Dance;
- iv. Film and Television;
- v. Music;
- vi. Production; and,
- vii. Musical Theatre

(e) The student or students holding the position of Arts Officer as established by Rule 45(g) will be ex-officio and non-voting members of the Committee.

63 BY WHOM ELECTED

63.1 Subject to this rule 62, the voting Representatives of each Committee are elected by enrolled Students at the annual elections.

63.2 This does not apply to the voting Representatives of the Wom*n's Committee, Queer Committee and Indigenous Committee.

63.3 The voting Representatives of the Wom*n's Committee are elected by enrolled Students who are Women.

- 63.4 The voting Representatives of the Queer Committee are elected by enrolled Students who are Queer Students. Deleted: 2
- 63.5 The voting Representatives of the Indigenous Committee are elected by enrolled Students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education. Deleted: 2
- 63.6 The voting Representatives of the Burnley Students Association Committee are elected from Members who are enrolled in a higher education course at the Burnley Campus. Deleted: 2
- 63.7 The voting Representatives of the Victorian College of the Arts and Music Student Association Council are elected from Members who are enrolled in a higher education course at the Southbank Campus, and subject to the additional restrictions set out in Rule 62. Deleted: 2
64. ELIGIBILITY TO HOLD OFFICE Deleted: 3
- 64.1 Only Members of UMSU are eligible to be voting Representatives of Committees. Deleted: 3
- 64.2 Additional restrictions apply to the voting Representatives of the Wom*n's Committee, Queer Committee and Indigenous Committee. Deleted: 3
- 64.3 The voting Representatives of the Wom*n's Committee are elected from Members of UMSU who are Women. Deleted: 3
- 64.4 The voting Representatives of the Queer Committee are elected from Members of UMSU who are Queer Students. Deleted: 3
- 64.5 The voting Representatives of the Indigenous Committee are elected from Members of UMSU who are Indigenous Students as evidenced by a roll kept at the Centre for Indigenous Education. Deleted: 3
- 64.6 The voting Representatives of the Burnley Students Association Committee are elected from Members who are enrolled in a higher education course at the Burnley Campus. Deleted: 3
- 64.7 The voting Representatives of the Victorian College of the Arts and Music Student Association Council are elected from Members who are enrolled in a higher education course at the Southbank Campus, and subject to the additional restrictions set out in Rule 62. Deleted: 3
65. RESPONSIBILITIES OF COMMITTEES Deleted: 4
- Each Committee is responsible in the relevant area of activity to which the Committee relates for:
- (a) setting the direction of the Department;
 - (b) developing Policy;
 - (c) developing and administering the Committee's budget;
 - (d) overseeing grants to Students;
 - (e) encouraging Student discussion of, and participation in, activities relating to the Department;
 - (f) fostering, resourcing and consulting a Collective corresponding to the Department which, unless restricted elsewhere in this Constitution, is to be open to all Students;
 - (g) direction of the relevant Officer (or in the case of the Education Committee, Officers);
 - (h) implementing the Purposes of UMSU; and
 - (i) implementing the aims and objectives of the Department.
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66. RESPONSIBILITIES OF BURNLEY STUDENT ASSOCIATION DEPARTMENT COMMITTEE Deleted: 5
- The Burnley Student Association Department Committee is responsible for:
- (a) setting the direction of Burnley Student Association Department;

- (b) developing policy;
- (c) making regulations relating to the operations of the Burnley Student Association Department;
- (d) developing and administering the Burnley Student Association Department budget and finances;
- (e) overseeing grants to students;
- (f) direction of the BSA coordinators; and
- (g) implementing the aims and objectives of the Department and of UMSU.

67. RESPONSIBILITIES OF VICTORIAN COLLEGE OF THE ARTS AND MUSIC STUDENT ASSOCIATION COUNCIL

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The Victorian College of the Arts and Music Student Association Council is responsible for:

- (a) setting the direction of Victorian College of the Arts and Music Student Association Department;
- (b) developing policy;
- (c) making regulations relating to the operations of the Victorian College of the Arts and Music Student Association Department;
- (d) developing and administering the Victorian College of the Arts and Music Student Association Department budget and finances;
- (e) overseeing grants to students;
- (f) direction of the Campus Co-ordinator and Campaigns Co-ordinator, Victorian College of the Arts and Music Student Association Council; and
- (g) implementing the aims and objectives of the Department and of UMSU

68. STAFF DIRECTION

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68.1 No Committee has the authority to direct any Staff Member of UMSU.

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68.2 All directions of the Students' Council in relation to Staff Members are transmitted to the Senior Staff Member for implementation.

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69. DIRECTION OF OTHERS

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No Committee has the authority to direct another Committee, Coordinator or Officer.

DEPARTMENTS

70. DEPARTMENTS

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70.1 UMSU has the following Departments, which consist of the Committee, the Officer(s) and the Collective in the following areas:

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- (a) Activities;
- (b) Arts;
- (c) Clubs and Societies;
- (d) Education;
- (e) Environment;
- (f) Indigenous;
- (g) Queer;
- (h) Welfare;
- (i) Wom*n's;
- (j) Victorian College of the Arts and Music Student Association,

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70.2 Departments comprise all of the entities relating to an area of activity and do not have any independent existence or power in addition to those individual entities.

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71. MEDIA DEPARTMENT

There is also a Media Department, which consists of the Media Officers and the Media Collective.

72. BURNLEY STUDENT ASSOCIATION DEPARTMENT

There is also a Burnley Student Association Department, which consists of the Burnley Student Association Coordinators and the Burnley Student Association Committee.

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The Burnley Student Association Department shall have the following Coordinators:

- (a) President (Education Coordinator)
- (b) Vice-president (Welfare Coordinator)
- (c) Publications/Media Coordinator
- (d) Facilities Coordinator
- (e) Sports and Recreation Coordinator

AIMS AND OBJECTIVES OF DEPARTMENTS

73. ACTIVITIES DEPARTMENT

The aims and objectives of the Activities Department include:

- (a) to oversee the social and recreational activities of UMSU;
- (b) to oversee orientation planning and activities;
- (c) to organise and promote events including, but not limited to, concerts, barbecues, balls and union nights for Students;
- (d) to liaise with Student organisations and bodies in order to expand, develop and co-ordinate the range of cultural events and social activities for Students; and
- (e) to liaise with the Arts Department, Union House Theatre and the MUDFest steering Committee to expand, develop and co-ordinate artistic activities for Students;

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74. ARTS DEPARTMENT

The aims and objectives of the Arts Department include:

- (a) to facilitate and create an environment that fosters and actively supports the exploration of the arts by Students;
- (b) to involve Students as active participants and/or audiences in all Arts Department sponsored and/or initiated projects; and
- (c) to encourage Student involvement in and access to the arts beyond the confines of the University courses.

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75. CLUBS & SOCIETIES DEPARTMENT

The aims and objectives of the Clubs & Societies Department include:

- (a) to assist in offering Students a vibrant university experience through the formation of clubs and societies;
- (b) to oversee the registration and affiliation of clubs and societies to enable Students to access facilities, funding, grants and subsidies; and
- (c) to encourage the active involvement of Students in clubs & societies.

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76. EDUCATION DEPARTMENT

The aims and objectives of the Education Department include:

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- (a) to initiate and coordinate education campaigns, particularly with regard to access and equity for all Students;
- (b) to raise awareness of educational issues among staff and Students.
- (c) to campaign and advocate on issues relating to the quality of education, Student rights, and the needs of specific groups of Students at all campuses.
- (d) to monitor the implementation of education policy and teaching arrangements within the University;
- (e) to educate Students and run campaigns aimed at preventing cruelty to, and exploitation of, non-human animals, and improving the welfare of non-human animals; and
- (f) to campaign to and liaise with the University on issues relating to the harmful use of non-human animals in education and research where live non-human animals are used, or where an animal was killed prior to the class for the purposes of a class.

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77. ENVIRONMENT DEPARTMENT

The aims and objectives of the Environment Department include:

- (a) to oversee the activities of UMSU in relation to the environment, including campaigning on environmental issues and assessing UMSU compliance with environmental standards;
- (b) to develop, promote and implement policy on environment-related issues;
- (c) to make recommendations to Students' Council, MU Student Union Ltd and the University on environmental practice;
- (d) to collect, collate, publish and disseminate information relating to environmental issues;
- (e) to raise awareness and discussion of environmental issues;
- (f) to liaise with relevant University bodies, environment organisations and Student groups on environmental issues; and
- (g) to campaign for the protection of non-human animal habitats, in particular the habitats of endangered species.

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78. INDIGENOUS DEPARTMENT

The aims and objectives of the Indigenous Department shall be:

- (a) to ensure the interests of Indigenous Students at the University are determined by Indigenous Students; and
- (b) to ensure the interests of Indigenous Students are effectively represented, advocated and promoted in all aspects, operations and activities of UMSU and the University.

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79. MEDIA DEPARTMENT

The aims and objectives of the Media Department include:

- (a) to promote greater Student participation in all forms of media; and
- (b) to provide opportunities for Students to gain skills in publishing, editing and design.

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80. QUEER DEPARTMENT

The aims and objectives of the Queer Department include:

- (a) to actively increase visibility, awareness and acceptance of the presence of Students of all sexualities and genders on campus;
- (b) to encourage freedom of expression of all sexualities and genders at all levels of the University without fear of harassment or discrimination;
- (c) to combat queerphobic attitudes, violence and expression within UMSU, the University and the community;

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- (d) to provide a safe, autonomous and discreet queer space or environment on UMSU premises;
- (e) to provide support to all Students having difficulty with issues of sexuality or gender;
- (f) to provide access to support services available in the wider community to Students seeking sexuality or gender related information or referral; and
- (g) to provide Queer Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and to distribute information on sexual health issues.

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81. WELFARE DEPARTMENT

The aims and objectives of the Welfare Department are:

- (a) to oversee the activities of UMSU in areas related to Student welfare, including but not limited to Student poverty, racism, accessibility constraints, physical and mental health issues, marginalisation, discrimination and harassment;
- (b) to raise awareness of the diversity of Student experiences and ensure UMSU and the University are safe, accessible and respectful of diversity;
- (c) to liaise with Student service providers to ensure that all Students can participate fully in UMSU and the University;
- (d) to raise awareness of support services available for Students facing difficulties; and
- (e) to provide Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and to distribute information on sexual health issues.

