

**TASMANIAN**

**UNIVERSITY**

**STUDENT**

**ASSOCIATION**

**TASMANIAN UNIVERSITY STUDENT  
ASSOCIATION**

**Constitution**

Approved 10 August 2022

# PART 1 – GENERAL

## 1. NAME

The name of the statewide students' association of the University of Tasmania shall be the Tasmania University Union Incorporated. The association is now trading under the name Tasmanian University Student Association (TUSA).

## 2. INTERPRETATION

- 2.1 (a) "Act" shall mean the *Associations Incorporation Act 1964* (Tas).
- (b) "Association" shall mean the Tasmania University Union Incorporated or its successor in law.
- (c) "Board" shall mean the Statewide Board of Management.
- (d) "Council" shall mean the TUSA State Council referred to in rule 15(a).
- (e) "Deputy President" shall mean the person holding the position of Deputy President of the Council referred to in rule 26(f).
- (f) "Education President - Undergraduate" shall mean the person holding the position of Education President - Undergraduate of the Council referred to in rule 15(a).
- (g) "Education President - Postgraduate" shall mean the person holding the position of Education President - Postgraduate of the Council referred to in rule 15(a).
- (h) "Enrolment Status" shall refer to enrolment as either an undergraduate or postgraduate student at the University.
- (i) "Equity President" shall mean the person holding the position of Equity President of the Council referred to in rule 15(a).
- (j) "Chief Executive Officer" means the person holding the office of Chief Executive Officer of the Association.
- (k) "Honorary Life Member" means a person who is enrolled as an honorary life member of the Association in accordance with rule 10 of this constitution.
- (l) "Honorary Member" means a Member who is an Honorary Life Member in accordance with rule 10 of this constitution.

- (m) “Honorary Student Member” means a person who is enrolled as an honorary student member of the Association in accordance with rule 11 of this constitution.
- (n) “Members” shall mean members of the Board, Council, and committees of the Association.
- (o) “Present” shall mean physically present or present by video link, telephone, or other means of electronic communication.
- (p) “President” shall mean the person holding the position of President of the Council referred to in rule 15(a).
- (q) “Region” shall mean any of the regions of the Cradle Coast (North West), North or South of Tasmania, and Sydney where onshore University of Tasmania campuses are located.
- (r) “Northern Campus President” shall mean the person holding the position of Northern Campus President of the Council referred to in rule 15(a).
- (s) “Southern Campus President” shall mean the person holding the position of Southern Campus President of the Council referred to in rule 15(a).
- (t) “Cradle Coast Campus President” shall mean the person holding the position of Student Experience Vice President North West being a member of the Student Experience Committee.
- (u) “Rozelle Campus President shall mean the person holding the position of Student Experience Vice President Sydney being a member of the Student Experience Committee.
- (v) “University Council” shall mean the Council of the University of Tasmania.
- (w) “University” shall mean the University of Tasmania or its successor in law.
- (x) “Voting Member” shall mean a person who has voting rights under rule 9(b) of this constitution.
- (y) “Vote of No Confidence’ shall mean a motion expressing a lack of confidence in a member of the Board, a Student Body or Committee.

2.2 Headings are for reference only and do not affect the construction of this constitution.

- 2.3 A reference to an Act of Parliament or a section of an Act of Parliament includes any amendment thereto or re-enactment thereof for the time being in force and all by-laws and regulations made thereunder for the time being in force.

### **3. OFFICE OF THE ASSOCIATION**

The office of the Association shall be located at 2 Churchill Avenue, Sandy Bay, Tasmania, or such other place as the Board may, from time to time, determine.

### **4. OBJECTIVES AND PURPOSES OF THE ASSOCIATION**

The Association is the official affiliated student organisation of the University. The objectives of the Association shall be to provide representation, social and cultural enrichment and support to students relating to their education and time at the University and students at other educational institutions as determined by the Board.

### **5. POWERS**

For carrying into effect its objectives and purposes the Association has and may exercise any of the following powers:

- (a) to purchase, receive, take up on lease or in exchange or otherwise acquire and hold and to sell, lease, exchange, deal with, manage, turn to account, and dispose of any property of any kind;
- (b) to accept any gift for one or more of the objectives or purposes of the Association;
- (c) the taking of any step the Board considers necessary for the purpose of procuring contributions to the funds of the Association;
- (d) the printing and publishing of any newspapers, periodicals, books, leaflets, or other documents in whatever format the Board or Council considers desirable for the promotion of the objectives and purposes of the Association;
- (e) to borrow and raise money for any of the objectives or purposes of the Association and to secure the payment thereof by mortgage of, charge on or debenture over all or any of the property of the Association or in any other lawful manner;

