

# **Monash University Student Union Peninsula Incorporated**

**Reg No: A0044807M, ABN 93 002 915 529**

## **CONSTITUTION**

Last Amended November 2020

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# PART 1 – NAME AND STATEMENT OF PURPOSES

## 1. Name

- 1.1 The name of the incorporated association is Monash University Student Union Peninsula Incorporated (in this constitution, “MONSU Peninsula”).
- 1.2 The name and registration number of MONSU Peninsula must appear in legible characters in all notices, advertisements and other official publications and on all business documents.

## 2. Purpose

The purpose of MONSU Peninsula is to advance the education and experience of members and students attending the University’s Peninsula campus in the following ways:

- 2.1 Represent students within and outside the University, as appropriate;
- 2.2 Provide amenities and services for members, students and the University Community;
- 2.3 Promote the interests and welfare of students and members;
- 2.4 Promote personal, intellectual, cultural and social development of its students and members;
- 2.5 Foster equality and diversity within the University community;
- 2.6 Maintain and support student clubs and societies;
- 2.7 Provide a democratic and transparent forum for its members to govern student affairs in an accountable manner;
- 2.8 Provide a safe and common meeting ground;
- 2.9 Provide social, recreational, entertainment and refreshment facilities; and
- 2.10 Do all other lawful things that are incidental to the attainment of these purposes.

## 3. Legal Capacity and Powers

- 3.1 Subject to this Constitution, MONSU Peninsula has all the legal capacity and powers of an incorporated body pursuant to the Association Incorporations Reform Act 2012 to do all things incidental or conducive to achieving its purposes.
- 3.2 MONSU Peninsula must not distribute any profit, income or assets directly or indirectly to its members.

- 3.3 MONSU Peninsula has the right to reimburse its members for reasonable expenses properly incurred by them on behalf of MONSU Peninsula and for goods or services supplied by them to MONSU Peninsula.

## PART 2 – MEMBERSHIP

### 4. Student Members

- 4.1 The Student members of MONSU Peninsula are those Peninsula campus undergraduate students who:
- a) apply for membership and agree to the Terms and Conditions of Membership; and
  - b) pay the Membership Fee (if any).
- 4.2 MONSU Peninsula may exempt a student from membership if:
- a) the student has been expelled by the University; or
  - b) the student has been expelled from MONSU Peninsula due to a disciplinary action undertaken in accordance with this Constitution.
- 4.3 Student members have the right to:
- a) attend MONSU Peninsula meetings;
  - b) participate in MONSU Peninsula referendums and elections in accordance with this Constitution; and
  - c) access the records of MONSU Peninsula in accordance with this Constitution.

### 5. Associate and Honorary Members

- 5.1 Associate members are those members who:
- a) are ineligible for student membership and offered membership by MONSU Peninsula;
  - b) apply for membership and agree to the Terms and Conditions of Membership; and
  - c) pay the Membership Fee (if any).
- 5.2 Honorary members are those members who:
- a) are invited by the Student Council to be Honorary members; and
  - b) apply for membership and agree to the Terms and Conditions of Membership.
- 5.3 There will be no Membership Fee paid by Honorary Life members.
- 5.4 Subject to this Constitution and any other conditions of use, Associate and Honorary members have the right to use the amenities and services of MONSU Peninsula.

5.5 Sections 6 and 7 will also apply to Associate and Honorary members.

## 6. Obligations

6.1 Members must at all times comply with the Constitution and Regulations.

## 7. Disciplinary Action

7.1 MONSU Peninsula may suspend or expel a member if the Student Council is of the opinion that:

- a) a member has refused or neglected to comply with the Constitution or the regulations; or
- b) the member has been guilty of conduct prejudicial to MONSU Peninsula, the Student Council may by resolution suspend the right of a member to use the amenities and services of MONSU Peninsula.

7.2 A resolution of the Student Council under section 7.1 does not take effect unless:

- a) the Student Council confirms the resolution at a meeting held with the member; 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.
- c) A meeting of the Student Council to confirm or revoke a resolution passed under section s 7.1 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the member.
- d) Notice should be given in accordance with section 7.3.

7.3 The Vice President (General Secretary) must, as soon as practicable, give the member a written notice:

- a) setting out the resolution of the Student Council and the grounds for disciplinary action;
- b) stating that the member, 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:
- e) attend the meeting;
- f) give to the Student Council a written statement seeking the revocation of the resolution before the meeting date, and
- g) 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, appeal the decision and request for mediation.

7.4 At a meeting of the Student Council to confirm or revoke a resolution passed under section 7.1, 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.

7.5 If, the Student Council confirms the resolution, the member may, not later than 48 hours after that meeting, give the Vice President (General Secretary) written notice that he or she is dissatisfied with the resolution and wishes to appeal the decision by way of the Grievance Procedure set out in this Constitution.

## 8. Membership Fees

8.1 The Student Council may by resolution set a Membership Fee.

8.2 A resolution setting a Membership Fee takes effect on the date prescribed in that resolution and remains in effect until a resolution is passed by the Student Council to either:

- a) set a different Membership Fee; or
- b) remove the Membership Fee.

## 9. Cessation

9.1 A person ceases to be a member on:

- a) providing a signed resignation of their membership to the Student Council;
- b) in the case of Student members, on ceasing to be a Student;
- c) if a Membership Fee applies, at the end of one month after being advised that a Membership Fee is in arrears, unless within that month those fees are paid;
- d) expulsion under clause 7.1.

