



UMSU INCORPORATED

CONSTITUTION

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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 Student Association Council each as established in accordance with rule 60.

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.

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

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.

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

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.

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 Student Association Council, each of which is also a defined term for the purposes of this Constitution.

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 Graduate 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 Graduate 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.

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.

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.

Students with Disabilities refers to a student who experiences adversity in their studies or daily lives due to suffering an ongoing disability.

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.

Students with Disabilities refers to a student who experiences adversity in their studies or daily lives due to suffering an ongoing disability.

Sub-Committee means the Operations 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 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.

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.

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.

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) Graduate Student Association, which represents Graduate 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.

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 or 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.

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.

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) Graduate 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 Graduate Student Association;
 - (v) the Presidents of Burnley Student Association.

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) Creative Arts Officer;
- (h) Activities Officer;
- (i) Queer Officer;
- (j) Environment Officer;
- (k) Media Officers;
- (l) Clubs & Societies Officer; Indigenous Officer;
- (m) Disabilities Officer; and
- (n) Campus Co-ordinator, Victorian College of the Arts Student Association Council

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 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 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 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

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;

- (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.

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;

- (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.

COMMITTEES

60 COMMITTEES

The following Committees are established:

- (a) Activities Committee
- (b) Creative 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) Disabilities Committee
- (k) Burnley Student Association Committee
- (l) Victorian College of the Arts Student Association Council

61 MEMBERSHIP OF COMMITTEES

Each Committee, with the exception of the Victorian College of the Arts Student Association Council and the Creative 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;
 - (c) any non-voting representatives as established in Rule 62(c); and
 - (d) not more than three additional non-voting Representatives co-opted by the Committee.
- (e) The Creative 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 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.

62 VICTORIAN COLLEGE OF THE ARTS VICTORIAN COLLEGE OF THE ARTS STUDENT ASSOCIATION COUNCIL

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

- (a) Campus Co-ordinator (casting vote only);
- (b) Activities and Events Co-ordinator (non-voting)
- (c) Seven General Representatives
- (d) The student or students holding the position of Creative 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.
- 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.
- 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.
- 63.7 The voting Representatives of the Victorian College of the Arts 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.

64 ELIGIBILITY TO HOLD OFFICE

- 64.1 Only Members of UMSU are eligible to be voting Representatives of Committees.

- 64.2 Additional restrictions apply to the voting Representatives of the Wom*n's Committee, Queer Committee, Indigenous Committee, and Disabilities Committee.
- 64.3 The voting Representatives of the Wom*n's Committee are elected from Members of UMSU who are Women.
- 64.4 The voting Representatives of the Queer Committee are elected from Members of UMSU who are Queer Students.
- 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.
- 64.6 The voting Representatives of the Disabilities Committee are elected from Members of UMSU who are students with disabilities.
- 64.7 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.
- 64.8 The voting Representatives of the Victorian College of the Arts 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.

65 RESPONSIBILITIES OF COMMITTEES

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.

66 RESPONSIBILITIES OF BURNLEY STUDENT ASSOCIATION DEPARTMENT COMMITTEE

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 STUDENT ASSOCIATION COUNCIL

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

- (a) setting the direction of Victorian College of the Arts Student Association Department;

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

68. STAFF DIRECTION

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

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

69 DIRECTION OF OTHERS

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

DEPARTMENTS

70 DEPARTMENTS

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

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

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.

70A MU OVERSEAS STUDENTS SERVICE DEPARTMENT

There is also a MUOSS Department which is an autonomous department run by and for international students. MUOSS is governed by Regulations set out by the Students' Council.

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 Committee.

The Burnley Student Association Department shall have the following members:

- (a) Campus Coordinator
- (b) Seven (7) general representatives.

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;

74 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.

75 CREATIVE 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.

76 DISABILITIES DEPARTMENT

The aims and objectives of the Disabilities Department include:

- (a) to initiate and coordinate disabilities campaigns, particularly with regard to access and equity for disabled students;
- (b) to raise awareness of welfare and educational issues facing Students with disabilities among staff and students;
- (c) to monitor the implementation of disabilities policy within the University;
- (d) to monitor and lobby on behalf of students with disabilities within the University and wider community; and
- (e) to foster a community for students with disabilities on Campus.