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82. WOM*N'S DEPARTMENT

The aims and objectives of the Wom*n's Department are:

- (a) to oversee the activities, Policy and direction of UMSU in areas related to promoting the advancement and welfare of Women Students including, but not limited to, education, Student rights, Student representation, equal opportunity, publications and media;
- (b) to promote and assist in the development and maintenance of high quality services within the University that are responsive to the needs of Women Students;
- (c) to advocate for Women within UMSU and the University;
- (d) to organise political, educational and social events which promote feminist debate and action;
- (e) to provide and protect safe, autonomous Women's space on UMSU premises, and to maintain the materials, facilities and literature therein;
- (f) to provide Women Students with awareness of safe-sex practices and the prevention of sexually transmitted diseases, and distributing information on sexual health issues;
- (g) to facilitate a collective to produce the Women's publication, Judy's Punch, at least once per year;
- (h) to ensure the participation of all Women in the activities of the Department, and UMSU generally; and
- (i) to act as a contact for Women Students, providing support, advocacy, information and referral as required.

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83. BURNLEY STUDENTS ASSOCIATION DEPARTMENT

The aims and objectives of the Burnley Student Association Department are:

- (a) to provide a suitable cultural, social and sporting climate on campus and create opportunities for, and encourage, the development of social interaction between Students.

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- (b) to provide for, protect and develop the interests of Students with regard to financial, social, educational, professional and welfare matters and encourage interest groups and clubs and societies on campus.
- (c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.
- (d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.
- (e) to occupy and operate premises, which shall be a common meeting place and social centre for Students.
- (f) to assume other such responsibilities and organise and direct such activities as may be deemed appropriate for giving expression to the interests of the Department, or for carrying out any of the objects aforesaid.
- (g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.
- (h) to afford a recognised means of communication between students and the authorities of the campus, University, the community at large and other organisations of students.

84. VICTORIAN COLLEGE OF THE ARTS AND MUSIC STUDENT ASSOCIATION DEPARTMENT

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The aims and objectives of the Victorian College of the Arts and Music Student Association Department are:

- (a) to provide a suitable cultural and social climate on campus and create opportunities for, and encourage, the development of social interaction between Students.
- (b) to provide for, protect and develop the interests of Students with regard to financial, social, educational, professional and welfare matters and encourage interest groups and clubs and societies on campus.
- (c) to represent Students' interests in any matters as deemed necessary or desirable by the Department.
- (d) to provide, or ensure the provision of, facilities and services for the academic support, professional education, refreshment, entertainment, recreation and convenience of Students.
- (e) to occupy and operate premises, which shall be a common meeting place and social centre for Students.
- (f) to assume other such responsibilities and organise and direct such activities as may be deemed appropriate for giving expression to the interests of the Department, or for carrying out any of the objects aforesaid.
- (g) to be represented within UMSU and to cooperate with the Departments of UMSU and contribute to the specified aims and objectives of UMSU.
- (h) to afford a recognised means of communication between students and the authorities of the campus, University, the community at large and other organisations of students.

85. COLLECTIVES

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85.1 Each Committee is responsible for the fostering and resourcing of, and consultation with, a Collective open (unless participation is restricted elsewhere in this Constitution) to all Students.

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85.2 The Media Officers are responsible for the fostering and resourcing of, and consultation with, a Media Collective open to all Students.

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85.3 Participation in the Collectives established by the Wom*n's Committee, Queer Committee and Indigenous Committee is restricted to Students who qualify to vote in elections for the relevant Committee.

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85.4 The relevant Committee may by resolution permit other Members of UMSU to participate in a Collective.

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85.5 Each Collective must be consulted and resourced by the respective Committee to which the Collective relates, but the Collective does not have any decision-making or other power under this Constitution.

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85.6 A Collective does not have any independent power in addition to the Committee to which the Collective relates.

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HIERARCHY BETWEEN STUDENTS' COUNCIL, COMMITTEES, DEPARTMENTS AND COLLECTIVES

86A STUDENTS' COUNCIL IS PARAMOUNT

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86A.1 Subject to any determination by the Electoral Tribunal or the Grievance Tribunal of a matter within their authority in accordance with this Constitution, the Students' Council has overall responsibility for UMSU and ultimate decision making power rests with the Students' Council. Any decision of the Students' Council is binding on all Committees, Departments and Collectives.

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86A.2 To the extent consistent with the Purposes of UMSU, in making any determination, the Students' Council will have due regard to the decision or recommendation of any Committee to which the determination relates and will avoid overturning any decision or recommendation of any Committee except to the extent that the Students' Council consider it necessary to implement the Purposes of UMSU.

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86A.3 The Students' Council will not overturn a decision of a Committee relating to an area of activity for which that Committee is responsible unless the Committee's decision is subject to an appeal to the Students' Council in accordance with rule 134.

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86A.4 Subject to rule 82A.1, each Committee is responsible for determining Policy and making decisions relevant to its own area of activity.

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86A.5 Subject to this rule 82A, a Committee may direct any Officer whose Office corresponds to that Committee, but may not direct any other Officer.

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86A.6 In the event of an inconsistency between a direction to an Officer by a Committee and the Students' Council, the direction of the Students' Council will apply to the extent of any inconsistency.

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86A.7 A Department or Collective does not have any independent power in addition to the Committee to which the Department or Collective relates.

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STUDENTS' COUNCIL MEETINGS

87. HOW OFTEN MUST THE STUDENTS' COUNCIL MEET?

The Students' Council must meet at least once in each calendar month and must meet at least once every two weeks during first and second Semesters.

88. SETTING MEETING SCHEDULE

At the first meeting of the Students' Council in each Semester, a meeting schedule must be set, such that there is, as far as possible, no overlap with the meeting schedule of any Committee.

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89 REQUESTING A STUDENTS' COUNCIL MEETING

- ▼ The Secretary must call a Students' Council meeting if:
- (a) the Students' Council directs that one be held (either as part of the regular program or as a special meeting); or
 - (b) at least four of the voting Representatives of the Students' Council request in writing or by email that a special meeting be held.

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90 TIME WITHIN WHICH NOTICE OF A STUDENTS' COUNCIL MEETING MUST BE GIVEN

The Secretary must issue the notice for a special Students' Council meeting not later than the end of the second day after the day on which the direction of the Students' Council or the necessary number of requests is received by the Secretary, and in respect of which the relevant provisions of rule 159 also apply in relation to such receipt.

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91 TIME WITHIN WHICH A STUDENTS' COUNCIL MEETING MUST BE HELD

The date notified for the holding of a special Students' Council meeting must not be later than the fifth day after the date on which the direction is made or the required number of requests has been received by the Secretary.

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92 HOW MUCH NOTICE MUST BE GIVEN

92.1 There must be at least four Academic Days between the day on which notice of a regular Students' Council meeting is given and the day on which the meeting is held.

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92.2 There must be at least two Academic Days between the day on which a notice of a special Students' Council meeting is given and the day on which the meeting is held, unless more than half of the voting Representatives of the Students' Council notify the Secretary in writing or by email that they believe that a meeting should be held with less notice.

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93 RIGHTS IF SECRETARY DOES NOT COMPLY

93.1 If:

- (a) no notice of a special Students' Council meeting has been given within the time specified in this Constitution; or
 - (b) the date for the holding of the Students' Council meeting is later than the date required by this Constitution,
- any Representative of the Students' Council may give a notice of a special Students' Council meeting which complies with this Constitution.

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93.2 The Officers and Staff Members of UMSU must facilitate the giving of a notice of a special Students' Council meeting which complies with these provisions of this Constitution.

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94 HOW NOTICE MUST BE GIVEN

Notice of a Students' Council meeting must be given:

- (a) to each Representative of the Students' Council by sending it to the email address notified by that Representative on the Register of Members;
- (b) by posting the notice on the UMSU website;
- (c) by posting the notice on a prominent notice board in Union House; and
- (d) in such additional manner as is set out in the Regulations.

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95 ACCIDENTAL FAILURE TO GIVE NOTICE

- 95.1 A Students' Council meeting is not invalid if a Students' Council Representative fails to receive a notice by the time specified in this Constitution for a reason not attributable to the fault or neglect of any Officer or Staff Member of UMSU.

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96 CHAIRING STUDENTS' COUNCIL MEETINGS

- 96.1 At the commencement of each Students' Council meeting the voting Representatives present elect a chair for that meeting. If at any stage of the meeting a majority of Representatives vote to remove the chair, the chair must be vacated.

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- 96.2 The chair does not have a casting vote in addition to any deliberative vote.

- 96.3 The chair will only have a deliberative vote if the chair is a voting Representative.

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97 QUORUM AT STUDENTS' COUNCIL MEETINGS

- 97.1 The quorum required for a Students' Council meeting is the next integer greater than half the number of voting Representatives of that body then in office. A person exercising a proxy is not to be counted in determining whether a quorum is present.

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- 97.2 A vacancy in the membership of the Students' Council does not affect the right of the Students' Council to meet, provided a quorum is present.

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98 VOTING AT STUDENTS' COUNCIL MEETINGS

- 98.1 The consent of a majority of the voting Representatives present is necessary for decisions of meetings of the Students' Council. In the event of a tie, the motion will be defeated.

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- 98.2 This does not apply to a particular situation if another provision of this Constitution requires a greater majority.

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99 PROXIES AT STUDENTS' COUNCIL MEETINGS

- 99.1 A voting Representative of the Students' Council may appoint another Member of UMSU as their proxy for a single meeting, but no Member may hold more than one proxy.

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- 99.2 A voting Representative may only appoint a proxy for more than one meeting if the voting Representative has been granted leave of absence by the Students' Council.

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- 99.3 The Students' Council may provide by Regulation the required form of proxy and in the absence of any prescribed form, the proxy will be valid if it clearly specifies that it constitutes a proxy and outlines the basis on which the proxy may be exercised.

