

Monash University Student Union Peninsula Incorporated

CONSTITUTION

The contents of this constitution are:

PART 1 – CONTENTS

C1. Contents

PART 2 – NAME AND STATEMENT OF PURPOSES

C2. Name
C3. Purpose
C4. Legal Capacity and Powers

PART 3 – MEMBERSHIP

C5. Members
C6. Associate and Honorary Members
C7. Obligations and Liability
C8. Discipline
C9. Grievance Procedure

PART 4 – REFERENDUMS

C10. Questions
C11. Binding Decisions
C12. Convening
C13. Notice
C14. Voting
C15. Discussion Forums

PART 5 – GENERAL MEETINGS

C16. Annual General Meeting
C17. Special General Meetings
C18. Notice
C19. Procedure

PART 6 – STUDENT COUNCIL

C20. Status, Responsibility and Powers
C21. Membership
C22. Frequency of Meetings
C23. Disclosure of Interest
C24. Regulations

PART 7 – THE EXECUTIVE

C25. Status and Responsibilities
C26. Membership
C27. Frequency of Meetings

PART 8 – OFFICERS AND COMMITTEES

C28. Officers
C29. Responsibilities and Direction
C30. Establishment of Committees
C31. Delegation
C32. Duties
C33. Indemnity
C34. Validity of Acts and Decisions

PART 9 – ELECTIONS

C35. Conduct
C36. Eligibility to Stand and Vote
C37. Eligibility to Hold Positions
C38. Term of Office
C39. Vacancies

PART 10 – MEETINGS

C40. Applicability
C41. Convening
C42. Notice
C43. Use of Technology
C44. Quorum
C45. Chairing
C46. Attendance
C47. Voting
C48. Conflict of Interest
C49. Resolutions without Meeting
C50. Minutes

PART 11 – FINANCIAL AND LEGAL

- C51. Sources of Funds
- C52. Financial Year
- C53. Management of Funds
- C54. Cheques
- C55. Audit
- C56. Records
- C57. Publication of Material
- C58. Common Seal
- C59. Public Officer
- C60. Registered Address
- C61. Amendment of Constitution
- C62. Winding Up
- C63. Interpretation
- C64. Transitional

PART 12 – INDEX

- C65. Index

PART 2 – NAME AND STATEMENT OF PURPOSES

C2. Name

2.1 The name of the incorporated association is Monash University Student Union Peninsula Incorporated (“MONSU Peninsula”).

C3. Purpose

- (a) The purpose of MONSU Peninsula is to advance the education of the students of Monash University Peninsula Campus by:
 - (b) facilitating the provision of premises, which shall be a common meeting ground and social centre for members of the Organisation and the wider community;
 - (c) facilitating the availability of facilities for the refreshment, entertainment, recreation and convenience of members of the Organisation and the wider community;
 - (d) representing the interests of students within and outside the University where it is deemed necessary or desirable;
 - (e) facilitating a suitable cultural, social and sporting climate on the Peninsula campus of the University and to create opportunities for and to encourage interest groups such as clubs and societies within the University;
 - (f) providing for or promoting the interests of individuals within the Organisation with regard to financial, social, educational and welfare matters and encourage interest groups such as clubs and societies within the University;
 - (g) assuming such other responsibilities and direct such activities as may be deemed appropriate for giving expression to the interest of the Organisation or for carrying out the purposes aforesaid.

C4. Legal Capacity and Powers

4.1 MONSU Peninsula has all the powers of an individual subject to C4.2 and C4.3.

4.2 MONSU Peninsula may only:

- (a) exercise its powers; and
- (b) use its income, assets and profit; for its purpose.

4.3 MONSU Peninsula must not distribute any profit, income or assets directly or indirectly to members.

4.4 C4.3 does not prevent MONSU Peninsula from paying members:

- (a) reimbursement for expenses properly incurred by them, and
- (b) for goods supplied and services provided by them,

if this is done in good faith on terms no more favourable than if the member were not a member.

PART 3 – MEMBERSHIP

C5. Members

5.1 All Peninsula campus students are members of MONSU Peninsula, subject to C5.2.

5.2 MONSU Peninsula may exempt a student from membership if:

- (a) it is satisfied that the student is unable for conscientious reasons to be a member; and
- (b) the student agrees to be bound by this constitution as if the student were a member.