77 EDUCATION DEPARTMENT

The aims and objectives of the Education Department include:

- (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; and
- (d) to monitor the implementation of education policy and teaching arrangements within the University.

78 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.
- (h) to educate Students and run campaigns aimed at preventing cruelty to, and exploitation of animals, and improving the welfare of non-human animals; and
- (i) to campaign to and liaise with the University on issues relating to the harmful use of 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.

79 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.

80 MEDIA DEPARTMENT

The aims and objectives of the Media Department include:

- (a) to promote greater Student participation in all forms of media;
- (b) to provide opportunities for Students to gain skills in publishing, writing, editing and design; and
- (c) to inform students about news, events, activities, and matters of importance within the Student Union.

81 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;

- (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.

82 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.

83 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.

84 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.

- (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 **VICTORIAN COLLEGE OF THE ARTS STUDENT ASSOCIATION DEPARTMENT**

The aims and objectives of the Victorian College of the Arts 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.

86 **COLLECTIVES**

- 86.1 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.
- 86.2 Participation in the Collectives established by the Wom*n's Committee, Queer Committee, Indigenous Committee and Disabilities Committee is restricted to Students who qualify to vote in elections for the relevant Committee.

- 86.2 The relevant Committee may by resolution permit other Members of UMSU to participate in a Collective.
- 86.2 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.
- 86.2 A Collective does not have any independent power in addition to the Committee to which the Collective relates.

HIERARCHY BETWEEN STUDENTS' COUNCIL, COMMITTEES, DEPARTMENTS AND COLLECTIVES

87 STUDENTS' COUNCIL IS PARAMOUNT

- 87.1 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.
- 87.2 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.
- 87.3 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.
- 87.4 Subject to rule 82A.1, each Committee is responsible for determining Policy and making decisions relevant to its own area of activity.
- 87.5 Subject to this rule 82A, a Committee may direct any Officer whose Office corresponds to that Committee, but may not direct any other Officer.
- 87.6 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.
- 87.7 A Department or Collective does not have any independent power in addition to the Committee to which the Department or Collective relates.

STUDENTS' COUNCIL MEETINGS

88 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.

89 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.

90 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.

91 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.

92 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.

93 HOW MUCH NOTICE MUST BE GIVEN

- 93.1 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.
- 93.2 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.

94 RIGHTS IF SECRETARY DOES NOT COMPLY

94.1 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.

- 94.2 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.

95 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.

96 ACCIDENTAL FAILURE TO GIVE NOTICE

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.

97 CHAIRING STUDENTS' COUNCIL MEETINGS

97.1 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.

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

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

98 QUORUM AT STUDENTS' COUNCIL MEETINGS

98.1 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.

98.2 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.

99 VOTING AT STUDENTS' COUNCIL MEETINGS

99.1 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.

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

100 PROXIES AT STUDENTS' COUNCIL MEETINGS

100.1 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.

100.2 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.

100.3 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.

101 PLACE AND TIME OF MEETING

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

101.2 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.

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

102 MINUTES OF STUDENTS' COUNCIL MEETINGS

102.1 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.

102.2 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.

102.3 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.

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

103 REGULATIONS FOR THE CONDUCT OF STUDENTS' COUNCIL MEETINGS

- 103.1 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.
- 103.2 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.

104 PARTICIPATION IN STUDENTS' COUNCIL AND COMMITTEES

- 104.1 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.
- 104.2 The Students' Council must develop an induction process for all elected Representatives of the Students' Council and Committees.

COMMITTEE MEETINGS

105 COMMITTEE MEETINGS

- 105.1 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:
- (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.
- 105.2 Three voting Representatives of a Committee may request the calling of a meeting of that Committee.
- 105.3 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.