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100 PLACE AND TIME OF MEETING

- 100.1 Meetings must be held on University grounds at locations generally accessible to Students.

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- 100.2 A meeting of the Students' Council cannot be held at or adjourned on the same day to a place other than that given in the notice of meeting.

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- 100.3 Any adjournment of a meeting to a different day must be notified to all the Representatives of the Students' Council.

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101 MINUTES OF STUDENTS' COUNCIL MEETINGS

- 101.1 Minutes must be taken and kept of all Students' Council meetings detailing:

- (a) the meeting was duly convened and held;
- (b) all proceedings recorded as having taken place at the meeting; and
- (c) all elections or appointments purporting to have been made at the meeting.

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101.2 Minutes of the meeting certified as a true copy by the chair of the meeting must be displayed as soon as possible after a meeting on the UMSU website and on a prominent notice board in Union House. Deleted: 97

101.3 Minutes of the meeting as confirmed by any subsequent Students' Council meeting must be displayed on the UMSU website and on a prominent notice board in Union House. Deleted: 97

101.4 Subject to this Constitution, meeting minutes and documents tabled at meetings must be made available for Students to inspect both online and in person. Deleted: 97

102 REGULATIONS FOR THE CONDUCT OF STUDENTS' COUNCIL MEETINGS Deleted: 98

102.1 The Students' Council may make Regulations in accordance with this Constitution for the conduct of its meetings and of Committee meetings. A provision of a Regulation is invalid and of no effect if it is inconsistent with any provision of this Constitution or the Act. Deleted: 98

102.2 The Students' Council may regulate its own proceedings to the extent that there is no provision of the Constitution, the Regulations or the Act which deals with a particular matter. Deleted: 98

103 PARTICIPATION IN STUDENTS' COUNCIL AND COMMITTEES Deleted: 99

103.1 Elected Representatives of the Students' Council and Committees are required to make all reasonable efforts to attend, prepare for and participate in meetings of those bodies. Deleted: 99

103.2 The Students' Council must develop an induction process for all elected Representatives of the Students' Council and Committees. Deleted: 99

COMMITTEE MEETINGS

104 COMMITTEE MEETINGS Deleted: 00

104.1 The provisions set out in this Constitution for the calling, conduct of, and rights of Representatives in relation to the Students' Council meetings, shall apply equally to the calling and conduct of meetings of Committees established under this Constitution, with the following amendments: Deleted: 0

- (a) the word "Committee" shall be substituted for the words "Students' Council"; and
- (b) the words "Committee Representative" shall be substituted for the words "Students' Council Representative" wherever appropriate.

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104.2 Three voting Representatives of a Committee may request the calling of a meeting of that Committee. Deleted: 0

104.3 The following additional provisions shall apply to meetings of Committees and Sub-Committees:
(a) the Students' Council may direct the holding of a meeting; and
(b) the Secretary of UMSU is responsible for the giving of notice of all meetings. Deleted: 0

ELECTORAL TRIBUNAL

105 CONTROL OF ELECTIONS Deleted: 1

All elections and Referenda under this Constitution shall be controlled by the Electoral Tribunal.

106 ELECTORAL TRIBUNAL Deleted: 2

There shall be an Electoral Tribunal, consisting of three members.

107 QUALIFICATIONS FOR ELECTORAL TRIBUNAL MEMBERS

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- ▼ Each member of the Electoral Tribunal must:
 - (a) have been admitted to practise as a barrister and solicitor of the Supreme Court of Victoria more than five years before her or his appointment; and
 - (b) not have stood for election in an election of a student body at the University in the ten years prior to appointment.

108 APPOINTMENT OF MEMBERS

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The members of the Electoral Tribunal shall be appointed as follows:

- (a) one member shall be appointed by the Vice Chancellor;
- (b) one member shall be appointed by the Dean of the Faculty of Law; and
- (c) one member shall be appointed by the Students' Council.

109 TERM OF OFFICE

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A member of the Electoral Tribunal holds office until:

- (a) the member resigns in writing;
- (b) if appointed by the Vice Chancellor or the Dean of the Faculty of Law, the member is replaced by the person having the power to appoint that member; or
- (c) if appointed by the Students' Council, the member is removed by resolution of the Students' Council approved by two thirds of the voting Members of that Students' Council but not during the election period.

110 POWERS OF THE ELECTORAL TRIBUNAL

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The Electoral Tribunal has power :

- (a) to make Regulations governing the conduct of UMSU elections and Referenda;
- (b) to appoint a Returning Officer for UMSU elections and Referenda;
- (c) to call UMSU elections;
- (d) to give directions in relation to elections;
- (e) to hear appeals against decisions of the Returning Officer;
- (f) to declare the results of UMSU elections;
- (g) to hear appeals against the results of UMSU elections;
- (h) to do such additional things relating to elections and referenda as are determined by the Students' Council by Regulation and
- (i) to make regulation governing its own proceedings.

111 MEETINGS OF THE ELECTORAL TRIBUNAL

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Meetings of the Electoral Tribunal may be called by any member of the Electoral Tribunal by notice in accordance with rule 108.

112 NOTICE OF MEETINGS OF THE ELECTORAL TRIBUNAL

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112.1 At least five days notice must be given of a meeting of the Electoral Tribunal outside of an election period.

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112.2 At least 12 hours notice must be given of a meeting of the Electoral Tribunal during an election period.

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112.3 Notice must be given to each member of the Electoral Tribunal, and

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- (a) to the Returning Officer (if appointed);
- (b) if it relates to an appeal against a decision of the Returning Officer or against the result of the election, to all appellants and to any candidate, who, in the opinion of the Electoral Tribunal, is materially affected by the appeal; and
- (c) to the Secretary.

112.4 If the notice relates to an appeal, the notice must include all appeals to be dealt with and the notice of appeal in relation to each appeal.

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113. ATTENDANCE AT MEETINGS

Meetings of the Electoral Tribunal are open to Members unless the Electoral Tribunal determines to hold the meeting in camera.

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114. DECISIONS

114.1 The Electoral Tribunal must provide to the Secretary a brief summary of each decision on an appeal in relation to an election.

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114.2 The Secretary must post the decision on the UMSU website and on a prominent notice board in Union House.

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115. REMUNERATION

The remuneration (if any) of the members of the Electoral Tribunal will be determined by the Students' Council from time to time.

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RETURNING OFFICER

116. RETURNING OFFICER

116.1 The Electoral Tribunal must appoint a Returning Officer

- (a) for a calendar year; or
- (b) at least two weeks before nominations open for an annual election; or
- (c) at least one week before nominations open for a by-election.

116.2 The position must be advertised.

116.3 The Returning Officer must be a natural person with demonstrated qualifications and experience sufficient to enable proper performance of the role of Returning Officer in accordance with this Constitution. Nothing in this Constitution prevents the Returning Officer being an employee or director of any organisation.

116.4 The Returning Officer must establish a website, on which is posted all information relevant to the election, including the relevant provisions of this Constitution and the Electoral Regulations.

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ELECTIONS

117. ANNUAL ELECTIONS

117.1 An election for all elected positions must be held each year in second Semester.

117.2 The election must be held in the week commencing two weeks before the mid-Semester non-instruction period.

117.3 If:

- (a) the University's academic year changes, so that the week referred to in the previous sub-rule is no longer an appropriate time to hold the annual elections; or
- (b) the electoral procedure set out in the Constitution or the Regulations is disrupted, the Electoral Tribunal may determine the week in which the elections are to be held.

117.4 The Students' Council may, in the case of either of the above instances occurring, make recommendations to the Electoral Tribunal, by resolution approved by more than half of all the voting members of the Students' Council, regarding the week in which elections are to be held.

117.5 The annual elections must be held over five consecutive Academic Days.

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118 BY ELECTIONS

- By-elections may be held to fill casual vacancies either:
 - (a) at any time in Semester One before the final week of the Semester;
 - (b) concurrently with the annual elections; or
 - (c) after the declaration of the poll in the annual elections (for a position which commences on the following 1 January).

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119 FORM OF ELECTION

- All elections must be conducted:
- (a) by secret ballot, using optional preferential proportional representation; and
 - (b) by a physical ballot.

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120 SEPARATE BALLOTS

120.1 There must be a separate ballot for:

- (a) each Officer position as listed in rule 45;
- (b) the fourteen general Representatives of the Students' Council;
- (c) each Representative elected to the Students' Council from a Restricted Constituency as listed in rule 42.1(a)(i);
- (d) each Representative elected to the Victorian College of the Arts and Music Student Association Council as listed in rule 62; and
- (e) each other Committee.

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120.2 Each voter must vote separately for:

- (a) each Officer position as listed in rule 45; and
- (b) if eligible, for each Representative elected to the Students' Council from a Restricted Constituency as listed in rule 42.1(a)(i), and the Victorian College of the Arts and Music Student Association Council as listed in rule 62.

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120.3 Each voter:

- (a) may vote separately for each candidate to be a general Representative of the Students' Council and for each candidate to be an elected Representative of each Committee; or
- (b) may indicate their preference in relation to:
 - (i) the candidate to be a general Representative of the Students' Council by voting "above the line" for a ticket; or
 - (ii) each Committee by voting "above the line" for a ticket in relation to that Committee.

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120.4 A voter may not indicate with one vote "above the line" their preference in relation to more than one multi-member body.

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121 INDUCEMENTS TO VOTE PROHIBITED

Any inducement, whether financial or otherwise, to encourage a Member to vote or to vote in a particular way, is prohibited.

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122 RESTRICTIONS ON STANDING FOR ELECTION

122.1 There are restrictions on standing for election to the following positions:

- (a) The Wom*n's Officer, each Representative of the Wom*n's Committee and the Wom*n's Representative of the Victorian College of the Arts and Music Student Association Council, must be a Woman.
- (b) The Representative of the Students' Council elected by Queer Students, the Queer Officer, the voting Representatives of the Queer Committee, Queer Representative of the Victorian College of the Arts and Music Student Association Council must be Queer Students.