- (f) to invest any of the moneys or funds of the Association that are not immediately needed in any investments for the time being authorised by law for the investment of trust funds;
- (g) to appoint, engage, supervise, control, suspend and dismiss officers and employees;
- (h) to settle any claim or action and enter into submissions to arbitration;
- (i) to execute in accordance with the terms of any trust in connection with any moneys or properties received, obtained, or held by the Association;
- (j) to enter into any contract of insurance the Board thinks fit;
- (k) to buy, sell, supply and deal in, goods relating to the attainment of any of the objectives or purposes of the Association;
- (l) to construct, maintain and alter buildings or works necessary or convenient for any of the objectives or purposes of the Association;
- (m) to make gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which section 30-15 of the *Income Tax Assessment Act 1997* (Cth) (formerly section 30-15 *Income Tax Assessment Act 1977*) relates;
- (n) to purchase or acquire, and undertake, all or any part of the property, assets, liabilities and engagements of any association with which the Association may at any time become amalgamated in accordance with the provisions of the Act and the rules of the Association;
- (o) the establishment and support, or aiding in the establishment or support, of any other association formed for any of the objectives or purposes of the Association;
- (p) to generally do any other act, matter or thing or enter into any agreement or arrangement that is incidental to or conducive to the attainment of any of the objectives or purposes of the Association; and
- (q) to make Regulations in accordance with the Association's objectives or purposes.

## 6. INCOME AND PROPERTY

The income and property of the Association, however derived, shall be applied solely towards the promotion of the objectives and purposes of the Association and no portion thereof shall be paid, distributed or transferred, directly or indirectly, by dividend, bonus, or otherwise, to any Member or servant of the Association.

Nothing in the foregoing provisions of this rule prevents the payment in good faith to a Member or servant of the Association of:

- (a) remuneration in return for services actually rendered to the Association or expenses incurred on behalf of the Association by the servant or Member or for goods supplied to the Association by the servant or Member in the ordinary course of business;
- (b) paying and collecting commercial valued rent for premises let to the Association by the servant or Member.

## 7. WINDING UP

- (a) If the Association is wound up:
  - (i) the net assets of the Association may not be distributed to any Member; and
  - (ii) the net assets must be given to an organisation determined by the Association by special resolution which:
    - A. has similar objectives and purposes to the Association; and
    - B. which also prohibits the distribution of its assets and income to its members.
- (b) In the event of the Association being wound up:
  - (i) every Member; and
  - (ii) every person who, within the period of twelve months immediately preceding the commencement of the winding up, was a Member of the Association,

is liable to contribute to the assets of the Association for the costs, charges and expenses of the winding up and for the adjustment of the rights of the contributories among themselves such sum, not exceeding two dollars as may be required, but a former Member is not liable so to contribute in respect of any debt or liability of the Association contracted after he/she ceases to be a Member.

## 8. THE SEAL OF THE ASSOCIATION

- (a) The seal of the Association shall be in the form of a rubber stamp inscribed with the name of the Association encircling the word “seal”.
- (b) The seal of the Association shall not be affixed to any instrument except by the authority of the Board.
- (c) The affixing of the seal of the Association is to be attested by the signatures of:
  - (i) two members of the Board; or
  - (ii) one member of the Board and the public officer or such other person as the Board may appoint for that purpose.
- (d) The seal shall remain in the custody of the public officer.

## PART II – MEMBERSHIP

### 9. MEMBERSHIP OF THE ASSOCIATION

- (a) There shall be the following categories of Membership:
  - (i) Voting Member;
  - (ii) Honorary Life Member; and
  - (iii) Honorary Student Member.
- (b) The number of Members is unlimited, but the maximum number of Voting Members is two which members who are:
  - (i) The University of Tasmania; and

- (ii) the person elected to the position of President. During the month of overlap between the outgoing and incoming President, the Voting Member will be the outgoing President. The incoming President will have observer status only. Written confirmation of such person's election shall be given to the public officer within two weeks from the date of the election.
- (c) Each Voting Member shall be entitled to one vote at all general meetings.
- (d) Eligibility for Membership as an Honorary Life Member is set out in rule 10(a) of this constitution and entitlements of such Membership are set out in rule 10(b) of this constitution.
- (e) Eligibility for Membership as an Honorary Student Member is set out in rule 11(a) of this constitution and entitlements of such Membership are set out in rule 11(b) of this constitution.
- (f) A right, privilege, or obligation of a person by virtue of their Membership of the Association:
  - (i) is not capable of being transferred or transmitted to another person; and
  - (ii) terminates upon cessation of Membership whether by death, resignation, no longer satisfying eligibility criteria for Membership or otherwise,

provided that, Membership held as a result of holding the position of President including voting rights under rule 9(c) will automatically transfer to the new person holding this position on commencement of the term for which he/she holds such position. The transfer of Membership shall be confirmed in writing by written notice to the public officer within two weeks of the date of the election.

- (g) The University, as it is not a natural person, appoints the person holding the position of Chancellor of the University, from time to time, to act as its appointed representative to exercise its Membership rights including voting rights under rule 9(c) of this constitution and will only appoint another person, not holding the position of Chancellor, to act as its appointed representative with the prior written consent of the other Voting Member, such consent not to be unreasonably withheld. The University will notify the public officer in writing when the person holding the position of Chancellor changes including the termination of the current appointment and replacement appointment of the new person within two weeks of the change occurring.