ELECTORAL TRIBUNAL

106 CONTROL OF ELECTIONS

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

107 ELECTORAL TRIBUNAL

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

108 QUALIFICATIONS FOR ELECTORAL TRIBUNAL MEMBERS

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.

109 APPOINTMENT OF MEMBERS

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.

110 TERM OF OFFICE

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.

111 POWERS OF THE ELECTORAL TRIBUNAL

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,
- (i) to exercise the powers described in rule 110 (a)-(h) in relation to provisional elections, and
- (i) to make regulation governing its own proceedings.

112 MEETINGS OF THE ELECTORAL TRIBUNAL

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

113 NOTICE OF MEETINGS OF THE ELECTORAL TRIBUNAL

- 113.1 At least five days' notice must be given of a meeting of the Electoral Tribunal outside of an election period.
- 113.2 At least 12 hours' notice must be given of a meeting of the Electoral Tribunal during an election period.
- 113.3 Notice must be given to each member of the Electoral Tribunal, and
 - (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.
- 113.4 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.

114 ATTENDANCE AT MEETINGS

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

115 DECISIONS

- 115.1 The Electoral Tribunal must provide to the Secretary a brief summary of each decision on an appeal in relation to an election.
- 115.2 The Secretary must post the decision on the UMSU website and on a prominent notice board in Union House.

116 REMUNERATION

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

RETURNING OFFICER

117 RETURNING OFFICER

- 117.1 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.
- 117.2 The position must be advertised.
- 117.3 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.
- 117.4 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.

ELECTIONS

118 ANNUAL ELECTIONS

- 118.1 An election for all elected positions must be held each year in second Semester.
- 118.2 The election must be held in the first full academic week in September, where it falls no earlier than the fifth week of Semester..
- 118.3 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.
- 118.4 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.
- 118.5 The annual elections must be held over five consecutive Academic Days.

119 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).

120 FORM OF ELECTION

All elections must be conducted:

- (a) by secret ballot, using optional preferential proportional representation; and
- (b) by a physical ballot.

121 SEPARATE BALLOTS

121.1 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 Student Association Council as listed in rule 62; and
- (e) each other Committee.

121.2 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 Student Association Council as listed in rule 62.

121.3 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.

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

122 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.

123 RESTRICTIONS ON STANDING FOR ELECTION

123.1 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 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 Student Association Council must be Queer Students.
- (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 Student Association

Council must be Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.

- (f) The Representative of the Students' Council and the of the Victorian College of the Arts 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 Graduate Students must be a person who is a Graduate Student, as defined in the Electoral Regulations.
 - (h) The Representative of the Victorian College of the Arts Student Association Council elected by Graduate Students must be a person who is a Graduate Student.
 - (i) The Disabilities Officer and the voting representatives of the Disabilities Committee must identify as having a disability.
- 123.2 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.
- 123.3 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.
- 123.4 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.
- 123.5 A person who is not a Member of UMSU cannot stand for election to any position.
- 123.6 The Coordinators and Committee representatives of the Burnley Student Association Department must be Members who are Students at the Burnley Campus.
- 123.7 The Officer and Committee representatives of the Victorian College of the Arts Student Association Department must be Members who are Students at the Southbank Campus.

124 RESTRICTIONS ON VOTING IN ELECTIONS

The following positions have restricted electorates:

- 124.1 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 Student Association Council are elected by Students who are Women.
- 124.2 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 Student Association Council are elected by Students who are Queer Students;
- 124.3 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 Student Association Council are elected by students who are Indigenous Students, as evidenced by a roll kept at the Centre for Indigenous Education.
- 124.4 The Clubs and Societies Committee is elected by the Clubs and Societies Council established under this Constitution.
- 124.5 The Representative of the Students' Council and the of the Victorian College of the Arts Student Association Council elected by International Students is elected by Students who are International Students.

124.6 The Representative of the Students' Council elected by Graduate Students is elected by Students who are Graduate Students.

124.6 The Representative of the Victorian College of the Arts Student Association Council elected by Students who are Graduate Students.

125 RESTRICTIONS ON ELECTION

125.1 A person cannot hold

- (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.