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- (c) If the position of Queer Officer is not held jointly, the Queer Officer must be a Woman.
- (d) If the position of Queer Officer is held jointly, one of the persons holding the position must be a Woman.
- (e) The Representative of the Students' Council elected by Indigenous Students, the Indigenous Officer, the voting members on the Indigenous Committee and the Indigenous Representative of the Victorian College of the Arts and Music Student Association Council must be Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education. Deleted: and
- (f) The Representative of the Students' Council and the of the Victorian College of the Arts and Music Student Association Council elected by International Students must be a person who is an International Student.
- (g) The Representative of the Students' Council elected by Mature Age Students must be a person who is a Mature Age Student, as defined in the Electoral Regulations.
- (h) The Representative of the Victorian College of the Arts and Music Student Association Council elected by Graduate Students must be a person who is a Graduate Student.

122.2 A person who is employed in at least a .5 position by:

- (a) the University;
- (b) any body corporate controlled by the University;
- (c) MU Student Union Limited;
- (d) UMSU;
- (e) any tenant of MU Student Union Limited; or
- (f) a combination of these entities, cannot stand for election to any position. Deleted: 18

122.3 A person who has been an Officer (in one or more positions) for two terms of Office (excluding an Officer filling a casual vacancy) in UMSU and MUSUI cannot stand for an Officer position. Deleted: 18

122.4 A person who has been suspended or banned from standing for election by the Electoral Tribunal cannot stand for election during the period of the suspension or ban. Deleted: 18

122.5 A person who is not a Member of UMSU cannot stand for election to any position. Deleted: 18

122.6 The Coordinators and Committee representatives of the Burnley Student Association Department must be Members who are Students at the Burnley Campus. Deleted: 18

122.7 The Officer and Committee representatives of the Victorian College of the Arts and Music Student Association Department must be Members who are Students at the Southbank Campus. Deleted: 18

123. RESTRICTIONS ON VOTING IN ELECTIONS Deleted: 19

The following positions have restricted electorates:

123.1 The Wom*n's Officer, each Representative of the Wom*n's Committee and the Wom*n's Representative of the Victorian College of the Arts and Music Student Association Council are elected by Students who are Women. Deleted: 19
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123.2 The Representative of the Students' Council elected by Queer Students, the Queer Officer, the voting Representatives of the Queer Committee and Queer Representative of the Victorian College of the Arts and Music Student Association Council are elected by Students who are Queer Students; Deleted: 19
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123.3 The Representative of the Students' Council elected by Indigenous Students, the Indigenous Officer, the voting Representatives on the Indigenous Committee and the Indigenous Representative of the Victorian College of the Arts and Music Student Deleted: 19
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Association Council are elected by students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.

123.4 The Clubs and Societies Committee is elected by the Clubs and Societies Council established under this Constitution. Deleted: 19

123.5 The Representative of the Students' Council and the of the Victorian College of the Arts and Music Student Association Council elected by International Students is elected by Students who are International Students. Deleted: 19

123.6 The Representative of the Students' Council elected by Mature Age Students is elected by Students who are Mature Age Students. Deleted: 19

123.6 The Representative of the Victorian College of the Arts and Music Student Association Council elected by Students who are Graduate Students. Deleted: 19

124. RESTRICTIONS ON ELECTION Deleted: 0

124.1 A person cannot hold Deleted: 0
(a) more than one voting position on the Students' Council;
(b) more than one Officer position (whether permanent or interim);
(c) an Officer position and a voting position on the Students' Council;
(d) an Officer position and a voting position on any Committee;
(e) voting positions on the Students' Council and more than one Committee; or
(f) voting positions on more than two Committees.

124.2 At least: Deleted: 0
(a) seven general Representatives of the Students' Council; and
(b) three voting Representatives of each Committee,
must be Members of UMSU who are Women. If there are insufficient Women candidates to satisfy this requirement, any shortfall may be made up by Members who are not Women.

124.3 If a person stands for a position or number of positions which could result in that person being elected to a number of positions in breach of rule 120.1, that person must lodge with the Returning Officer at the time of nomination a list giving, in order, the position or positions which that person wishes to hold, and the Returning Officer shall declare the person elected in accordance with that list. Deleted: 0

124.4 A person shall be permitted to withdraw from an election after the close of nominations. Deleted: 0

124.5 A person cannot hold an Officer position in UMSU and a Coordinator position in the Burnley Student Association Department. Deleted: 0

125. ELECTORAL REGULATIONS Deleted: 1

125.1 The Electoral Tribunal shall make Electoral Regulations which must not be inconsistent with this Constitution. Deleted: 1

125.2 Electoral Regulations cannot be made during an election period. Deleted: 1

125.3 The election period extends from a date one week prior to the opening of nominations for an annual election or a by-election to the declaration of the poll at that election or by-election. Deleted: 1

125.4 The Students' Council may recommend to the Electoral Tribunal changes to the Electoral Regulations, and the Electoral Tribunal must consider the recommendations. Deleted: 1

126. TICKETS Deleted: 2

126.1 If a number of Members of UMSU wish to stand for election on a common platform, one of those Members may apply to register a ticket name with the Returning Officer. Deleted: 2

126.2 The application must contain the signatures of at least fifteen Members. Deleted: 2

- 126.3 No Member may sign more than one application. Deleted: 2
- 126.4 If the proposed name of a ticket includes the name of a club or society affiliated with UMSU, the application must include
(a) the terms of a resolution of that club or society approving the use of the name; and
(b) the signature of a member of that club or society appointed in accordance with rule 130.2 certifying the passing of the resolution. Deleted: 2
- 126.5 If the proposed name of a ticket includes the name of a ticket used in any UMSU election in the past three years, the application must include the consent of the person who most recently registered the ticket. Deleted: 2
- 126.6 If the proposed name of a ticket includes the name of a club or society and includes the name of a ticket used in any UMSU election, the application must include the consent of the person who most recently registered the ticket. Deleted: 2
- 126.7 The Returning Officer may refuse to permit a ticket name which is misleading or offensive, and shall give the applicant the option of choosing another name. Deleted: 2
- 126.8 The Regulations must afford the same rights and responsibilities to all tickets. Deleted: 2
- 126.9 Each Member standing on a ticket must sign and give to the Returning Officer an acknowledgement that their name is included on a ticket. Deleted: 2
- 126.10 A Member may not stand on more than one ticket in the same ballot. Deleted: 2
- 126.11 The list of names of candidates standing on each ticket must be prominently displayed at each polling booth and in other election publicity. Deleted: 2
127. PREFERENCES Deleted: 3
- 127.1 Candidates and tickets may submit lists of preferences. Deleted: 3
- 127.2 Preferences may not be split. Deleted: 3
- 127.3 The lists of preferences must be prominently displayed at each polling booth and in other election publicity. Deleted: 3
128. INDIGENOUS ELECTIONS Deleted: 4
- 128.1 A Member may vote in the election for the Indigenous Officer, the Indigenous Committee, the voting Member of the Students' Council and the Representative of the Victorian College of the Arts and Music Student Association Council elected by Indigenous Students at a polling booth either within, or within twenty metres of, the Centre for Indigenous Education. Deleted: 4 and
129. PAPER USED IN ALL ELECTIONS Deleted: 5
- All paper used as election material must be recycled and recyclable.

CLUBS AND SOCIETIES

130. CLUBS AND SOCIETIES COUNCIL Deleted: 26
- 130.1 There shall be a Clubs and Societies Council. Deleted: 26
- 130.2 The Clubs and Societies Council:
(a) shall elect the Clubs and Societies Committee, and fill casual vacancies in its number; and
(b) may remove the Clubs and Societies Committee in accordance with this Constitution. Deleted: 26
- 130.3 The Clubs and Societies Council must meet at least once each Semester . Deleted: 26

131 COMPOSITION

~~131.1~~ The Clubs and Societies Council consists of one representative of each club and society affiliated with UMSU, as a voting member.

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~~131.2~~ If no representative is nominated, the president, convener or equivalent of a club or society will be that representative, unless that person is already the representative of another club or society.

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~~131.3~~ No person may be appointed as the representative of more than one club or society at any one time.

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132 CLUBS AND SOCIETIES COMMITTEE

~~132.1~~ The Clubs and Societies Committee consists of:

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- (a) seven voting members elected by and from the Clubs and Societies Council;
- (b) the Clubs and Societies Officer as a non-voting member; and
- (c) not more than three members co-opted by the Clubs and Societies Committee.

~~132.2~~ The Clubs and Societies Committee shall, in accordance with Policies and procedures determined by the Students' Council:

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- (a) affiliate clubs and societies with UMSU;
- (b) administer funding of, and grants to, clubs and societies;
- (c) review the financial operation of clubs and societies;
- (d) provide an opportunity for conciliation of disputes;
- (e) consider, and where appropriate take action on, allegations of misconduct on the part of an affiliated club or society; and
- (f) recommend Regulations to the Students' Council.

133 POLICY AND REGULATIONS

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~~133.1~~ The Students' Council may make Regulations for the affiliation and regulation of clubs and societies.

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134 POLICY DECISION OF CLUBS AND SOCIETIES COUNCIL TAKES PRECEDENCE

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~~134.1~~ Any decision of the Clubs and Societies Council takes precedence over a decision of the Clubs and Societies Committee.

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~~134.2~~ A decision of the Clubs and Societies Council may not be amended or overruled by the Clubs and Societies Committee within six months of the decision being made.

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135 AFFILIATION OF CLUBS AND SOCIETIES

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~~135.1~~ The Clubs and Societies Committee may not affiliate a club or society or permit a club or society to remain affiliated if its activities are not consistent with the Purposes of UMSU.

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136 DISMISSAL OF CLUBS AND SOCIETIES COMMITTEE

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~~136.1~~ If a petition requesting the dismissal of the members of the Clubs and Societies Committee, signed by:

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- (a) at least twenty members of the Clubs and Societies Council; or
- (b) twenty per cent of the members of the Clubs and Societies Council, (whichever is the lesser),

is delivered to the Secretary of UMSU, the Secretary must call a meeting of the Clubs and Societies Council.

~~136.2~~ The meeting must be held not later than the fourteenth day after the date on which the Secretary received the petition.

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~~136.3~~ At the meeting, the Clubs and Societies Council must consider and vote on a motion to dismiss all the members of the Clubs and Societies Committee.