- (h) A person appointed as a representative in accordance with rule 9(g) of this constitution is entitled to attend general meetings of the Association and vote and exercise the same powers on behalf of the appointor which he/she represents as the appointor could exercise if it were an individual Voting Member of the Association.
- (i) Upon receipt of a written notification under rules 9(b)(ii) or (g) of this constitution the public officer:
  - (i) is to enter the new Voting Member's name in a register of Members and remove the name of the previous Voting Member; and
  - (ii) will notify the new Voting Member in writing that he or she has been recorded as a Voting Member of the Association.
- (j) A Member may resign from the Association by delivering or sending to the public officer a written notice of resignation.
- (k) If the President's position is vacant for the provisions of their voting membership the Deputy President will act in this position during the period of vacancy.
- (l) Upon receipt of a notice under rule 9(j) of this constitution the public officer shall remove the name of the Member by whom the notice was given from the register of Members whereupon that Member ceases to be a Member.
- (m) A dispute between a Member, in their capacity as a member, and the Association is to be determined by arbitration in accordance with the provisions of the *Commercial Arbitration Act (Tas) 2011*.

## 10. HONORARY LIFE MEMBERSHIP OF THE ASSOCIATION

- (a) Any person:
  - (i) who has given meritorious service to the Association, who is nominated by a petition signed by one Voting Member and who is elected to the status of honorary life membership by both Voting Members at a general meeting at which the petition is presented shall thereupon be enrolled as an Honorary Life Member; or
  - (ii) who was an honorary life member of the Tasmania University Union immediately prior to the incorporation of this Association shall be enrolled as an Honorary Life Member.

- (b) Honorary Life Members cannot vote at any meetings of the Association and shall only be entitled to speaking rights at Annual General Meetings and Special General Meetings.

## 11. HONORARY STUDENT MEMBERSHIP OF THE ASSOCIATION

- (a) Any enrolled student at the University shall be eligible for Honorary Student Membership while such enrolment continues.
- (b) Honorary Student Members cannot vote at any meetings of the Association and shall only be entitled to speaking rights at Annual General Meetings, Special General Meetings and Council meetings.

## PART III – GOVERNANCE

### 12. GOVERNANCE OF THE ASSOCIATION

The affairs of the Association shall be managed by the Board. The membership and powers of the Board and Council are provided in Part III.

### 13. MEMBERSHIP OF THE BOARD

- (a) The Board shall comprise up to nine members being:
- (i) The Chair, who shall be appointed by the University Council in consultation with the Board. The Chair shall be non-voting but shall have a casting vote when the Board is tied on any issue.
- (ii) Two members appointed by the University Council, one being a University professional staff member, and one being a University academic staff member. These appointments should be made by reason of their skills and expertise in achieving the objectives and purposes of the Association.
- (iii) Up to three members appointed by the Board in consultation with the Council, one each providing skills and expertise in:
- Finance and Investment and/or;
  - Governance and Risk and/or;
  - Strategy and Partnerships.

- (iv) The elected President – Ex-officio. During the month of overlap between the outgoing and incoming President, the role will be the outgoing President. The incoming President will have observer status only.
  - (v) One member of Council other than the elected President, who shall be appointed by Council at their first meeting.
  - (vi) The immediate past President, or if the immediate past President is not able to be a member of Board, the immediate past President should nominate a previous student Board member.
- (b) The term of the members of the Board:
- (i) appointed under rules 13(a)(i) and (iii) shall be for up to three years.
  - (ii) appointed under rules 13(a)(ii) shall be for a period determined by the University.
  - (iii) holding office under rules 13 (a)(iv), (v) and (vi) shall be for a period of 13 months commencing from 1st November.
- (c) Each member of the Board including ex-officio members shall be entitled to one (1) vote unless stated otherwise in this constitution.
- (d) At the first meeting of the Board each calendar year, or as required, its members shall elect a Deputy Chair from amongst their members.
- (e) Each member of the Board who is a student shall hold office until 30 November.

## 14. POWERS AND FUNCTIONS OF THE BOARD

14.1 The Board shall have the following powers and functions:

- (a) To act as the committee of the Association for the purposes of the Act and other relevant laws;
- (b) To oversee all aspects of the Association;
- (c) To maintain a due diligence role with respect to Council, its subsidiary councils, and its committees;
- (d) To be directly responsible for and be focused on the commercial operations of the Association;

- (e) To be the employer of all staff employed by the Association;
- (f) To have the control of all lands and property owned or occupied by the Association;
- (g) To have the control and management of the administrative services of the Association;
- (h) To have the control and management of all the commercial, trading, and operating activities of the Association;
- (i) To provide proper administrative, research, office and meeting services to Council, its subsidiary councils, and affiliated clubs and societies; and
- (j) To provide funding to the Council.

14.2 The Board shall recognise the Council as the body constituted to deal with student representation and activities and will delegate to the Council the following powers and functions:

- (a) To represent students in University decision making processes and forums;
- (b) To develop, facilitate and support student networks;
- (c) To assist Colleges and the University to consult with students and to be accessible for issues to be raised by students;
- (d) To provide a peak voice for students to internal and external stakeholders; and
- (e) To represent student issues in external processes and forums and engage with the wider community.

14.3 The Board must act in accordance with the Association's objectives and purposes set out in rule 4 of this constitution.