125.2 At least:

- (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.

125.3 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.

125.4 A person shall be permitted to withdraw from an election after the close of nominations.

125.5 A person cannot hold an Officer position in UMSU and a Coordinator position in the Burnley Student Association Department.

126 ELECTORAL REGULATIONS

126.1 The Electoral Tribunal shall make Electoral Regulations which must not be inconsistent with this Constitution.

126.2 Electoral Regulations cannot be made during an election period.

126.3 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.

126.4 The Students' Council may recommend to the Electoral Tribunal changes to the Electoral Regulations, and the Electoral Tribunal must consider the recommendations.

127 TICKETS

127.1 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.

127.2 The application must contain the signatures of at least fifteen Members.

127.3 No Member may sign more than one application.

127.4 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.

- 127.5 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.
- 127.6 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.
- 127.7 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.
- 127.8 The Regulations must afford the same rights and responsibilities to all tickets.
- 127.9 Each Member standing on a ticket must sign and give to the Returning Officer an acknowledgement that their name is included on a ticket.
- 127.10 A Member may not stand on more than one ticket in the same ballot.
- 127.11 The list of names of candidates standing on each ticket must be prominently displayed at each polling booth and in other election publicity.

128 PREFERENCES

- 128.1 Candidates and tickets may submit lists of preferences.
- 128.2 Preferences may not be split.
- 128.3 The lists of preferences must be prominently displayed at each polling booth and in other election publicity.

129 INDIGENOUS ELECTIONS

- 129.1 A Member may vote in the election for the Indigenous Officer, the Indigenous Committee, the voting Member of the Students' Council elected by Indigenous Students at a polling booth either within, or within twenty metres of, the Centre for Indigenous Education.

130 PAPER USED IN ALL ELECTIONS

All paper used as election material must be recycled and recyclable.

CLUBS AND SOCIETIES

131 CLUBS AND SOCIETIES COUNCIL

- 131.1 There shall be a Clubs and Societies Council.
- 131.2 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.
- 131.3 The Clubs and Societies Council must meet at least once each Semester .

132 COMPOSITION

- 132.1 The Clubs and Societies Council consists of one representative of each club and society affiliated with UMSU, as a voting member.
- 132.2 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.
- 132.3 No person may be appointed as the representative of more than one club or society at any one time.

133 CLUBS AND SOCIETIES COMMITTEE

- 133.1 The Clubs and Societies Committee consists of:
- (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.
- 133.2 The Clubs and Societies Committee shall, in accordance with Policies and procedures determined by the Students' Council:
- (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.

134 POLICY AND REGULATIONS

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

135 POLICY DECISION OF CLUBS AND SOCIETIES COUNCIL TAKES PRECEDENCE

- 135.1 Any decision of the Clubs and Societies Council takes precedence over a decision of the Clubs and Societies Committee.
- 135.2 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.

136 AFFILIATION OF CLUBS AND SOCIETIES

- 136.1 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.

137 DISMISSAL OF CLUBS AND SOCIETIES COMMITTEE

- 137.1 If a petition requesting the dismissal of the members of the Clubs and Societies Committee, signed by:
- (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.
- 137.2 The meeting must be held not later than the fourteenth day after the date on which the Secretary received the petition.
- 137.3 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.
- 137.4 The motion is carried if more than half of all the members of the Clubs and Societies Council vote in favour of it.
- 137.5 If the motion is carried, the Clubs and Societies Council must, at the same meeting, elect a new Clubs and Societies Committee.

138 LIAISON WITH CLUBS AND SOCIETIES

- 138.1 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.

138.2 No additional requirements may be imposed on the structure of clubs or societies in addition to those requirements specified in rules 133.1

139 STUDENT THEATRE

139.1 STUDENT THEATRE COUNCIL

139.1 There shall be a Student Theatre Council.

139.2 The Student Theatre Council shall:

139.2.1 act as a forum to discuss ideas, opportunities and concerns regarding Union House Theatre;

139.2.2 provide an opportunity to influence the way student theatre in Union House Theatre is organised and resourced;

139.2.3 allow members to express their views on the administration and programs of Union House Theatre; and

139.2.4 provide an opportunity to create better networking and communication between students interested in the performing arts.