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- 136.4 The motion is carried if more than half of all the members of the Clubs and Societies Council vote in favour of it. Deleted: 2
- 136.5 If the motion is carried, the Clubs and Societies Council must, at the same meeting, elect a new Clubs and Societies Committee. Deleted: 2
137. LIAISON WITH CLUBS AND SOCIETIES Deleted: 3
- 137.1 Each club or society must also provide the names and contact details of at least two members of the club or society for the purpose of liaising with staff and Student representatives. Deleted: 3
- 137.2 No additional requirements may be imposed on the structure of clubs or societies in addition to those requirements specified in rules 133.1 Deleted: 3

APPEALS AGAINST COMMITTEE DECISIONS

138. APPEALS AGAINST COMMITTEE DECISIONS Deleted: 4
- 138.1 If a Committee makes a budgetary decision or a decision to spend money, it must give notice of that decision on the UMSU website and on a prominent noticeboard in Union House. Deleted: 4
- 138.2 Until the end of the fifth Academic Day, or the fourteenth day, whichever is the lesser, after notice of the decision has been given:
(a) three voting Representatives of the Committee which made the original decision;
or
(b) four voting Representatives of any other Committee; or
(c) thirty Students
may appeal to the Students' Council against the decision by delivering a signed notice of appeal to the Secretary. Deleted: 4
- 138.3 Decisions which have been appealed are suspended until the appeal has been determined. Deleted: 4
- 138.4 The Students' Council must determine the appeal at or before its next regular meeting. Deleted: 4
- 138.5 If the Students' Council does not determine the appeal in accordance with rule 134.4 or rejects the appeal, the original decision of the Committee stands. Deleted: 4
- 138.6 For the purpose of the provisions of this Constitution relating to appeals, a reference to making a decision includes failing to pass a motion which has been moved. Deleted: 4

DELEGATION OF POWER BY STUDENTS' COUNCIL AND COMMITTEES

139. DELEGATION Deleted: 5
- 139.1 Subject to rule 137, the Students' Council may by resolution in writing delegate any of its powers to
(a) a Committee or a Sub-Committee;
(b) an ad hoc sub-committee of voting Representatives of the Students' Council;
(c) a Representative of the Students' Council including non voting Representatives; or
(d) a Staff Member of UMSU or a MU Student Union Limited staff member. Deleted: 5
- 139.2 The Students' Council may by resolution in writing delegate preparation of a budget to the Students' Council-elect or Finance Sub-Committee-elect as contemplated by rule 150. Formatted: Indent: Left: 1.16 cm, Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Tab after: 0.95 cm + Indent at: 0.95 cm, Tabs: 2.12 cm, List tab + Not at: 0.95 cm + 2.87 cm Deleted: 5
- 139.3 A delegation may be revoked by the Students' Council by resolution in writing at any time. Deleted: 5

140 NO STANDING DELEGATION

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140.1 Except where otherwise provided in this Constitution, the Students' Council cannot make standing delegations of power, but can only delegate between regular meetings of the Students' Council.

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140.2 The decisions of the body or person to which power has been delegated must be reported to the next regular meeting of the Students' Council.

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141 RESTRICTIONS ON DELEGATION

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Subject to rule 138, the Students' Council cannot delegate the power to make decisions on behalf of UMSU or the Students' Council in relation to:

- (a) contracts and agreements, including the use of the common seal of UMSU;
- (b) financial transactions, except those matters permitted by rule 145.1 to be delegated to the Finance Sub-Committee;
- (c) honoraria and conditions of Officers, except those matters permitted by rule 149 to be delegated to the Staffing Sub-Committee;
- (d) staffing and salaries of Staff Members, except those matters permitted by rules 138.1 and 149 to be delegated to the Staffing Sub-Committee;
- (e) affiliation or disaffiliation of clubs and societies;
- (f) forming or dissolving any ad hoc sub-committee;
- (g) Regulations;
- (h) Policy;
- (i) proposed constitutional amendments;
- (j) a proposal for a Referendum;
- (k) a proposal for a General Meeting;
- (l) nomination of persons to University, MU Student Union Limited or UMSU Committees or working parties;
- (m) the power to delegate; or
- (n) filling of temporary Officer vacancies.

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142 DELEGATION DURING SUMMER BREAK

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142.1 The Students' Council or Students' Council-elect may delegate to the Staffing Sub-Committee established by this Constitution the powers referred to in sub-rules 137(l) and 137(n).

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142.2 The period during which the powers referred to in rule 138.1 may be delegated is the period commencing at the non-instruction period prior to the Semester Two examinations and ending at the conclusion of the first teaching week in Semester One of the following year.

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143 NO DELEGATION BY COMMITTEES AND SUB-COMMITTEES

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Committees and Sub-Committees may not delegate any of their powers.

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144 SUB-COMMITTEES

144.1 There shall be two standing Sub-Committees of the Students' Council:

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- (a) a Finance Sub-Committee; and
- (b) a Staffing Sub-Committee.

144.2 If the Students' Council considers that a voting Representative of a Sub-Committee should be suspended or removed from their position because of:

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- (a) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the Act; or

(b) conduct which is prejudicial or detrimental to the performance of the Office held by that person,
the Students' Council shall send to the Representative concerned a written notice specifying:

(c) the proposed suspension or removal;

(d) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and

(e) particulars of the Representative's conduct which is the subject of the notice, not less than 21 days prior to the date of such Students' Council meeting.

144.3 At the Students' Council meeting referred to in rule 140.2, the Students' Council by resolution approved by more than half of all the voting Representatives of the Students' Council may, after having afforded the Representative concerned a reasonable opportunity be heard by, or to make written representations to, the Students' Council suspend or remove the Representative from the Sub-Committee and appoint a replacement Representative in their place. Deleted: 0

144.4 The Secretary shall communicate the decision in writing of the Students' Council to the Representative within seven days of the Students' Council meeting at which the decision is made. Deleted: 0

144.5 Nothing in rules 140.2 and 140.3 operate to restrict the ability of the Students' Council to revoke the power of a Sub-Committee at any time. Deleted: 0

145. SIX MONTHLY ELECTIONS Deleted: 1

145.1 An election for the voting Representatives and for the non-voting Officer or Officers elected to a Sub-Committee shall take place two times each year, prior to the dates on which they take office. Deleted: 1

145.2 The dates on which the voting Representatives of a Sub-Committee take office are 1 January and 1 July in each year. Deleted: 1

145.3 The Representatives holding office for the period commencing on 1 January shall be elected by and from the voting Representatives of the Students' Council-elect. Deleted: 1

146. RESTRICTIONS ON MEMBERSHIP Deleted: 2

No Student may serve as a voting Representative of both the Finance Sub-Committee and the Staffing Sub-Committee at the same time.

147. MEETINGS Deleted: 3

147.1 The Secretary is responsible for giving notice of meetings of each Sub-Committee. Deleted: 3

147.2 If the Secretary receives a requisition signed by two voting Representatives of a Sub-Committee stating the business proposed for a meeting, the Secretary must give notice of a meeting of that Sub-Committee to be held within a week of receiving the requisition. Deleted: 3

147.3 If the Secretary does not give notice of the meeting of a Sub-Committee in accordance with rule 143.2, any Representative who signed the requisition may do so. Deleted: 3

147.4 The quorum for the Sub-Committees is four voting Representatives. Deleted: 3

147.5 The Secretary must report on each meeting of each Sub-Committee to the next regular meeting of the Students' Council. Deleted: 3

FINANCE SUB-COMMITTEE

148. FINANCE SUB-COMMITTEE Deleted: 4

148.1 The Finance Sub-Committee is a sub-committee of the Students' Council. Deleted: 4

149 POWERS

149.1 The Finance Sub-Committee may be given a standing delegation by the Students' Council for:

- (a) approving expenditure of UMSU monies, within an aggregate limit set by the Students' Council from time to time and otherwise not greater than an amount equal to \$500 per transaction, indexed annually to the CPI from 1 January 2006; and
- (b) overseeing the UMSU budget development process, should the Students' Council-elect determine to delegate consideration of the budget to the Finance Sub-Committee-elect in accordance with rule 153.4.

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150 MEMBERSHIP

150.1 The Representatives of the Finance Sub-Committee are:

- (a) six voting Representatives elected by and from the voting Representatives of the Students' Council, three of whom must be Women. If at least 3 Women do not stand for election, any shortfall in the number of women elected may be filled by other Representatives; and
- (b) the Secretary and two other Officers elected by and from the Officers, as non-voting Representatives.

150.2 The non-voting Representatives are expected to attend every meeting of the Finance Sub-Committee but the non attendance of a non-voting Representative will not affect the validity of a meeting of the Finance Sub-Committee.

150.3 No Representative may serve more than one consecutive six-month term as a voting Representative of the Finance Sub-Committee.

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151 MEETINGS

151.1 For as long as any delegation from the Students' Council in accordance with rule 145 remains in force, the Finance Sub-Committee must meet at least once every two weeks from February to November inclusive.

151.2 The Finance Sub-Committee cannot meet in camera.

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STAFFING SUB-COMMITTEE

152 STAFFING SUB-COMMITTEE

The Staffing Sub-Committee is a sub-committee of the Students' Council.

153 POWERS

149.1 The Staffing Sub-Committee may be given a standing delegation by the Students' Council for:

- (a) matters arising from the relationship between UMSU and its Officers, and staff (where staff is defined as any person who works for UMSU, MU Student Union Ltd or a successor organisation in any area with direct interaction with UMSU activity);
- (b) working conditions and leave applications of Officers excluding honoraria which may only be altered by the Students' Council; and
- (c) the matters referred to in subrules 137(l) and 137(n).

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154 STAFF APPOINTMENTS

The Staffing Sub-Committee may, after a resolution of the Students' Council to advertise a staff position, negotiate a draft contract of employment with the preferred applicant. The Students' Council must approve the appointment and the contract of employment.

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155 MEMBERSHIP

155.1 The Representatives of the Staffing Sub-Committee are:

- (a) six voting Representatives elected by and from the voting Representatives of the Students' Council, at least three of whom must be Women. If at least 3 Women do not stand for election, any shortfall in the number of Women elected may be filled by other Representatives; and
- (b) the President, Secretary and one other Officer elected by and from the Officers, as non-voting Representatives.