5.3 There are no entrance fees, subscriptions or other amounts to be paid by members in their capacity as members.

5.4 Members have the right to:

- (a) use the amenities and services of MONSU Peninsula, subject to C8;
- (b) attend MONSU Peninsula meetings in accordance with C46;
- (c) participate in MONSU Peninsula referendums and elections in accordance with Parts 4 and 9; and
- (d) access the records of MONSU Peninsula in accordance with C56.2.

5.5 MONSU Peninsula must ensure that a register of members is kept. The register must contain the name and student number of each student.

C6. Associate and Honorary Members

6.1 MONSU Peninsula may by regulation provide for:

- (a) associate members, and
- (b) honorary members.

6.2 The regulations under C6.1 may provide for entrance fees, subscriptions and other amounts to be paid by associate members.

6.3 There are no entrance fees, subscriptions or other amounts to be paid by honorary members in their capacity as honorary members.

6.4 Associate and honorary members have the right to use the amenities and services of MONSU Peninsula, subject to C8 and the regulations under C6.1.

6.5 C7 and C8 apply to associate and honorary members.

C7. Obligations and Liability

7.1 Members must at all times comply with the constitution and regulations.

C8. Discipline

8.1 Student Council must make regulations for the disciplining of members.

8.2 Subject to this Constitution, if the Student Council is of the opinion that a member has refused or neglected to comply with the Constitution or the regulations, or has been guilty of conduct unbecoming a member of prejudicial to the interest of MONSU Peninsula, or has caused serious disruption to the use of amenities or services by other members, the Student Council may by resolution suspend the right of a member to use the amenities and services of MONSU Peninsula.

8.3 A resolution of the Student Council under C8.2 does not take effect unless:

- (a) at a meeting held in accordance with C8.4, the Student Council confirms the resolution; and
- (b) if the member exercises a right of appeal to MONSU Peninsula under this rule, MONSU Peninsula confirms the resolution in accordance with this rule.

8.4 A meeting of the Student Council to confirm or revoke a resolution passed under C8.2 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with C8.5.

8.5 For the purposes of giving notice in accordance with C8.4, the General Secretary must, as soon as practicable, cause to be given to the member a written notice:

- (a) setting out the resolution of the Student Council and the grounds on which it is based;

- (b) stating that the member, or his or her representative, may address the Student Council at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member;
- (c) stating the date, place and time of that meeting;
- (d) informing the member that he or she may do one or both of the following:
 - (i) attend the meeting;
 - (ii) give to the Student Council before the date of the meeting a written statement seeking the revocation of the resolution, and
- (e) informing the member that, if at that meeting, the Student Council confirms the resolution, he or she may not later than 48 hours after that meeting, give the General Secretary notice to the effect that he or she wishes to appeal to MONSU Peninsula by taking the matter to mediation.

8.6 At a meeting of the Student Council to confirm or revoke a resolution passed under C8.2, the Student Council must:

- (a) give the member, or his or her representative, an opportunity to be heard;
- (b) give due consideration to any written statement submitted by the member; and
- (c) determine by resolution whether to confirm or revoke the resolution.

8.7 If at the meeting of the Student Council, the Student Council confirms the resolution, the member may, not later than 48 hours after that meeting, give the General Secretary written notice that he or she is dissatisfied with the resolution and wishes the Grievance Procedure in C9 to be applied.

C9. Grievance Procedure

9.1 The grievance procedure set out in this rule applies to disputes under these rules between:

- (a) a member and another member;
- (b) a member and MONSU Peninsula; and
- (c) a resolution under C8 hereof.

9.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

9.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

9.4 The Mediator:

- (a) must not have a personal interest in the matter;
- (b) must not be biased in favour of or against any party; and
- (c) if possible, must be appointed with the agreement of all parties.

9.5 The mediator cannot be a member who is a party to the dispute.

9.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

9.7 The Mediator, in conducting the mediation, must:

- (a) give the parties to the mediation process every opportunity to be heard;
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

9.8 The mediator must not determine the dispute.

9.9 If the mediation does not result in the dispute being resolved the parties may seek to

resolve the dispute in accordance with the Association's Incorporation Act or otherwise at law.

PART 4 – REFERENDUMS

C10. Questions

10.1 Any question that is written within the purpose and powers of MONSU Peninsula may be put to referendum (except special resolutions).

10.2 Without limiting C10.1, officers and members of MONSU Peninsula bodies may be removed by referendum, as provided by C39.1(b).

C11. Binding Decisions

11.1 A question put to referendum only has effect as a binding decision if:

- (a) at least 5% of members vote in the referendum; and
- (b) a majority of those members who vote, vote in favour.