14.4 The Board may convene committees of its members and co-opt non-members based on the experience and expertise requirements of the committee. The President is normally an ex officio member of any committee.

14.5 The Board shall set the strategy and direction of the Association in consultation with the Council and Chief Executive Officer.

14.6 The Board may receive recommendations from Council and Chief Executive Officer. The Board is not bound by the Council's recommendations but may choose to adopt any of the recommendations.

## 15. MEMBERSHIP OF COUNCIL

- (a) The Council shall comprise eight members being the:
  - (i) President
  - (ii) Equity President
  - (iii) Education President - Undergraduate
  - (iv) Education President - Postgraduate
  - (v) Southern Campus President
  - (vi) Northern Campus President
  - (vii) Cradle Coast Campus President
  - (viii) Rozelle Campus President
- (b) The term of the members of the Council shall be 13 months which shall commence from the 1st November.
- (c) The Chair of the Council shall be the person appointed to the position of President.
- (d) The Deputy Chair of Council shall be the person appointed to the position of Deputy President.
- (e) Each member of the Council shall hold office until 30th November following a 13 month term.
- (f) Each member of the Council including ex-officio members shall be entitled to one (1) vote unless stated otherwise in this constitution.

## 16. POWERS AND FUNCTIONS OF COUNCIL

The Council shall have the following powers and functions:

- (a) To determine policy in consultation with Student Bodies and other parties where appropriate.
- (b) All powers and functions delegated by the Board to the Council are set out in rule 14.2 of this constitution.
- (c) To appoint committees as it deems necessary from time to time.

## 17. PUBLIC OFFICER OF THE ASSOCIATION

The public officer of the Association shall be the person holding the position of Chief Executive Officer or delegated party, if required.

## PART IV – MEETINGS OF THE ASSOCIATION

### 18. ANNUAL GENERAL MEETING

- (a) The Annual General Meeting of the Association shall be held on such date being not later than 30th June each year, as the Board may determine.
- (b) The Annual General Meeting shall be in addition to any other general meetings that may be held in the same year.
- (c) The public officer of the Association shall, at least fourteen days before the date fixed for holding an Annual General Meeting circulate to Members a notice specifying the place, day and time of the meeting, and the nature of the business to be transacted thereat.
- (d) The ordinary business of the Annual General Meeting shall be:
  - (i) to confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
  - (ii) to receive from the Council, Board, committees, auditor, and servants of the Association reports upon the activities of the Association during the last preceding financial year; and
  - (iii) to transact any business of which notice is given in accordance with this constitution.
- (e) Except as herein otherwise provided, the quorum and procedures for the Annual General Meeting shall be the same as the quorum and procedures for General Meetings.

## 19. GENERAL MEETINGS

- (a) All general meetings other than the Annual General Meeting shall be called Special General Meetings.
- (b) A Special General Meeting may be called by either Voting Member.
- (c) No item of business shall be transacted at any Special General Meeting unless both Voting Members are Present.
- (d) All Voting Members (or their appointed representative where the Voting Member is not an individual) must be present to constitute a quorum for transactions of any Special General Meeting. Neither Voting Member can fail to attend a Special General Meeting unless the Voting Member has reasonable justification.
- (e) If within one hour after the appointed time for the commencement of the Special General Meeting a quorum is not Present, the meeting (if convened upon the requisition of a Voting Member) shall be dissolved; and in any other case it shall be adjourned to the same day in the next week, at the same time and at the same place (unless another place is specified by the Chair at the time of adjournment, or by written notice given to Members before the day to which the meeting is adjourned), and if at the adjourned meeting a quorum is not Present within one hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.
- (f) The Chair of the Special General Meeting at which a quorum is Present may, with the consent of the meeting, adjourn the meeting from time to time and place to place.
- (g) Where a meeting is adjourned for fourteen days or more, the notice of the adjourned meeting shall be given as in the case of the original meeting.
- (h) Except as provided in the foregoing provisions of this rule 20, it is not necessary to give any notice of an adjournment or of the business to be transacted at the adjourned meeting.
- (i) Each Voting Member has one vote and all votes shall be given personally or where the Voting Member is not an individual by its authorised representative.

- (j) Unless otherwise resolved by the meeting, questions arising at a Special General Meeting of the Association shall be determined on a show of hands. A declaration may be made by the Chair that a resolution has, on a show of hands, been carried unanimously or lost, and an entry to that effect in the minute book of the Association shall be the evidence of the fact, without the numbers of the votes recorded in favour of or against the resolution being required.
- (k) In the case of any equality of voting on a question the Chair does not have a casting vote.
- (l) If at a meeting, a poll on any question is demanded, it shall be taken at that meeting in such a manner as the Chair may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.
- (m) A poll that is demanded on the election of a Chair for a Special General Meeting or on a question of adjournment shall be taken forthwith, and a poll that is demanded on any other question shall be taken at such time before the close of the meeting as the Chair may direct.