155.2 The non-voting Representatives are expected to attend every meeting of the Staffing Sub-Committee but the non attendance of a non-voting Representative will not affect the validity of a meeting of the Staffing Sub-Committee.

156 MEETINGS

The Staffing Sub-Committee may meet in camera.

BUDGET PROCESS

157 BUDGET

157.1 Before the end of November in each year, the Committees-elect must prepare a draft budget for the following year in their respective area of activity.

157.2 Before the end of November in each year the Students' Council-elect must appoint Student representatives to University committees, other University bodies and the Melbourne University Student Amenities and Services Committee of M U Student Union Ltd, to the extent such appointments are required.

157.3 Before the end of December in each year the Students' Council-elect must consider the draft budgets and set the UMSU budget for the following year.

157.4 The Students' Council-elect may delegate the consideration of draft budgets and the setting of the UMSU budget for the following year to the Finance Sub-Committee-elect.

157.5 If the Students' Council-elect delegates the budget development process to the Finance Sub-Committee-elect, the Finance Sub-Committee-elect must meet before the end of December to consider the draft budgets and set the UMSU budget for the following year.

157.6 The budget set by the Students' Council-elect or the Finance Sub-Committee-elect comes into effect on January 1, without the requirement for any ratification by the Students' Council.

157.7 Should the Students' Council-elect delegate the budget development process to the Finance Sub-Committee-elect that delegation must expire on December 31, and the Students' Council must meet by the end of January of its year of office to review the UMSU budget.

157.8 Each Committee must subsequently meet to confirm the allocations within its budget, and may alter those allocations.

157.9 The Students' Council may subsequently alter the UMSU budget, but may not alter the allocations within a Committee's budget, nor direct a Committee to do so, except in the resolution of an appeal in accordance with rule 134.

REGULATIONS

158 ELECTORAL REGULATIONS

The Electoral Tribunal may make and amend Electoral Regulations as provided in rule 121.

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159 OTHER REGULATIONS

159.1 The Students' Council has power to make and amend Regulations (other than Electoral Regulations) concerning any matter in furtherance of the purposes of UMSU.

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159.2 The Grievance Tribunal may make and amend Regulations (other than Electoral Regulations) concerning:

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- (a) any disputes between Members as Members, or between a Member and the Officers, the Students' Council or any Committee; and
- (b) requests for examination of documents on behalf of Members refused access to those documents.

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160 PROVISIONS OF REGULATIONS

160.1 Regulations must not be inconsistent with this Constitution.

160.2 Regulations may specify the roles and responsibilities of Officers.

160.3 Regulations may specify the procedures to apply in relation to the area of activity to which they relate as provided for in this Constitution.

160.4 The Students' Council, in making Regulations concerning Clubs and Societies, must take into account any recommendations from the Clubs and Societies Committee or Clubs and Societies Council.

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160.4 The Students' Council, in making Regulations concerning the Victorian College of the Arts and Music Student Association Department, must take into account any recommendations from the Victorian College of the Arts and Music Student Association Council

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160.5 The Electoral Tribunal in making any Electoral Regulations must take into account any recommendations from the Students' Council.

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160.6 The Grievance Tribunal in making any Regulations concerning the matters referred to in rule 155.2 must take into account any recommendations from the Students' Council.

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161 NOTICE OF INTENTION TO MAKE REGULATIONS

161.1 All Representatives of the Students' Council must be given at least fourteen days notice of any proposal to make Regulations, including the text of the proposed Regulations.

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161.2 Notice must be given:

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- (a) by email to all Representatives of the Students' Council;
- (b) on the UMSU website; and
- (c) by posting a notice on a prominent notice board in Union House, in addition to any other notice requirements prescribed by Regulation.

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161.3 No motion for the making or amendment of any Regulation may be considered unless the notice requirements relating to Regulations in this rule 157 have been met.

161.4 Subject to rule 155, a resolution of the Students' Council to make or amend a Regulation is not passed unless at least two thirds of all the voting Representatives of the Students' Council then in office vote in favour of it.

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161.5 A resolution of the Electoral Tribunal to make or amend an Electoral Regulation is not passed unless all members of the Electoral Tribunal then in office approve it.

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161.6 A resolution to make Regulations cannot be referred to Referendum.

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162 REGULATIONS MUST BE DISPLAYED ON WEBSITE

All Regulations, including any amending Regulations, must be posted on the UMSU website as soon as they have been made. The website must also note the date of the making of the regulation.

NOTICE

163. HOW NOTICE MUST BE GIVEN

Notices required under this Constitution to be given to Members of UMSU or members of the Students' Council or Committees must be given:

163.1 to each Member by sending it to the email address notified by that Member to UMSU. If no email address has been notified by a Member, this obligation will not apply in relation to that Member;

163.2 by posting the notice on the UMSU website;

163.3 by posting the notice on a prominent notice board in Union House; and

163.4 in such additional manner as is set out in Regulations.

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POLICY

164. MAKING OF POLICY

164.1 UMSU, the Students' Council and Committees may, in accordance with this Constitution, make Policy which is not inconsistent with this Constitution or the Regulations.

164.2 Responsibility for making UMSU Policy is set out in this rule 160.

164.3 All Committees may enact Policy relevant to their Department and area of activity.

164.4 The Students' Council may enact, repeal or amend Policy.

164.5 In a dispute over Policy between a Committee and the Students' Council, the view of the Students' Council prevails, except in the case of –

(a) Wom*n's Policy, where the view of the Wom*n's Committee prevails;

(b) Queer Policy, where the view of the Queer Committee prevails; and

(c) Indigenous Policy, where the view of the Indigenous Committee prevails.

164.6 UMSU Committees and the Students' Council have an obligation to develop Policy in consultation with Collectives, Students generally and relevant organisations.

164.7 The Students' Council shall make Regulations concerning the consultation process for the development of Policy.

164.8 All Representatives of the Students' Council must be given notice of any proposal to make Policy, including the text of the proposed Policy.

164.9 If the proposal to make Policy is to be considered by a Committee, all members of that Committee must be given notice of the proposal to make Policy, including the text of the proposed Policy.

164.10 The Students' Council, in making Policy regarding the Victorian College of the Arts and Music Student Association Department, or Students enrolled in the Faculty of the VCA and Music, must take into account any recommendations from the Victorian College of the Arts and Music Student Association Council

164.11 At least four days notice must be given of any proposal to make Policy.

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FOOD COOPERATIVE

165. ROLE OF FOOD CO-OPERATIVE

165.1 UMSU recognises that the Melbourne University Food Cooperative ('MUFC'):

(a) provides a valuable and unique service for Students at the University;

(b) supports sustainable commercial and agricultural practices;

(c) operates as a not-for-profit Student service which is not in direct competition with other food outlets in Union House;

(d) is owned and controlled by a Student base, thereby providing for its Members experience in all aspects of running a small business; and

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(e) creates an atmosphere that promotes social awareness and possibilities for social change, and encourages Student participation in activities relating to a broad range of social and environmental issues.

165.2 UMSU, its Officers, and its Committees may not make any decision or support any development that poses a threat to the continuing status and mode of operation of the MUFC, unless approved by MUFC. This includes any decision threatening the MUFC's supportive lease agreement with MU Student Union Ltd.

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165.3 The Students' Council must advocate, on behalf of the MUFC, to MU Student Union Ltd or any other body in the event that any threat is posed to the status and mode of operation of the MUFC, including the status of the lease.

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COMMON SEAL

166. USE OF COMMON SEAL

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166.1 The common seal of UMSU may only be used with the approval of a resolution of the Students' Council.

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166.2 The authority to affix the seal may not be delegated.

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166.3 The common seal must be affixed in the presence of two Officers.

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166.4 The common seal must be kept by the Senior Staff Member, or if there is none, the Secretary, at the office of UMSU.

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167. RECORDING USE OF COMMON SEAL

167.1 Every use of the common seal must be recorded in a register kept by UMSU for that purpose. The register must include:

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- (a) the name of the document to which the common seal was affixed;
- (b) the parties to the document to which the common seal was affixed;
- (c) the date of the affixing; and
- (d) the persons witnessing the affixing.

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167.2 Every use of the common seal must be recorded in the minutes of the Students' Council.

167.3 The minute must include all of the information required to be included in the register in relation to that matter.

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REGISTER OF CONTRACTS

168. REGISTER OF CONTRACTS

168.1 Every written contract entered into by or on behalf of UMSU, must be:

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- (a) recorded in a register which includes the location of UMSU's copy of the document; and
- (b) reported in the minutes of the Students' Council.

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168.2 Rule 164.1 does not apply to a contract not exceeding in value \$5,000.

CUSTODY OF DOCUMENTS AND SECURITIES

169. CUSTODY OF DOCUMENTS

The documents and securities of UMSU must be kept at the office of UMSU. The Senior Staff Member, or if there is none, the Secretary, must ensure their security.

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INSPECTION OF DOCUMENTS

170. INSPECTION

170.1 A Member is entitled to inspect the documents and securities of UMSU on reasonable notice to the Secretary.

170.2 A Member is not entitled to inspect documents:

- (a) which contain personal information, (including staff files);
- (b) concerning or relevant to any legal proceedings in which UMSU is or may be engaged; or
- (c) which would otherwise cause UMSU to be in breach of Privacy Legislation, or any confidentiality or other applicable contractual obligations of UMSU.

170.3 If a Member is refused access to a document on the grounds that the Member is not entitled to inspect it, the Member may apply to the Grievance Tribunal requesting that a member of the Grievance Tribunal inspect the document and advise the Member:

- (a) whether the document exists;
- (b) whether the document does appear to be covered by the exemption in rule 166.2; and
- (c) that the document does not disclose any matter of concern.

170.4 Every Officer and Staff Member must facilitate the inspection of a document by the member of the Grievance Tribunal in accordance with rule 166.3.

170.5 If the member of the Grievance Tribunal is unable to advise the Member in the terms outlined in the sub-rule 166.3, the member of the Grievance Tribunal must advise the Students' Council and the Vice Chancellor of that fact.