11.2 All MONSU Peninsula bodies, and all officers and members of MONSU Peninsula bodies must give effect so far as they are able to binding decisions made by referendum.

11.3 Binding decisions remain in force until changed by a subsequent binding decision.

C12. Convening

12.1 Student Council may by resolution passed by an absolute majority convene a referendum.

12.2 Student Council must convene a referendum on the request in writing of at least 5% of members.

12.3 The request:

- (a) must state the question or questions to be put to referendum;
- (b) may consist of multiple copies of the same document;
- (c) must be signed by the members making the request; and
- (d) must be given to the General Secretary or any other member of the Executive.

12.4 If a referendum is requested in accordance with C12.2 and C12.3:

- (a) Student Council must convene the referendum within 15 academic days of the request having been received;
- (b) Student Council may by resolution passed by an absolute majority reword for the purpose of clarification only the question or questions to be put; and
- (c) the referendum must commence within 15 academic days of being convened.

C13. Notice

13.1 At least 5 academic days notice of referendums must be given.

13.2 The notice must state:

- (a) the question or questions to be put;
- (b) the dates, times and places of polling for the referendum;
- (c) the dates, times and places of the discussion forums to be held in accordance with C15; and
- (d) the availability of postal voting.

13.3 Student Council must by regulation provide for notice to be given to members:

- (a) in the case of on-campus students – by advertisement on campus; and
- (b) in the case of off-campus students – by advertisement by the most feasible means.

C14. Voting

14.1 Voting in referendums must be by secret ballot.

14.2 Voting must be held on campus:

- (a) on at least 3 consecutive academic days;
- (b) over no more than 2 weeks;
- (c) for at least 5 hours each day; and
- (d) at one or more polling places on campus.

14.3 Student Council must by regulation provide for postal voting by off-campus students, including the circulation of a “Yes” and a “No” case for each question.

14.4 Should technology allow, the Student Council may include electronic voting as part of the referendum regulation.

C15. Discussion Forums

15.1 A discussion forum must be held between noon and 2.00 p.m. on the first day of the referendum.

15.2 Student Council must appoint a member of MONSU Peninsula to chair each discussion forum.

15.3 At the discussion forum the chair must ensure that as far as possible there is a reasonable opportunity for the “Yes” and the “No” case for each question to be presented.

15.4 No straw poll or other vote may be taken at a discussion forum.

PART 5 – GENERAL MEETINGS

C16. Annual General Meeting

16.1 Student Council must convene an Annual General Meeting each year to be held in March, April or May.

16.2 The ordinary business of the annual general meeting is:

- (a) to verify the minutes of:
 - (i) the last annual general meeting; and
 - (ii) any special general meetings since the last annual general meeting;
- (b) to consider the annual report of Student Council on the activities of MONSU Peninsula during its last financial year;
- (c) to consider the financial statements and the audit report.

16.3 The only other business that the annual general meeting may consider is a special resolution of which notice has been given in accordance with C18.2(b).

C17. Special General Meetings

17.1 Student Council may by resolution passed by an absolute majority convene a special general meeting.

17.2 The only business that special general meetings may consider is special resolutions of which notice has been given in accordance with C18.2(b).

C18. Notice

18.1 At least 21 days notice of general meetings must be given.

18.2 In addition to C42.3, the notice must state:

- (a) the agenda for the meeting, and
- (b) if a special resolution is to be proposed:
 - (i) the proposed resolution; and

- (ii) that it is intended that the resolution be proposed as a special resolution.

18.3 Notice must be given in the same manner as for referendums under C13.3

C19. Procedure

19.1 The quorum for general meetings is 100 members.

19.2 The President is entitled to chair general meetings. If the President is not present, or does not wish to chair, Student Council must elect another member of MONSU Peninsula to chair.

19.3 Special resolutions may only be passed by a three-quarters majority of those present and voting, as provided by C63.1(m).