## 20. COUNCIL MEETINGS

- (a) The Council may meet for the dispatch of business, may adjourn, and may otherwise regulate its meetings as required.
- (b) The quorum for a Council meeting is the next number greater than half of the number of members of the Council.
- (c) The Chair, or in the Chair's absence the Deputy Chair, shall preside at meetings of the Council, and in the absence of both the Chair and the Deputy Chair the members of the Council Present at the meeting shall elect one of their number to preside.
- (d) Questions arising at a meeting of the Council shall be decided by a majority of votes.
- (e) In the case of an equality of votes the Chair does not have a second or casting vote and the motion is lost.
- (f) The Council may allow Voting Members and interested parties to attend a meeting of the Council as observers.
- (g) The Council shall normally meet at least once a year in both the Southern and Northern Regions.



## 21. BOARD MEETINGS

- (a) The Board may meet for the dispatch of business, may adjourn, and may otherwise regulate its meetings as required.
- (b) The quorum for a Board meeting is the next number greater than half of the members of the Board, excluding the Chair, with at least one person present from those who are members in accordance with rule 13(a)(ii) and 13 (a)(iv) or 13 (a)(v).
- (c) The Chair or in the Chair's absence the Deputy Chair shall preside at meetings of the Board, and in the absence of both the Chair and the Deputy Chair the members of the Board at the meeting shall elect one of their number to preside.
- (d) Questions arising at a meeting of the Board shall be decided by a majority of votes from the members of the Board who are present.
- (e) The Board shall normally meet at least once a year in both the Southern and Northern Regions.

## 22. COMMITTEE MEETINGS

- (a) A committee appointed by the Council or Board shall exercise the powers and duties delegated to it in conformity with any conditions or limitations imposed by whichever of the Council or Board appointed the committee.
- (b) A committee shall cause minutes to be kept of all resolutions and proceedings at all meetings of the committee.
- (c) At the first meeting of the committee, the committee shall elect one of the members of the committee to be the Chair of the committee.
- (d) If the Chair of a committee is not Present at a meeting of the committee within fifteen minutes after the time appointed for holding the meeting the members of the committee Present may choose one of their number to be Chair of the meeting.
- (e) A committee may meet and adjourn as required or as directed by whichever of the Council or Board appointed the committee.
- (f) Questions arising at a meeting shall be determined by a majority of votes.

- (g) Each committee shall give to the Council or the Board, whichever appointed the committee, regular reports of its activities. Where delegated authority includes decision making the Council or the Board will note the committee decision. Otherwise the Council or the Board will deliberate on whether to adopt any recommendation of the committee.
- (h) The quorum for a committee meeting is the next number greater than half of the members of the committee.

## 23. PECUNIARY INTEREST

- (a) A member of the Council, or Board who has a direct or indirect interest (whether pecuniary or otherwise) or who has a relationship with someone who has a personal, commercial or financial interest in any contract or arrangement made or proposed to be made with the Association is to disclose the interest:
  - (i) at the first meeting of the Council, or Board at which the contract or arrangement is first taken into consideration, if the interest then exists; or
  - (ii) in any other case, at the first meeting of the Council, or Board after the acquisition of the interest.
- (b) If a member of the Council, or Board becomes interested (in the manner set out in rule 23(a) of this constitution) in a contract or arrangement after it is made or entered into, he or she is to disclose the interest at the first meeting of the Council, or Board after he or she becomes so interested.
- (c) A member of the Council, or Board shall not vote on a matter in which he/she has an interest (in the manner set out in rule 24(a) of this constitution) or take part in the debate on such a matter.

## 24. FINANCE

- (a) The financial year of the Association ends on 31st December.
- (b) True accounts shall be kept:
  - (i) of all sums of money received and expended by the Association and the matters in respect of which the receipt or expenditure takes place; and

- (ii) of the property, credits, and liabilities of the Association and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Board for the time being, those accounts shall be open to the inspection of the Members.
- (c) The accounts, books and records are to be kept at the Association's office or at any other place the Board decides.
- (d) The Board may receive from the Association's financial institution the financial transactions drawn by the Association on any of its accounts with the financial institution and may release and indemnify the bank or bankers from and against all claims, actions, suits or demands that may be brought against the financial institution arising directly or indirectly out of those cheques or the surrender thereof to the Association.
- (e) All financial transactions, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed in accordance with the guidelines and procedures approved by the Board from time to time.
- (f) The Board shall authorise the Board's Chair and the President to sign the Annual Financial Accounts on behalf of the Association.

## 25. AUDITOR AND AUDIT OF ACCOUNTS

- (a) At each Annual General Meeting of the Association the Voting Members Present are to appoint a person as the auditor of the Association.
- (b) The auditor is to hold office until the annual general meeting next after that at which he or she is appointed and is eligible for reappointment.
- (c) The first auditor may be appointed by the Board before the first annual general meeting, and, holds office until the first annual general meeting, unless earlier removed by a resolution of the Voting Members at a general meeting, when that meeting may appoint an auditor to act until the first annual general meeting.
- (d) If an appointment is not made at an annual general meeting, the Board is to appoint an auditor for the current financial year of the Association.
- (e) Except as provided in rule 25(c) of this constitution the auditor may only be removed from office by special resolution of the Voting Members.
- (f) If a casual vacancy occurs in the office of an auditor during the course of a financial year of the Association, the committee may appoint a person as the auditor to hold office until the next succeeding annual general meeting.