139.3 The Student Theatre Council must meet at least once per semester.

139.4 The Secretary is responsible for calling meetings of the Council.

139.5 Meetings must occur on University grounds in accordance with rule 103.

140 COMPOSITION

140.1 The Student Theatre Council consists of:

140.2 one (1) representative of each theatre club or group affiliated to UHT, as a voting member.

140.2.1 If no representative is nominated, the president, convener or equivalent of each club or group will be that representative, unless that person is already the representative of another club or group.

140.2.2 No person may be appointed as the representative of more than one club or group or another club or group, except in regards to rule 2.3.1.

140.3 The Union House Theatre Artistic Director and Admin and Development Officer, as non-voting members.

140.4 The UMSU Creative Arts Officer/s, as a non-voting member/s.

140.4.1 The Creative Arts Officer/s may not be a nominee as outlined in rule 2.2.

140.4.2 The Creative Arts Officer/s are responsible for chairing a meeting of the Council and recording minutes of the meeting.

140.4.3 The Creative Arts Officer/s are responsible for organising meetings of the Council.

141 POLICY AND REGULATIONS

141.1 The Students' Council may make Regulations for the affiliation and regulation of theatre clubs or groups.

APPEALS AGAINST COMMITTEE DECISIONS

142 APPEALS AGAINST COMMITTEE DECISIONS

142.1 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.

142.2 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.
- 142.3 Decisions which have been appealed are suspended until the appeal has been determined.
- 142.4 The Students' Council must determine the appeal at or before its next regular meeting.
- 142.5 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.
- 142.6 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.

DELEGATION OF POWER BY STUDENTS' COUNCIL AND COMMITTEES

143 DELEGATION

- 143.1 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.
- 143.2 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.
- 143.3 A delegation may be revoked by the Students' Council by resolution in writing at any time.

144 NO STANDING DELEGATION

- 144.1 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.
- 144.2 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.

145 RESTRICTIONS ON DELEGATION

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.

146 DELEGATION DURING SUMMER BREAK

- 146.1 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).
- 146.2 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.

147 NO DELEGATION BY COMMITTEES AND THE OPERATIONS SUB-COMMITTEE

Committees and the Operations Sub-Committee may not delegate any of their powers, except as specified in Regulation 145.

148 OPERATIONS SUB-COMMITTEE

- 148.1 There shall be one standing Sub-Committee of the Students' Council:
 - (a) the Operations Sub-Committee.
- 148.2 If the Students' Council considers that a voting Representative of a Sub-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 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.
- 148.3 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.
- 148.4 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.
- 148.5 Nothing in rules 140.2 and 140.3 operate to restrict the ability of the Students' Council to revoke the power of the Sub-Committee at any time.

149 ANNUAL ELECTIONS

- 149.1 An election for the voting Representatives the Sub-Committee shall take place each year, prior to the dates on which they take office.

149.2 The dates on which the voting Representatives of the Sub-Committee take office are 1 January each year.

149.3 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.

150 POWERS OF THE OPERATIONS SUB-COMMITTEE

150.1 The Operations Sub-Committee has authority to make decisions in relation to:

- a) Office Bearer Leave of Absence;
- b) Student Representative participation in UMSU Staff Selection Procedures;
- c) Expenditure of the Students' Council budget to a limit of \$1000 per budget line, per meeting;
- d) Staff Training and Development expenditure;
- e) Guidance for staff in performance of operational roles;
- f) Recommendations to Students' Council in relation to Policy and Regulations; and
- g) Any other matter as directed by Council.

150.2 Students' Council may specify a separate financial delegation for the Media Department to a limit of \$10,000 per budget line, per meeting

151 MEETINGS

151.1 The Secretary is responsible for giving notice of meetings of the Operations Sub-Committee.

151.2 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 the Sub-Committee to be held within a week of receiving the requisition.