19.4 Five or more members may demand a count.

19.5 A member is not entitled to appoint a proxy.

PART 6 – STUDENT COUNCIL

C20. Status, Responsibility and Powers

20.1 Student Council is the governing body of MONSU Peninsula.

20.2 Student Council is responsible for the management of MONSU Peninsula.

20.3 Student Council may exercise all powers of MONSU Peninsula on its behalf.

20.4 A referendum may direct Student Council on any matter within its responsibility and powers, as provided by C11.2.

C21. Membership

21.1 Student Council has 13 members:

- (a) President – Chair and Spokesperson;
- (b) Deputy President – General Secretary;
- (c) Education, Community & Welfare Officer;
- (d) Activities Chair;
- (e) Overseas Student Services Director;
- (f) Clubs Council Chair;
- (g) Marketing & Publications Officer;
- (h) Sexuality Officer;
- (i) Environment Officer;
- (j) Postgraduate Representative (a student enrolled in a postgraduate course of study);
- (k) First Year Student Representative (a student being 21 years of age or less and in their first year of study at Monash at the time of election); and
- (l) Two General Representatives, each of whom may choose an optional portfolio.

21.2 The election regulations under C35.1 must provide for the first year student representatives to be elected in March each year by Student Council in accordance with the procedure for filing casual vacancies, with nominations opening on the first day of Semester One.

C22. Frequency of Meetings

Student Council must meet at least once each month.

C23. Disclosure of Interest

23.1 In addition to C48, members of Student Council who have any direct or indirect financial interest in a contract or proposed contract with

MONSU Peninsula must disclose the nature and extent of their interest:

- (a) to Student Council as soon as they become aware of the interest; and
- (b) in the statement submitted to the next annual general meeting under C16.2(c).

23.2 C23.1 does not apply to financial interests that:

- (a) the member of Student Council has in common with all or a substantial proportion of the members of MONSU Peninsula;

or

- (b) exist only because the member of Student Council is:
 - (i) a student; or
 - (ii) an employee of MONSU Peninsula.

C24. Regulations

24.1 Student Council may by resolution passed by an absolute majority make regulations to give effect to this constitution.

24.2 At least 7 days notice in writing of the proposed making of regulations must be given to each member of Student Council.

24.3 The notice must state the proposed regulations or change to the regulations.

24.4 Members must at all times comply with the regulations as if they formed part of this constitution.

PART 7 – THE EXECUTIVE

C25. Status and Responsibilities

25.1 The Executive is a committee of Student Council, exercising delegated power from Student Council under C25.2.

25.2 The Executive is responsible on behalf of Student Council for:

- (a) the employment of staff by MONSU Peninsula;
- (b) monitoring the finances of MONSU Peninsula; and
- (c) any other matters delegated by Student Council.

25.3 The powers of the Student Council shall be exercised by a special committee known as the Summer Executive during the period from 1 November to 28 February in the following year.

C26. Membership

26.1 The members of the Executive are:

- (a) President – Chair and Spokesperson;
- (b) Deputy President – General Secretary;
- (c) Education, Community and Welfare Officer; and
- (d) Two other members of the Student Council nominated by the Student Council.

26.2 The members of the Summer Executive are:

- (a) the outgoing President;
- (b) the incoming President; and
- (c) not more than three other members of the outgoing or incoming Executive nominated by the outgoing Student Council.

C27. Frequency of Meetings

The Executive must meet at least once each month for the period beginning Semester 1 to the end of Semester 2.

PART 8 – OFFICERS AND COMMITTEES

C28. Officers

28.1 The following officers must be directly elected by and from members:

- (a) President – Chair and Spokesperson;
- (b) Deputy President – General Secretary;
- (c) Education, Community & Welfare Officer;
- (d) Activities Chair;
- (e) Activities Deputy Chair (I);
- (f) Activities Deputy Chair (II);
- (g) Overseas Student Services Director;
- (h) Clubs Council Chair;
- (i) Marketing & Publications Officer;
- (j) Sexuality Officer;
- (k) Environment Officer; and
- (l) Postgraduate Representative.

28.2 MONSU Peninsula may only pay officers referred to in C28.1, subject to C28.3 and C28.4.

28.3 Student Council may pay an officer filling a vacancy in a directly elected position in accordance with C39.6(b).

28.4 Student Council may by resolution passed by an absolute majority:

- (a) grant leave of absence to any paid officer for a period of not more than 3 months;
- (b) elect a member of MONSU Peninsula to hold the position for that period; and
- (c) pay the officer so elected.

C29. Responsibilities and Direction

Student Council must by regulation prescribe:

- (a) the responsibilities of each officer; and
- (b) which MONSU Peninsula bodies may direct each other.

C30. Establishment of Committees

30.1 Student Council may by regulation establish committees, including portfolio and faculty committees.

30.2 Student Council may by regulation or resolution establish other standing and ad hoc committees as it thinks appropriate.