- (g) At least once in each financial year of the Association, the accounts of the Association shall be examined by the auditor.
- (h) The auditor shall certify as to the correctness of the accounts of the Association and shall report thereon to the Members Present at the Annual General Meeting.
- (i) In the auditor's report, and in certifying to the accounts, the auditor shall state:
  - (i) whether the auditor has obtained the information they have required;
  - (ii) whether, in the auditor's opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Association according to the information at the auditor's disposal and the explanations given to the auditor and as shown by the books of the Association; and
  - (iii) whether the rules relating to the administration of the funds of the Association have been observed.
- (j) The public officer shall cause to be delivered to the auditor a list of all the accounts, books, and records of the Association.
- (k) The auditor:
  - (i) has a right of access to the accounts, books, records, vouchers, and documents of the Association;
  - (ii) may require from the employees of the Association such information and explanations as may be necessary for the performance of their duties;
  - (iii) may employ persons to assist them in investigating the accounts of the Association; and
  - (iv) may, in relation to the accounts of the Association examine any member of the Board or servant of the Board.

# PART V – ELECTIONS

## 26. ANNUAL ELECTIONS

- (a) There shall be an annual election called during the second semester of the academic year by the Council.
- (b) The following members shall be elected at the annual elections:
  - (i) President
  - (ii) Equity President
  - (iii) Education President – Undergraduate
  - (iv) Education President – Postgraduate
  - (v) Southern Campus President
  - (vi) Northern Campus President
  - (vii) Cradle Coast Campus President
  - (viii) Rozelle Campus President
- (c) The incumbent members shall retain their office until the new office begins as specified in rule 26(d).
- (d) New terms of office shall begin on 1<sup>st</sup> November for a duration of 13 months, allowing a 1 month overlap with the outgoing office holders.
- (e) The same person may not hold the office of more than one position of the following positions:
  - (i) President
  - (ii) Equity President
  - (iii) Education President – Undergraduate
  - (iv) Education President – Postgraduate
  - (v) Southern Campus President
  - (vi) Northern Campus President
  - (vii) Cradle Coast Campus President
  - (viii) Rozelle Campus President

- (f) The position of Deputy President shall be appointed from the membership of the State Council by a vote of members at the first meeting and the position cannot be filled by the President.

## 27. COMMISSION FOR ELECTION

The commission for election shall be authorised by the public officer and addressed to the returning officer. The commission shall list the positions to be filled and request the returning officer to undertake the required election.

## 28. RETURNING OFFICER

- (a) The Board from time to time shall appoint a person to act as the returning officer of the Association.
- (b) In default of an appointment under rule 28(a) of this constitution the returning officer of the Association shall be the Chief Executive Officer, or some other person appointed by the Board.

## 29. ELIGIBILITY OF CANDIDATES AND VOTERS

- (a) Each student of the University that meets the enrolment and nomination conditions of the position, as specified in each respective Position Description, is eligible to be a candidate for the following positions:
  - (i) President
  - (ii) Equity President
  - (iii) Education President – Undergraduate
  - (iv) Education President – Postgraduate
  - (v) Southern Campus President
  - (vi) Northern Campus President
  - (vii) Cradle Coast Campus President
  - (viii) Rozelle Campus President

- (b) Each student of the University that meets the Regional enrolment and nomination conditions for positions, as specified in each respective Position Description, based in their Region is eligible to be a candidate for positions in their Region.
- (c) Each enrolled student of the University is eligible to one vote for each vacant position contained in rule 29(a) and other vacant positions in their Region at any election on a day determined by the returning officer.

## 30. ELECTORAL ROLL

- (a) On request by the returning officer, the Deputy Vice-Chancellor (Education) shall provide such returning officer with a roll containing the name, address, Region of enrolment, Enrolment Status, and student number of each person eligible to vote in an election. All onshore enrolled students are eligible regardless of sanctions applied to their academic record.
- (b) It is the duty of the returning officer to make a request pursuant to rule 30(a) of this constitution whenever an electoral roll is required for the purposes of an election.

## 31. NOMINATIONS

### 31.1 Nomination period

- (a) The returning officer in an election is to fix the day on which nominations for the election open and the time and day for the close of nominations.
- (b) Nominations are to be open for at least fourteen days.

### 31.2 Notification of elections

- (a) The returning officer in an election is, no later than fourteen days before the day fixed for the close of nominations, to cause public notice of the election to be placed on the Association's website and campus notice boards in the four regions.
- (b) The public notice is to:
  - (i) indicate the purpose of the election; and
  - (ii) specify the vacancy or vacancies to be filled and call for nominations; and

- (iii) indicate how persons can obtain forms or further information; and
  - (iv) contain such other information as the returning officer determines.
- (c) The returning officer may cause such other notice of the election to be given as the returning officer considers necessary or expedient.

### 31.3 Nomination forms

- (a) The returning officer in an election is to ensure that the forms are available for use on the day the notice referred to in rule 31.1(a) is published.
- (b) Nomination forms for an election are to be prepared and in a form approved by the returning officer.