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NOT FOR PROFIT

171. APPLICATION OF INCOME AND PROPERTY

171.1 The profits (if any) or other income and property of UMSU must be applied solely towards the promotion of the Purposes of UMSU set out in rule 3 and no portion of it may be paid or transferred, directly or indirectly, to any Member of UMSU whether by way of dividend, bonus or other profits of UMSU.

171.2 Nothing in rule 167.2 prevents any payment in good faith by UMSU of:

- (a) reasonable and proper remuneration to any Member, Officer or Staff Member for any services actually rendered or goods supplied in the ordinary and usual course of business to UMSU;
- (b) the payment or reimbursement of out-of-pocket expenses incurred by a Member, Officer or Staff Member of UMSU on behalf of UMSU where the amount payable does not exceed an amount previously approved by the Students' Council;
- (c) reasonable and proper rent for premises let or demised by any Member of UMSU to UMSU; or
- (d) moneys to any Member, Officer or Staff Member, being a solicitor, accountant or other person engaged in any profession, for all usual professional or other charge for work done by that person or that person's firm or employer, where the provision of the service has the prior approval of the Students' Council and where the amount payable is approved by the Students' Council and is not more than an amount which commercially would be reasonable payment for the service.

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172. AUTHORITY TO TRADE UNDER THE ASSOCIATIONS INCORPORATION ACT

UMSU is authorised to trade in accordance with section 51(4) of the Act, but only within the scope of the purposes set out in rule 3.

173 DISPOSAL OF ASSETS ON WINDING UP

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- 173.1 If UMSU is wound up or its incorporation cancelled, any assets remaining after the payment of all debts, liabilities and expenses must not be paid or distributed to the Members but must be given or transferred to some other fund, institution or organisation determined by the Students' Council on the winding up or dissolution of UMSU (or failing which a Judge of the Supreme Court of Victoria) having purposes similar to the purposes of UMSU.

FINANCIAL

174 PAYMENTS

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174.1 All accounts shall be paid by cheque or by any other payment method authorised in writing by the Students' Council.

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174.2 All cheques shall be signed by two of four persons appointed by the Students' Council for that purpose, one of whom must be the President or the Secretary.

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174.3 The Secretary is responsible to ensure that no payment is made which is not in accordance with the approved budget.

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175 ANNUAL STATEMENTS

The Secretary is responsible to ensure that the statements required by section 30 of the Act are prepared and audited annually.

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176 SOURCES OF FUNDING

The funds of UMSU shall be derived from grants (including funding from MU Student Union Limited under the terms of any applicable funding agreement or facilities and services agreement), donations, subscriptions, fees for services and such other sources as are approved by the Students' Council.

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ALTERATION OF THIS CONSTITUTION

177 ALTERATION

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177.1 In accordance with the Act, the Constitution may only be amended by Special Resolution at a General Meeting of UMSU.

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177.2 Any proposed alteration to the Constitution must be notified in writing to the University prior to the holding of the General Meeting to vote on the alteration.

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177.3 If the Constitution is altered in accordance with rule 173.2, the Secretary must notify the University within 14 days and supply the University with full details of the alteration.

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178 RESTRICTIONS ON ALTERATION

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178.1 Rule 8 may not be amended without the approval of the organisation affected by the amendment.

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178.2 Rule 168 must not be altered without the consent of the Minister administering the Act

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178.3 Rule 169 may not be amended without the consent of the Minister administering the Act, if the rule as amended would permit the transfer of assets on winding up to a body the predominant purpose of which was not charitable.

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DISCIPLINE OF MEMBERS

179 NOTICE OF PROPOSED SUSPENSION OR EXPULSION

179.1 If the Students' Council considers that a Member should be suspended or expelled from the Membership of the Association because of:

- (a) failure to comply with or observe, or commission of a breach of this Constitution or any Regulation; or
- (b) conduct which is prejudicial or detrimental to the interests of the Association, the Students' Council shall send to the Member concerned a written notice specifying:
- (c) the proposed suspension or expulsion;
- (d) the time, date and place of the Students' Council meeting at which the question of the suspension or expulsion will be considered; and
- (e) particulars of the Member's conduct which is the subject of the notice, not less than 21 days prior to the date of such Students' Council meeting.

179.2 At the Students' Council meeting referred to in rule 175.1, the Students' Council may, after having afforded the Member concerned a reasonable opportunity to be heard by, or to make written representations to, the Students' Council, expel or decline to suspend or expel a Member from Membership of the Association and shall communicate the decision in writing to the Member within seven days of the Students' Council meeting at which the decision is made.

179.3 The Member who is expelled under rule 175.2 from Membership of the Association ceases to be a Member with effect from 14 days after the date on which the decision to expel the Member is communicated to the Member in accordance with rule 175.2.

180 DISCIPLINE OF OFFICERS

180.1 If the Students' Council considers that an Officer, other member of the Students' Council or of a Committee should be suspended or removed from their position because of:

- (a) failure to comply with or observe the specific obligations of the position in accordance with this Constitution or the Act; or
 - (b) conduct which is prejudicial or detrimental to the performance of the Office held by that person,
- the Students' Council shall send to the Member concerned a written notice specifying:
- (c) the proposed suspension or removal;
 - (d) the time, date and place of the Students' Council meeting at which the question of the suspension or removal will be considered; and
 - (e) particulars of the Member's conduct which is the subject of the notice, not less than 21 days prior to the date of such Students' Council meeting.

180.2 At the Students' Council meeting referred to in rule 176.1, the Students' Council may, after having afforded the Member concerned a reasonable opportunity to be heard by, or to make written representations to, the Students' Council, recommend the suspension or removal of the Member or decline to recommend the suspension or removal of that Member from the office held and shall communicate the decision in writing to the Member within seven days of the Students' Council meeting at which the decision is made.

180.3 If the Students' Council determines to recommend the suspension or removal of the Member from the office held, the Secretary must call a General Meeting of the Members in accordance with rule 26.1 to determine whether or not the Member should be suspended or removed from the Office held.

180.4 The Association in General Meeting may, after having afforded the Member a reasonable opportunity to be heard by or to make written representation to, the Association and General Meeting, may suspend or remove the Member from the Office held on such terms as the General Meeting determines.

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180.5 This rule 176 does not apply to an Officer who ceases to be an Officer or other member of the Students' Council or of a Committee in accordance with rule 51.1.

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181. NO OTHER DISCIPLINARY PROCEDURES

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181.1 Subject always to rights exercisable at law, including under the Act, and the power of the Electoral Tribunal and the Grievance Tribunal to make determinations in accordance with their powers under this Constitution, any internal disciplinary procedures proposed to be undertaken against a Representative, an Officer, other member of the Students' Council or of a Committee under this Constitution must only be undertaken in accordance with rules 175 and 176.

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181.2 Nothing in this rule 177 derogates from any other disciplinary procedure applicable to Students including, without limitation, Statute 13.1 – Student Discipline of the University Regulations.

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VALIDATION OF ACTS

182. VALIDATION

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If it is afterwards discovered

- (a) that there was some defect in a decision, or the appointment or election of a person to any position under this Constitution; or
 - (b) that a person so appointed or elected was ineligible,
- all acts done at any meeting of the Students' Council or of a Committee or by any person acting as a member of the Students' Council, a Committee or as an Officer of UMSU before the discovery are as valid as if that person had been duly appointed or elected and was eligible to be a member of the relevant body.

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INDEMNITY

183. MEMBERS BOUND BY CONSTITUTION

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183.1 This Constitution binds every Member and the Association to the same extent as if every Member and the Association had signed and sealed this Constitution and agreed to be bound by all its provisions.

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183.2 Subject always to rights exercisable at law and under the Act every Member shall be bound by the decisions of the Students' Council, subject to the right where provided in this Constitution for any matter to be determined by the Grievance Tribunal or the Electoral Tribunal.

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184. OFFICERS NOT LIABLE

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No Officer of the Association shall be liable for the acts of any other Officer, or for any loss or damage or expense suffered or incurred by the Association unless the same is caused or contributed by the wilful act, neglect or default of that Officer.

185. INDEMNIFICATION OF OFFICERS AND OTHER MEMBERS

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Subject to the Act, every Officer of the Association, every Representative of the Students' Council, every Representative of any Committee and every employee or agent of UMSU shall be indemnified out of the funds of the Association against any losses, costs or expenses incurred by them about the discharge of their duties except where such losses, costs and expenses are incurred by their own wilful act, neglect or default.

186 LIMITATION ON LIABILITY OF MEMBERS AND OFFICERS

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- ▼ In accordance with section 15 of the Act, a Member or Officer of the Association is not liable, merely because that person was a Member or Officer, to contribute towards:
- (a) the payment of the debts and liabilities of the incorporated Association; or
 - (b) the costs, charges and expenses of the winding up of the incorporated Association.

RESOLVING DISPUTES BETWEEN MEMBERS

187 APPOINTMENT OF MEDIATOR

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187.1 If a dispute arises between Members as Members, or between a Member and the Students' Council or any Committee, the dispute shall be referred to the Grievance Tribunal who shall appoint a mediator to determine the dispute.

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187.2 A Member may appoint any person to act on behalf of that Member in the mediation of the dispute.

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187.3 The mediation must allow for natural justice to be applied.

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187.4 Only Students who are Members may utilise the dispute resolution procedures in this Constitution.

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187.5 For the purposes of rule 183.1, only disputes as to whether or not these rules have been correctly followed can be referred to the Grievance Tribunal. The Grievance Tribunal has no power to determine disputes regarding the merits of any decision made or implemented in accordance with this Constitution.

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188 DETERMINATION BY GRIEVANCE TRIBUNAL

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188.1 If mediation does not result in the settlement of the dispute, the Grievance Tribunal shall make a binding determination on that dispute, which cannot be appealed within UMSU. This does not preclude a Member bringing the matter before the Court in accordance with section 14A of the Act.

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188.2 A Member may appoint any person to act on behalf of that Member in the arbitration of the dispute.

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GRIEVANCE TRIBUNAL

189 GRIEVANCE TRIBUNAL

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There shall be a Grievance Tribunal consisting of three Members.