30.3 Other MONSU Peninsula bodies may by resolution establish committees as they think appropriate.

30.4 Regulations and resolutions under C30.1 – C30.3 must specify:

- (a) the terms of reference of the committee;
- (b) any powers delegated to the committee;
- (c) the membership of the committee; and
- (d) who the chair of the committee is to be, or how the chair and members are to be elected or appointed.

30.5 In accordance with C30.1 and subject to C30.4, upon foundation the Student Council will establish an Education Committee comprising:

- (a) Education, Community and Welfare Officer – Chair;
- (b) A representative of each faculty that provides a course of study on the Peninsula campus.

30.6 In accordance with C30.1 and subject to C30.4, upon foundation the Student Council will

establish an Overseas Student Services Committee comprising:

- (a) Overseas Student Services Director – Chair;
- (b) Deputy Director;
- (c) Secretary;
- (d) Treasurer;
- (e) Activities Officer (I);
- (f) Activities Officer (II);
- (g) Welfare Officer;
- (h) Marketing & Publications Officer (I)
- (i) Marketing & Publications Officer (II)
- (j) Women’s Officer; and
- (k) Five General Committee Members.

30.7 In accordance with C30.1 and subject to C30.4 upon foundation the Student Council will establish an Activities Committee comprising:

- (a) Activities Chair;
- (b) Activities Deputy Chair (I);
- (c) Activities Deputy Chair (II);
- (d) Six General Activities Representatives;

30.8 In accordance with C30.1 and subject to C30.4 upon foundation the Student Council will establish a Peninsula Clubs Council comprising:

- (a) Clubs Council Chair;
- (b) The President or nominee of each MONSU Peninsula affiliated Peninsula based club.

C31. Delegation

MONSU Peninsula bodies may by resolution delegate their powers as they think appropriate.

C32. Duties

32.1 Officers and members of MONSU Peninsula bodies owe MONSU Peninsula duties:

- (a) to act honestly and in good faith; and
- (b) to exercise reasonable care and diligence;

as officers and members of MONSU Peninsula bodies.

32.2 Officers and members of MONSU Peninsula bodies must not knowingly or recklessly make improper use of:

- (a) their position; or
- (b) information acquired by virtue of their positions,

so as:

- (c) to gain, directly or indirectly, any financial benefit or material advantage for themselves or any other person; or
- (d) to cause a detriment to MONSU Peninsula.

32.3 C32.2 applies to former officers and members of MONSU Peninsula bodies.

C33. Indemnity

MONSU Peninsula indemnifies officers and members of MONSU Peninsula bodies against any liability incurred by them as in that capacity, unless the liability arises out of conduct involving a breach of their duties.

C34. Validity of Acts and Decisions

34.1 The acts and decisions of officers are not invalid by reason only that it is subsequently discovered that there was a defect or irregularity in, or in connection with, their election or appointment.

34.2 The acts and decisions of MONSU Peninsula bodies are not invalid by reason only that there was a vacancy in the membership of

the body or that it is subsequently discovered that there was:

- (a) a defect or irregularity in, or in connection with, the election or appointment of a member; or
- (b) a defect or irregularity in, or in connection with, the election of the chair of a meeting.

PART 9 – ELECTIONS

C35. Conduct

35.1 Student Council must make regulations for the conduct of elections.

35.2 All elections must be conducted by secret ballot.

35.3 All elections must be conducted in accordance with the election regulation.

35.4 Officers and members of MONSU Peninsula bodies directly elected by members must be elected at the annual elections.

35.5 Voting in the annual elections must be held on campus:

- (a) on at least 3 consecutive academic days;
- (b) over no more than 2 weeks;
- (c) for at least 5 hours each day;
- (d) at one or more polling places on campus; and

35.6 The regulations under C35.1 must in the case of the annual elections provide for:

- (a) notice to be given to off-campus students of:
 - (i) the calling for nominations; and
 - (ii) polling,

by advertisement by the most feasible means; and

- (a) postal voting by off-campus students, including the circulation of candidates' policy statements.

C36. Eligibility to Stand and Vote

36.1 All members may stand in elections, except for members of staff as defined in C63.

36.2 All members may vote in elections.

36.3 C36.1 and C36.2 do not prevent the Constitution or regulations from limiting the eligibility to stand and vote in particular elections to specified categories of students.

C37. Eligibility to Hold Positions

A member may stand for, but not hold:

- (a) more than 1 officer position;
- (b) more than 1 position on the same MONSU Peninsula body; or
- (c) any position on Student Council and any other directly elected position.