### 31.4 Nomination of candidates

A person who wishes to nominate as a candidate in an election is to lodge a nomination form with the returning officer. The nomination form:

- (a) is to contain a declaration by the person that he or she is qualified to be a candidate; and
  - (i) be signed by the person; and
  - (ii) be signed by at least two nominators eligible to vote in the election.
- (b) is to be received by the returning officer by the time fixed for the close of nominations.
- (c) may be lodged with the returning officer in person, by post or email, containing a scanned image ensuring that nomination forms are clearly signed by all parties.

### 31.5 Acceptance or rejection of nominations

- (a) The returning officer in an election may accept a nomination for the election if satisfied that:
  - (i) the nomination has been made and lodged in accordance with rule 31.4; and
  - (ii) the person nominated is eligible to be a candidate in the election.



(b) The returning officer must reject a nomination if not satisfied as to the matters specified in rule 31.5 (a).

### 31.6 Withdrawal of nominations

A candidate in an election may withdraw their nomination at any time before the close of nominations by giving notice in writing of the withdrawal to the returning officer.

## 32. CONDUCT OF BALLOT

### 32.1 When are ballots required

If, on the close of nominations for an election, the number of nominations accepted by the returning officer is more than the number of positions to be filled at that election or there is one nomination for the positions on Council, the returning officer must conduct a ballot.

### 32.2 Persons eligible to participate in ballots

A person eligible to vote for a particular election under rule 29 (c), may vote in the Association election to elect a person for that position or positions, as appropriate, on a day determined by the returning officer.

### 32.3 Form of ballot

- (a) The ballot may be conducted in either paper or electronic form as determined by the returning officer, and
- (b) Shall be a secret ballot
- (c) Subject to this rule, ballot papers for an election are to be prepared in a form approved by the returning officer.
- (d) The order in which the names of candidates are to be listed on the ballot papers is to be drawn by lot.
- (e) A ballot paper is to contain a direction that an elector is to vote for all candidates in the order of the elector's preference.

### 32.4 Polling period

If a poll is required, the returning officer shall fix the day for a poll not less than two weeks after nominations have closed. The poll will be open for a minimum of three consecutive days for at least 7 hours from 10.00 a.m. to 5.00 p.m. on each day.

### 32.5 Order of Counting

The counting of votes for each position will be conducted in the same order as the order of the positions listed in rule 26(b) of this constitution.

### 32.6 Ballot papers not to be accepted

The returning officer in an election must not accept a ballot paper that is:

- (a) received by the returning officer after the close of the ballot period; or
- (b) received from a person who is not eligible to vote in the election; or
- (c) received from a person who has already voted in the election.

### 32.7 Informal ballot papers

- (a) A ballot paper in an election is informal if:
  - (i) there is no vote recorded on the ballot paper; or
  - (ii) in respect of an election of one position, the elector has not placed the number 1 in the square next to the name of one and only one candidate; or
  - (iii) in respect of an election of more than one position, the elector has not marked the ballot paper by placing consecutive numbers without repetition, starting from number 1, in the squares next to the names of at least as many candidates as there are candidates to be elected; or
  - (iv) the ballot paper contains a mark or writing which identifies the elector who marked the ballot paper.
- (b) If, on a ballot paper that is otherwise formal under rule 32.7(a), a number is repeated or omitted, the elector's preferences on that ballot paper are to be counted up to but not including that repetition or omission.
- (c) A ballot paper is not to be treated as informal at the counting of votes if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot paper.

### 33. DETERMINATION OF ELECTION RESULT

#### 33.1 Counting of votes

Votes cast at an election are to be counted:

- (a) for General Representative positions on Subsidiary Councils in accordance with Part 2 of Schedule 7 to the Local Government Act 1993; and
- (b) for all other positions, in accordance with Part 3 of Schedule 7 of the Local Government Act 1993.
- (c) Where only one nomination is received or one candidate remains for the following positions, the approval of that candidate by voters is required. A “Yes” or “No” section must be provided on the ballot paper for this purpose:
  - (i) President
  - (ii) Equity President
  - (iii) Education President – Undergraduate
  - (iv) Education President – Postgraduate
  - (v) Southern Campus President
  - (vi) Northern Campus President
  - (vii) Cradle Coast Campus President
  - (viii) Rozelle Campus President
- (d) Candidates cannot be elected to a position if they have already been elected to a position on the Council that has already been counted. These candidates are to be excluded at the commencement of the scrutiny and their votes passed on to the next available candidate.
- (e) If after counting of votes for positions on the Council, no candidates remain for one or more positions on the Council, a by-election must be held to fill these vacancies, at a time determined by the returning officer.

#### 33.2 Scrutineers

- (a) A candidate in an election may appoint a person who is not a candidate to be a scrutineer on his or her behalf.
- (b) The appointment of a scrutineer is to be:
  - (i) in writing and signed by the candidate; and
  - (ii) lodged with the returning officer.

- (c) A scrutineer is entitled to be present at any stage of the ballot, but may not interfere or attempt to influence the vote of any elector.
- (d) A candidate is not entitled to be present at any stage of the ballot.
- e) In the case of online elections, a scrutineer may observe receipt of the electronic file, checking and counting of the electronic ballots after the close of polling.