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

151.4 The quorum for the Sub-Committees is three voting Representatives.

151.5 The Secretary must report on each meeting of the Sub-Committee to the next regular meeting of the Students' Council.

151.6 For as long as any delegation from the Students' Council in accordance with rule 146 remains in force, the Operations Sub-Committee must meet at least once every week during Semester, and once every two weeks in the non-teaching period from February to November inclusive.

152 MEETINGS

The Operations Sub-Committee may meet in camera.

BUDGET PROCESS

153 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.

153.2 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.

153.3 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.

153.4 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.

- 153.5 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.
- 153.6 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.
- 153.7 Should the Students' Council-elect delegate the budget development process to the Operations 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.
- 153.8 Each Committee must subsequently meet to confirm the allocations within its budget, and may alter those allocations.
- 153.9 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

154 ELECTORAL REGULATIONS

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

155 OTHER REGULATIONS

- 155.1 The Students' Council has power to make and amend Regulations (other than Electoral Regulations) concerning any matter in furtherance of the purposes of UMSU.
- 155.2 The Grievance Tribunal may make and amend Regulations (other than Electoral Regulations) concerning:
- (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.

156 PROVISIONS OF REGULATIONS

- 156.1 Regulations must not be inconsistent with this Constitution.
- 156.2 Regulations may specify the roles and responsibilities of Officers.
- 156.3 Regulations may specify the procedures to apply in relation to the area of activity to which they relate as provided for in this Constitution.
- 156.4 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.
- 156.4 The Students' Council, in making Regulations concerning the Victorian College of the Arts Student Association Department, must take into account any recommendations from the Victorian College of the Arts Student Association Council
- 156.5 The Electoral Tribunal in making any Electoral Regulations must take into account any recommendations from the Students' Council.
- 156.6 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.

157 NOTICE OF INTENTION TO MAKE REGULATIONS

- 157.1 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.
- 157.2 Notice must be given:
- (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.
- 157.3 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.
- 157.4 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.
- 157.5 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.
- 157.6 A resolution to make Regulations cannot be referred to Referendum.

158 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

159 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:

- 159.1 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;
- 159.2 by posting the notice on the UMSU website;
- 159.3 by posting the notice on a prominent notice board in Union House; and
- 159.4 in such additional manner as is set out in Regulations.

POLICY

160 MAKING OF POLICY

- 160.1 UMSU, the Students' Council and Committees may, in accordance with this Constitution, make Policy which is not inconsistent with this Constitution or the Regulations.
- 160.2 Responsibility for making UMSU Policy is set out in this rule 160.
- 160.3 All Committees may enact Policy relevant to their Department and area of activity.
- 160.4 The Students' Council may enact, repeal or amend Policy.
- 160.5 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.
- 160.6 UMSU Committees and the Students' Council have an obligation to develop Policy in consultation with Collectives, Students generally and relevant organisations.

- 160.7 The Students' Council shall make Regulations concerning the consultation process for the development of Policy.
- 160.8 All Representatives of the Students' Council must be given notice of any proposal to make Policy, including the text of the proposed Policy.
- 160.9 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.
- 160.10 The Students' Council, in making Policy regarding the Victorian College of the Arts 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 Student Association Council
- 160.11 At least four days' notice must be given of any proposal to make Policy.

FOOD COOPERATIVE

161 ROLE OF FOOD CO-OPERATIVE

- 161.1 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
 - (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.
- 161.2 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.
- 161.3 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.

COMMON SEAL

162 USE OF COMMON SEAL

- 162.1 The common seal of UMSU may only be used with the approval of a resolution of the Students' Council.
- 162.2 The authority to affix the seal may not be delegated.
- 162.3 The common seal must be affixed in the presence of two Officers.
- 162.4 The common seal must be kept by the Senior Staff Member, or if there is none, the Secretary, at the office of UMSU.