C38. Terms of Officer

38.1 Officers and members of MONSU Peninsula bodies elected at the annual elections hold those positions from 1 January to 31 December, subject to C39 and the regulations.

38.2 Officers and members of MONSU Peninsula bodies not elected at the annual elections hold office from the time of their election or appointment until their successor is elected or appointed, subject to C39 and the regulations.

38.3 Officers and members of MONSU Peninsula bodies filling vacancies hold those

positions for the remainder of the term of the office of the position filled, subject to C39.

C39. Vacancies

39.1 The position of an officer or member of a MONSU Peninsula body becomes vacant if the officer or member:

- (a) resigns in writing given to the General Secretary (or, in the case of the General Secretary, to the President);
- (b) is removed by referendum;
- (c) ceases to be a student;
- (d) becomes a full and part time continuing member of staff of MONSU Peninsula or the University;
- (e) is removed by resolution of Student Council passed by an absolute majority on the ground that the officer or member has been certified by a registered medical practitioner to be incapable of carrying out the responsibilities of the position because of injury or illness; or
- (f) dies.

39.2 A position of a member of a MONSU Peninsula body becomes vacant if the member without leave of the body fails on 3 consecutive occasions to attend within 30 minutes of the time of which notice has been given of a meeting of the body, provided:

- (a) 7 days notice in writing of the meeting has been given to the member; and
- (b) the body must grant the member leave if the member has a reasonable excuse for not attending the meeting.

39.3 C39.2 applies to officers who are members of MONSU Peninsula bodies by virtue of their officer position, in which case the position as officer also becomes vacant.

39.4 A position elected by a MONSU Peninsula body becomes vacant if the person holding the position is removed by resolution of the body passed by an absolute majority.

39.5 The position of a person appointed to a MONSU Peninsula body becomes vacant if the person or body making the appointment withdraws it.

39.6 Vacancies should be filled not later than the first Student Council meeting held more than 15 academic days after the vacancy arises:

- (a) in the case of positions and other directly elected positions – by election by Student Council; and
- (b) in the case of positions that are nominated – by another nomination being made.

39.7 Nominations for positions other than nominated positions must be called for within five academic days of the vacancy arising, and must remain open for ten academic days from the date on which first advertised.

39.8 The Student Council must by regulation determine the procedure for election by it from the nominations received.

39.9 MONSU Peninsula bodies may continue to act despite vacancies in their membership.

PART 10 – MEETINGS

C40. Applicability

This part applies to all meetings of MONSU Peninsula bodies, except as otherwise provided by this Constitution, or the regulation or resolution establishing the committee. It does not apply to General Meetings of MONSU Peninsula.

C41. Convening

Meetings may be convened by:

- (a) the chair of the body;
- (b) one-third or more of the members of the body at the time; or

(c) the General Secretary.

C42. Notice

42.1 At least 7 days notice in writing of meetings must be given to each member of the body, except in cases of urgency.

42.2 In cases of urgency, a meeting may be held without the notice required by C42.1, provided that:

- (a) as much notice as practicable is given by whatever means will reach each member of the body soonest; and
- (b) no resolution may be passed except by an absolute majority.

42.3 The notice must state:

- (a) the date, time and place (or places) of the meeting; and
- (b) if the meeting is to be held at more than one place – the technology that will be used.

42.4 The notice need not include the business to be considered.

42.5 Notice may be given of more than one meeting at the same time.

42.6 Members of MONSU Peninsula bodies (including officers) must give MONSU Peninsula their address for notice, and any change in that address.

42.7 The address for notices may include an e-mail address and a fax number.

42.8 Notice may be given to a member of a MONSU Peninsula body by sending it to the address last given by the member.

42.9 Notices sent by prepaid post are taken to have been given on the second day after posting that is not a Saturday, Sunday or public holiday at that address.

42.10 Notices sent by e-mail or fax are taken to have been given on the first day after sending

that is not a Saturday, Sunday or University holiday at that address.

42.11 The accidental failure to give notice to a member of the body does not invalidate the meeting.

C43. Use of Technology

43.1 Meetings may be held at more than one place, provided that the technology that is used enables each member of the body present at all places the meeting is held to clearly and simultaneously communicate with every other such member.

43.2 Without limiting C43.1 and C42.2(a), meetings may be convened and held by telephone.

C44. Quorum

44.1 Quorum is the presence of a majority of the members of the body at the time.

44.2 If a quorum is not present within 30 minutes of the time of which notice has been given, the meeting must not proceed.