## 34. CASUAL VACANCIES

### 34.1 Casual vacancies

A casual vacancy occurs:

- (a) when an elected member of council, or a Board member ceases to hold office, other than by the normal expiry of their term of office; or
- (b) if not all the positions required to be filled at a normal election are filled at that election.

### 34.2 Recounts and by-elections

- (a) If a casual vacancy occurs, the Board or relevant council, as appropriate, is to determine to:
  - (i) conduct a by-election; or
  - (ii) appoint a person to that position until the next by-election or annual election is held; or
  - (iii) leave the position vacant.
- (b) A by-election is to be held in accordance with these rules with such changes as determined by the returning officer.

## 35. DECLARATION OF RESULT

35.1 A Declaration of results will be made after completion of all ballots listed on the Commission. At the Declaration, the returning officer will:

- (a) declare that candidate or those candidates elected; and
- (b) issue a certificate of the election result.

## 35.2 Publication of election result

As soon as practicable after receiving or issuing a certificate of the election result, the returning officer:

- (a) is to cause a copy of the certificate to be placed on notice boards and the Association's website; and
- (b) is to notify those persons of their election.

## 36. MISCELLANEOUS

### 36.1 Disputed returns

An elector or candidate who disputes an election result as specified in the relevant certificate of election issued may, within the thirty day period immediately following the day on which the certificate is published apply to the returning officer for a review of that election result.

### 36.2 Formal defects not to invalidate elections

- (a) An election is not invalid by reason only:
  - (i) of any formal error or defect in any notice, notification, list, declaration, or statement; or
  - (ii) that any publication was out of time; or
  - (iii) of any delay in holding the election; or
  - (iv) of any failure to provide any election material; or
  - (v) of any defect, impediment or omission of a merely formal nature.
- (b) If an election is deemed to be invalid, any decisions made by the relevant Council or Board are still binding.

### 36.3 Retention of ballot papers

- (a) The returning officer is to keep the ballot papers from an election at least until the expiry of the thirty day period following the issue of the certificate of election, after which those ballot papers may be disposed of in a secure manner determined by the returning officer.
- (b) Ballot papers kept under rule 36.3(a) are to be retained for the purpose of filling a casual vacancy.

## 37. RESIGNATION OR RECALL

- (a) For the purposes of these rules, the office of a member of the Board, Council, or of a Committee becomes vacant if the member:
  - (i) has had a “Vote of No Confidence” passed against them by a majority of the entire membership of the relevant body, that is ratified by a majority of the entire membership of the Board;
  - (ii) dies;
  - (iii) becomes bankrupt or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors or compounds with their creditors, or makes an assignment of their estate for their benefit;
  - (iv) is a student but ceases to be a student enrolled in an academic program offered by the University; or
  - (v) fails to attend without leave granted by the relevant body or is unjustifiably absent from three consecutive meetings of that body. Fails to live up to the performance expectations contained within the position description relevant to their role.
- (b) A member who wishes to resign must present a written notification of such to the public officer or the chair of the relevant body. Upon receipt of this written notification the incumbent’s position will be deemed vacant.

## PART VI –CONSTITUTION

### 38. CONSTITUTION

- (a) A motion to alter this constitution may originate in either Council or the Board, or on request of one of the Voting Members.
- (b) A motion to alter the constitution originated in either Council or the Board shall be presented in the following manner:
  - (i) Notice of motion shall be given to the Deputy President of the Council or to the Secretary of the Board, in writing, at least ten clear days before the date of the meeting at which such motion is to be discussed.
  - (ii) The Deputy President of the Council or the Secretary of the Board shall give the members of the Council or the Board at least four clear days’ notice of the motion, and

- (iii) The motion shall be valid only if passed by two thirds of those present and voting.
- (c) A motion to alter the constitution having been passed by either the Council or the Board as provided in rule 39(b) of this constitution shall be presented to the next meeting of the other body provided that the motion shall be presented to the other body by the Deputy President or the Secretary, following the procedure in rule 39(b) (ii) and (iii) of this constitution.
- (d) A motion to alter the constitution having been passed in accordance with the procedure in rule 38(b) and (c) of this constitution shall be presented to the public officer who shall cause to have a Special General Meeting called to propose the alteration of the constitution. To be carried a constitutional amendment requires both Voting Members to attend the Special General Meeting and vote unanimously in its favour. The Voting Members shall act in good faith when voting on a constitutional amendment and shall not unreasonably withhold their approval of the motion to alter the constitution. In the event that there is a dispute between the Voting Members as to whether or not the approval of one Voting Member has been unreasonably withheld such dispute shall be determined in accordance with the arbitration process set out in rule 9(m).
- (e) The public officer of the Association shall, within one month after any alteration of the constitution of the Association; lodge with the Deputy Vice-Chancellor (Education) notice of the alteration, a copy of any instrument evidencing the alteration, and a statutory declaration made by the public officer declaring that the alteration is authorised, and was made in the manner provided by the rules of the Association.
- (f) A copy of the constitution must be available to any student who requests it.