163 RECORDING USE OF COMMON SEAL

- 163.1 Every use of the common seal must be recorded in a register kept by UMSU for that purpose. The register must include:
- (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.
- 163.2 Every use of the common seal must be recorded in the minutes of the Students' Council.
- 163.3 The minute must include all of the information required to be included in the register in relation to that matter.⁴

REGISTER OF CONTRACTS

164 REGISTER OF CONTRACTS

- 164.1 Every written contract entered into by or on behalf of UMSU, must be:
 - (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.
- 164.2 Rule 164.1 does not apply to a contract not exceeding in value \$5,000.

CUSTODY OF DOCUMENTS AND SECURITIES

165 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.

INSPECTION OF DOCUMENTS

166 INSPECTION

- 166.1 A Member is entitled to inspect the documents and securities of UMSU on reasonable notice to the Secretary.
- 166.2 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.
- 166.3 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.
- 166.4 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.
- 166.5 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.

NOT FOR PROFIT

167 APPLICATION OF INCOME AND PROPERTY

- 167.1 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.

167.2 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.

168 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.

169 DISPOSAL OF ASSETS ON WINDING UP

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

170 PAYMENTS

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

170.2 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.

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

171 ANNUAL STATEMENTS

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

172 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.

ALTERATION OF THIS CONSTITUTION

173 ALTERATION

- 173.1 In accordance with the Act, the Constitution may only be amended by Special Resolution at a General Meeting of UMSU.
- 173.2 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.
- 173.3 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.

174 RESTRICTIONS ON ALTERATION

- 174.1 Rule 8 may not be amended without the approval of the organisation affected by the amendment.
- 174.2 Rule 168 must not be altered without the consent of the Minister administering the Act
- 174.3 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.

DISCIPLINE OF MEMBERS

175 NOTICE OF PROPOSED SUSPENSION OR EXPULSION

- 175.1 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.
- 175.2 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.
- 175.3 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.

176 DISCIPLINE OF OFFICERS

- 176.1 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.
- 176.2 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.
- 176.3 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.
- 176.4 If the Students' Council determines to recommend the suspension or removal of Secretary in accordance with rule 176.3, the President must call a General Meeting of the Members in accordance with rule 26.1 to determine whether or not the Secretary should be suspended or removed from Office.
- 176.5 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.
- 176.6 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.

177 NO OTHER DISCIPLINARY PROCEDURES

- 177.1 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.
- 177.2 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.

VALIDATION OF ACTS

178 VALIDATION

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.

INDEMNITY

179 MEMBERS BOUND BY CONSTITUTION

- 179.1 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.
- 179.2 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.

180 OFFICERS NOT LIABLE

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.

181 INDEMNIFICATION OF OFFICERS AND OTHER MEMBERS

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.

182 LIMITATION ON LIABILITY OF MEMBERS AND OFFICERS

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

183 APPOINTMENT OF MEDIATOR

- 183.1 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.
- 183.2 A Member may appoint any person to act on behalf of that Member in the mediation of the dispute.
- 183.3 The mediation must allow for natural justice to be applied.
- 183.4 Only Students who are Members may utilise the dispute resolution procedures in this Constitution.
- 183.5 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.

184 DETERMINATION BY GRIEVANCE TRIBUNAL

- 184.1 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.

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

GRIEVANCE TRIBUNAL

185 GRIEVANCE TRIBUNAL

There shall be a Grievance Tribunal consisting of three Members.

185.1 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.

186 APPOINTMENT OF MEMBERS

186.1 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.

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

187 TERM OF OFFICE

A member of the Grievance 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 Representatives of the Students' Council.

188 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.

189 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.

190 NOTICE OF MEETINGS OF THE GRIEVANCE TRIBUNAL

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

- 190.2 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.
- 190.3 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.
- 191 ATTENDANCE AT MEETINGS
- Meetings of the Grievance Tribunal are open to Members unless the Grievance Tribunal determines to meet in camera.
- 192 DECISIONS
- 192.1 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.
- 192.2 The Secretary must post the decision on the UMSU website and on a prominent notice board in Union House.
- 193 REMUNERATION
- Remuneration (if any) of the members of the Grievance Tribunal will be determined by the Students' Council from time to time.