C45. Chairing

45.1 The member of the body specified as the chair in this Constitution, or the regulation or resolution establishing the committee is entitled to chair meetings of the body.

45.2 If that member is not present, or does not wish to chair, the meeting must elect another member of the body to chair.

45.3 The chair of the meeting has a deliberative vote and has a casting vote.

C46. Attendance

46.1 Meetings of MONSU Peninsula bodies may only proceed in camera to consider confidential personal, employment, contractual and legal matters.

C47. Voting

47.1 Each member of the body other than a delegate from another body has one vote. Delegates do not have a vote. In accordance with C45.3 the Chair of a body also has a casting vote.

47.2 Members may vote by proxy and may only hold two proxies.

47.3 Voting is by show of hands, subject to C47.5.

47.4 If,

- (a) the chair of the meeting is in any doubt as to the result of the initial show of hands; or
- (b) one-third or more of the members of the body present demand a count immediately after the declaration of the result of the initial show of hands;

the chair must:

- (c) call for a second show of hands; and
- (d) conduct a count of the hands, if necessary with the assistance of tellers appointed by the chair.

47.5 If the meeting is held using technology that does not easily enable the chair to see members vote, voting must be by the chair conducting:

- (a) if practicable – a roll call of the members present; or
- (b) otherwise – a poll (including a poll by electronic means).

47.6 The declaration by the chair of the meeting of the result of a vote is conclusive evidence of that result.

C48. Conflict of Interest

48.1 Members of MONSU Peninsula bodies who have a personal or financial interest (whether direct or indirect) in a matter that is to be considered at a meeting of the body:

(a) must not be present while the matter is being considered; and

(b) must not vote on the matter.

48.2 The body may by resolution passed by an absolute majority exempt the member from C48.1(a), subject to such conditions as it thinks appropriate.

48.3 Despite C48.1(a), the member concerned may still be counted towards quorum.

C49. Resolutions without Meeting

A resolution set out in a document (or documents) signed by all members of the body at the time entitled to vote stating that they are in favour has the same effect as a resolution passed at a meeting of the body.

C50. Minutes

Student Council must ensure that minutes are taken and kept of all general meetings, meetings of MONSU Peninsula bodies and resolutions without meeting.

PART 11 – FINANCIAL AND LEGAL

C51. Sources of Funds

All funds of MONSU Peninsula may be derived from:

- (a) grants from the University;
- (b) fees collected from students by the University; and
- (c) any other sources approved by Student Council.

C52. Financial Year

The financial year of MONSU Peninsula is from 1 January to 31 December.

C53. Management of Funds

53.1 Student Council is responsible for the management of the funds of MONSU Peninsula.

53.2 MONSU Peninsula must maintain adequate and accurate accounting records of its financial transactions.

C54. Cheques

54.1 All cheques must be signed by at least two persons approved in accordance with the regulations, one of whom should be a member of staff.

54.2 Student Council must make regulations for the drawing and signing of cheques.

C55. Audit

55.1 Student Council must arrange for the accounts for the last financial year to be audited before being submitted to the annual general meeting in accordance with C16.2(d).

C56. Records

56.1 Student Council must by regulation provide for the safe keeping of the records of MONSU Peninsula.

56.2 Members may inspect the records of MONSU Peninsula at any reasonable time, subject to C56.3.

56.3 Members (other than members of the Student Council) may not inspect the records of MONSU Peninsula that relate to confidential personal, employment, contractual and legal matters.

56.4 Student Council must ensure that copies of the Constitution and regulations are freely available to members.

C57. Publication of Material

57.1 All persons producing material for MONSU Peninsula publications must ensure that the material is not defamatory.

57.2 The President or nominee:

- (a) is entitled to have access to all material prior to publication; and
- (b) may on legal advice stop publication of the material.

57.3 In any action for defamation against MONSU Peninsula, MONSU Peninsula reserves the right to join any officer or other person responsible for the publication or production of the material the subject of the action.

C58. Common Seal

58.1 The Deputy President – General Secretary is responsible for the custody of the Common Seal of MONSU Peninsula.

58.2 The Common Seal of MONSU Peninsula may only be affixed in accordance with a resolution of the Student Council, and its affixing must be witnessed by two members of Student Council.

C59. Public Officer

The Student Council must appoint a Public Officer who is responsible for ensuring that the requirements of the Associations Incorporation Act are complied with.

C60. Authority to Trade

The Association is authorised to trade in accordance with Section 51 of the Associations Incorporations Act.