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189 QUALIFICATIONS FOR GRIEVANCE TRIBUNAL MEMBERS

Each member of the Grievance Tribunal must:

- (a) have been admitted to practice as a barrister and solicitor of the Supreme Court of Victoria more than five years before her or his appointment; and
- (b) not have stood for election in an election of a Student body at the University in the ten years prior to appointment.

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190 APPOINTMENT OF MEMBERS

190.1 The members of the Grievance Tribunal shall be appointed as follows:

- (a) one member shall be appointed by the Vice Chancellor;
- (b) one member shall be appointed by the Dean of the Faculty of Law; and
- (c) one member shall be appointed by the Students' Council.

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190.2 A member of the Grievance Tribunal may also be a member of the Electoral Tribunal.

191 TERM OF OFFICE

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A member of the Grievance Tribunal holds office until:

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- (a) the member resigns in writing;
- (b) if appointed by the Vice Chancellor or the Dean of the Faculty of Law, the member is replaced by the person having the power to appoint that member; or
- (c) if appointed by the Students' Council, the member is removed by resolution of the Students' Council approved by two thirds of the voting Representatives of the Students' Council.

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192. POWERS OF THE GRIEVANCE TRIBUNAL

The Grievance Tribunal has power:

- (a) to make Regulations governing the determination of disputes which may be referred to the Grievance Tribunal under this Constitution;
- (b) to give directions in relation to the process and resolution of disputes referred to the Grievance Tribunal under this Constitution;
- (c) to determine all disputes referred to the Grievance Tribunal under this Constitution as provided for in this Constitution; and
- (d) to do such additional things relating to disputes as are determined by the Students' Council by Regulation.

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193. MEETINGS OF THE GRIEVANCE TRIBUNAL

Meetings of the Grievance Tribunal must be called by the Secretary at any time that a dispute arising under this Constitution arises.

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194. NOTICE OF MEETINGS OF THE GRIEVANCE TRIBUNAL

194.1 At least five days notice must be given of a meeting of the Grievance Tribunal.

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194.2 Notice must be given to each member of the Grievance Tribunal, and to all appellants and any other Member who, in the opinion of the Grievance Tribunal, is materially affected by the referral of a dispute to the Grievance Tribunal.

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194.3 If the notice relates to an appeal, the notice must include all appeals to be dealt with and the notice of appeal in relation to each appeal.

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195. ATTENDANCE AT MEETINGS

Meetings of the Grievance Tribunal are open to Members unless the Grievance Tribunal determines to meet in camera.

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196. DECISIONS

196.1 The Grievance Tribunal must provide to the Secretary and to any appellant, a brief summary of each decision of an appeal in relation to a matter referred to the Grievance Tribunal for determination.

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196.2 The Secretary must post the decision on the UMSU website and on a prominent notice board in Union House.

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197. REMUNERATION

Remuneration (if any) of the members of the Grievance Tribunal will be determined by the Students' Council from time to time.

198 TRANSITIONAL PROVISIONS - VICTORIAN COLLEGE OF THE ARTS AND MUSIC STUDENT ASSOCIATION DEPARTMENT

198.1 The members of the governing body of the Victorian College of the Arts Student Union Incorporated as of June 1, 2009, shall be responsible for the interim administration of the Victorian College of the Arts and Music Student Association Department.

198.2 The interim Victorian College of the Arts and Music Student Association Council shall be governed by the rules, regulations and policies of UMSU.

198.3 The President of the Victorian College of the Arts Student Union Incorporated shall be designated as the interim Campus Co-ordinator of the interim Victorian College of the Arts and Music Student Association Council.

198.4 The interim administration of the Victorian College of the Arts and Music Student Association Department shall cease at the beginning of the term of office of Representatives elected to the Victorian College of the Arts and Music Student Association Department at the 2009 UMSU Annual Elections.

198.5 Any financial member of the Victorian College of the Arts Student Union Incorporated who consents to the transfer of their membership to UMSU shall be deemed to be a member of UMSU until December 31, 2009, when they cease to be eligible to be a member of UMSU, or the date of resignation of their membership of UMSU, whichever is the earliest.

198.6 The application of rule 195 will cease at the commencement of the term of office of Representatives elected to the Victorian College of the Arts and Music Student Association Department at the 2009 UMSU Annual Elections.

Deleted: 195. TRANSITIONAL PROVISIONS¶

195.1 The initial Members of UMSU on incorporation shall be the members of the Interim Student Representative Committee at the University, and those persons shall also be the members of UMSU before incorporation to the extent required under the Act for the purposes of incorporation.¶

195.2 After incorporation and until 31 December 2005, the only Members of UMSU shall be the voting Representatives of the Students' Council and the Officers.¶

195.3 The following provisions of this rule 195 shall apply in respect of the elections held in the period from 1 September 2005 until 31 December 2005 for Students holding office in UMSU in the calendar year 2006, despite anything elsewhere contained in this Constitution.¶

195.4 UMSU elections conducted in 2005 shall be conducted by the University and/or MU Student Union Limited (as the case may be) on behalf of UMSU applying the same provisions in this Constitution as if UMSU was incorporated or otherwise conducting such elections directly. Whether or not UMSU is incorporated at the date the elections are conducted, the elections will be deemed to be UMSU elections and the result of any elections will have effect in accordance with rule 195.5 as from the date of incorporation of UMSU o (... [3])

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<u>1</u>	<u>NAME</u>	2
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195 TRANSITIONAL PROVISIONS

- 195.1 The initial Members of UMSU on incorporation shall be the members of the Interim Student Representative Committee at the University, and those persons shall also be the members of UMSU before incorporation to the extent required under the Act for the purposes of incorporation.
- 195.2 After incorporation and until 31 December 2005, the only Members of UMSU shall be the voting Representatives of the Students' Council and the Officers.
- 195.3 The following provisions of this rule 195 shall apply in respect of the elections held in the period from 1 September 2005 until 31 December 2005 for Students holding office in UMSU in the calendar year 2006, despite anything elsewhere contained in this Constitution.
- 195.4 UMSU elections conducted in 2005 shall be conducted by the University and/or MU Student Union Limited (as the case may be) on behalf of UMSU applying the same provisions in this Constitution as if UMSU was incorporated or otherwise conducting such elections directly. Whether or not UMSU is incorporated at the date the elections are conducted, the elections will be deemed to be UMSU elections and the result of any elections will have effect in accordance with rule 195.5 as from the date of incorporation of UMSU or the declaration of the poll, whichever is the later.

- 195.5 Any Student may stand for office and vote in elections conducted in 2005 by the University and/or MU Student Union Limited for the purposes described in this Rule 195. Restrictions on standing and voting for positions elected by and from Restricted Constituencies or by and from Women as outlined in this Constitution still apply. Any Student elected in any election conducted in 2005 to the Students' Council or other elected position corresponding with a Student elected position of UMSU under this Constitution, will be deemed to be elected to the corresponding elected position of UMSU as from the date of incorporation of UMSU or declaration of the poll, whichever is the later and will hold office for the calendar year 2006 in accordance with this Constitution.
- 195.6 The Electoral Tribunal shall be established before the opening of the election period for the 2005 elections and the electoral regulations adopted by the University or MU Student Union Limited for the 2005 elections shall be deemed to be the Electoral Regulations which apply for the purposes of the 2005 UMSU elections.
- 195.7 The initial members of the Electoral Tribunal will be Michael Gronow, Chris Penman and Ted Ellinghaus who are appointed in accordance with rule 104. If prior to incorporation of UMSU or the holding of the 2005 elections, any member of the Electoral Tribunal resigns or is unable to act, that member will be replaced by an alternative member appointed by the Vice Chancellor.
- 195.8 The Electoral Tribunal may exercise all powers granted to the Electoral Tribunal under this Constitution in respect to the UMSU elections conducted in 2005. On incorporation of UMSU or on the date of the declaration of the poll, whichever is the later, UMSU ratifies and approves all actions taken by the Electoral Tribunal prior to incorporation or the date of the declaration of the poll, whichever is the later, including without limitation, the appointment of a Returning Officer and the making of any Electoral Regulations. Without limitation to rule 195.9, rules 121.2 and 121.3 and the preconditions to appointment of a Returning Officer in rule 109.1 do not apply to the 2005 UMSU elections.
- 195.9 The University and/or MU Student Union Limited and the Electoral Tribunal may alter the electoral procedures set out in this Constitution or the Electoral Regulations if they otherwise consider it is necessary to do so, with the approval of the Interim Student Representative Committee, in order for the elections to be held during 2005 and the successful candidates to be able to take up their positions from 1 January 2006. The University, MU Student Union Limited or the Electoral Tribunal (as the case may be) has full power to make such changes to procedures and other terms as may be necessary for the purposes of carrying out such elections so as to enable the elected representatives to take their positions in UMSU with effect from 1 January 2006 for that calendar year.
- 195.10 For the avoidance of doubt, the transitional provisions prevail over any other provision in this Constitution for the purposes of conducting the 2005 elections in order to constitute the Students' Council and all other Student elected positions as referred to in this Constitution. No election of a Student to the Students' Council or other Student elected position for the calendar year 2006 will be invalidated by a failure to comply with any procedural requirement of this Constitution or the fact that UMSU is not incorporated at the date the election is conducted.
- 195.11 For the purposes of the transitional provisions (Rules 195 to 198) the Constitution shall be the document approved by the Council of the University at its meeting on 8 August 2005, as amended by further resolution of the Acting Vice-Chancellor

on behalf of Council on 9 September 2005 to reflect the changes made to the transitional provisions.

196 OFFICERS

196.1 The members of the Interim Student Representative Committee shall serve as both the equivalent Officers of UMSU and voting Representatives of the Students' Council until 31 December 2005.

196.2 The chair of the Interim Student Representative Committee is to serve as the President of UMSU until 31 December 2005.

197 INTERIM MEMBERSHIP FEES

The Interim Student Representative Committee may determine a joining fee or subscription fee to apply to Members as from 1 January 2006.

198 DELETION OF TRANSITIONAL PROVISIONS

The transitional provisions (rules 195-198) and this rule 198 shall be deleted on 31 December 2006.

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