C61. Amendment of Constitution

61.1 The Constitution may only be amended by special resolution.

61.2 C60 and C62.2 may not be amended without the consent of the Minister administering the Associations Incorporation Act.

C62. Winding Up

62.1 MONSU Peninsula may be wound up voluntarily by special resolution.

62.2 If MONSU Peninsula is:

(a) wound up:

- (i) voluntarily; or
- (ii) by a court;

the remaining assets of MONSU Peninsula must not be distributed to any member.

62.3 Instead the remaining assets must be given to a body, trust or fund nominated by Student Council that:

- (a) has a similar purpose to MONSU Peninsula;
- (b) is also charitable; and
- (c) also prohibits the distribution of profit, income and assets to its members to at least as great an extent as this Constitution.

C63. Interpretation

63.1 In this constitution, unless the contrary intention appears:

- (a) “absolute majority” means a majority of the votes of all members of the body at the time entitled to vote, whether or not those members are present at the meeting, and whether or not they vote;

(b) “academic day” means a day in first or second semester on which according to the University calendar lectures may be held, and which is not a Saturday, Sunday or University holiday;

(c) a reference to “C” followed by a number or a number and letters is a reference to the correspondingly numbered provision of this Constitution;

(d) “committee” includes subcommittee;

(e) “convene” means call and arrange to hold, and includes:

- (i) in the case of meetings – setting the date, time and place of the meeting; and
- (ii) in the case of referendums – setting the dates, items and places of polling and discussion forums;

(f) “member” means a member of MONSU Peninsula under C5, and does not include associate and honorary members under C6, except in C7 and C8;

(g) “MONSU Peninsula” has the meaning given in C2.1;

(h) “MONSU Peninsula body” means Student Council, the Executive, Summer Executive and committees established under C30, but does not include general meetings;

(i) “officer” means an officer of MONSU Peninsula under C28;

(j) “Peninsula campus” means the Peninsula campus of Monash University;

(k) “member of staff” means a person employed as a staff member of any company or entity providing any student services at any campus of Monash University, and excludes:

- (i) paid officers referred to in C28.;
- (ii) people employed directly by the university in a casual position for not more than 40 hours per semester; or

- (iii) people employed by the University for the specific purpose of providing student input into a particular project or program.
- (l) "regulations" means regulations of MONSU Peninsula made under C24, and "regulation" has a corresponding meaning;
- (m) "special resolution" means a resolution:
 - (i) to amend this Constitution;
 - (ii) to change the name of MONSU Peninsula;
 - (iii) to amalgamate MONSU Peninsula with another association; or
 - (iv) to wind up MONSU Peninsula;
 which may only be passed at a general meeting where:
 - (v) at least 21 days notice of the proposed resolution has been given to members;
 - (vi) the notice specifies that it is intended that the resolution be proposed as a special resolution; and
 - (vii) at least three-quarters of the members who vote at the meeting, vote in favour;
- (n) "student" means:
 - (i) a student enrolled in a course leading to an award of the University; or
 - (ii) a paid officer
- (o) "the University" means Monash University, and "University" has a corresponding meaning.

63.2 Unless the contrary intention appears:

- (a) expressions used in this Constitution have the same meanings as in the legislation of the University; and
- (b) this Constitution is to be interpreted in accordance with the Victorian Interpretation

of Legislation Act 1984 as if this Constitution were an Act of the State of Victoria.

63.3 The headings form part of this Constitution.

63.4 In this Constitution a period of notice is expressed in days:

- (a) includes the day on which notice is given; but
- (b) does not include the day on which the meeting is held or referendum commences.

63.5 A notice of a referendum, meeting or election given by advertisement in accordance with the regulations is to be taken to have been given to every member, whether or not the member actually sees the advertisement.

63.6 Student Council is responsible for the interpretation of the Constitution and regulations.

C64. Transitional

64.1 In C64.2 and C64.3, "the 2001 annual elections" means the elections for officers and members of MONSU Peninsula bodies held in 2001.

64.2 Despite this Constitution not having come into effect at the time:

- (a) the 2001 annual elections are to be taken to have been annual elections properly held in accordance with this Constitution and all necessary regulations; and
- (b) the officers and members of MONSU Peninsula bodies elected at the 2001 annual elections are to be taken to have been validly elected to those positions.

64.3 Without limiting C64.2, the regulations under which the 2001 annual elections were held are to be taken to be regulations properly made by Student Council under C30.1, C35.1 and C24.