## 10. Register of Members

10.1 The Student Council must keep a Register of Members that contains the:

- a) name of each member;
- b) the category of membership;
- c) the member's email address;
- d) the date of becoming a member in that category;
- e) in the case of former members – the date of ceasing to be a member; and
- f) any other information determined by the Student Council.

## 11. Grievance Procedure

- 11.1 The grievance procedure set out in this rule applies to disputes under these rules between:
- a) a member and another member; and
  - b) a member and MONSU Peninsula; and
  - c) a resolution under section 7.1 hereof.
- 11.2 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.
- 11.3 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.
- 11.4 The Mediator:
- a) must not have a personal interest in the matter; and
  - b) must not be biased in favour of or against any party; and
  - c) must be appointed with the agreement of all parties.
- 11.5 The Mediator cannot be a member who is a party to the dispute.
- 11.6 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 11.7 The Mediator must:
- a) give the parties to the mediation process every opportunity to be heard; and
  - 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.
- 11.8 If the mediation does not result in the dispute being resolved the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## PART 3 – REFERENDUMS

### 12. Convening

- 12.1 A referendum must be conducted in a manner consistent with this Constitution.
- 12.2 The Student Council may by resolution passed by an absolute majority convene a referendum.
- 12.3 The Student Council must convene a referendum on the request in writing of at least 15% of members.
- 12.4 The request:
- a) must state the question or questions to be put to referendum. The question must be within the purpose and powers of MONSU Peninsula; and



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

12.5 If a referendum is requested:

- a) The Student Council must convene the referendum within 15 academic days of the request having been received;
- b) The 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.

12.6 Officers and members of MONSU bodies may be removed by referendum.

## 13. Binding Decisions

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

- a) At least 15% of members vote in the referendum; and
- b) It is voted in favour by a majority of those members who vote.

13.2 All MONSU Peninsula bodies, and all office-bearers and governing bodies must give effect to binding decisions made by referendum.

13.3 Binding decisions of referendums override binding decisions of general meetings.

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

## 14. Notice of Referendum

14.1 A notice of referendum must be issued not later than 5 academic days before Student Council convenes a referendum.

14.2 The notice must state:

- a) the question or questions to be put; and
- b) the dates, times and places of polling for the referendum; and
- c) the availability of postal voting.

14.3 Any notice of Referendums given is valid if given by:

- a) a html link to the Notice of Referendum on the website of MONSU; or
- b) by electronic mail to members if feasible.

## 15. Voting

- 15.1 Voting in referendums shall be conducted by secret ballot.
- 15.2 Voting shall be held on campus:
- a) on at least 3 consecutive academic days; and
  - b) over no more than 2 weeks; and
  - c) for at least 5 hours each day; and
  - d) at one or more polling places on campus.
- 15.3 Student Council shall by regulation provide for postal voting by off-campus students.
- 15.4 Should technology allow Student Council may include electronic voting as part of the referendum regulations.

## PART 4 – GENERAL MEETINGS

### 16. Annual General Meeting

- 16.1 Student Council must convene an annual general meeting each year to be held on an Academic day 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; and
  - c) to consider the financial statements and the audit report; and
  - d) to consider such other reports as the Student Council determines to be presented to and inspected by members at least fourteen (14) academic days before the annual general meeting.

### 17. 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 this Constitution i.e. to alter this Constitution.

## 18. Notice

- 18.1 At least 21 days' notice of annual general meetings and special general meetings must be given.
- 18.2 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 as a means to convene such meeting;
  - c) the agenda for the meeting, and
  - d) if a special resolution is to be proposed at a Special General Meeting:
    - i. the proposed resolution; and
    - ii. that it is intended that the resolution be proposed as a special resolution.

## 19. Procedure

- 19.1 The quorum for general meetings is 30 members.
- 19.2 The President is entitled to chair general meetings. If the President is unable or unwilling to chair, the Student Council must elect another Member to chair.
- 19.3 Special resolutions may only be passed by a three-quarters majority of those present and voting.
- 19.4 Five or more members may demand a count.
- 19.5 A member is not entitled to appoint a proxy.

# PART 5 – STUDENT COUNCIL

## 20. Status, Responsibility and Powers

- 20.1 The Student Council is the governing body of MONSU Peninsula.
- 20.2 The Student Council is responsible for the management and governance of MONSU Peninsula.
- 20.3 The Student Council may exercise all powers of MONSU Peninsula on its behalf.
- 20.4 The Student Council shall comprise of members elected in accordance with this Constitution.
- 20.5 A referendum may direct the Student Council on any matter within its responsibility and powers.

## 21. Membership

- 21.1 The Student Council has 11 annually elected student representatives:
- a) The President – Chairperson and Spokesperson;

- b) The Vice President – General Secretary;
- c) The Education Officer;
- d) The Welfare Officer;
- e) The Volunteer Officer;
- f) The Social Officer;
- g) The Queer Officer;
- h) The Women’s Officer;
- i) The International Student Officer;
- j) The First Year Officer;
- k) The General (Social) Officer;
- l) The General (Welfare) Officer; and
- m) The General (International) Officer.

21.2 As soon as practical after being elected or appointed to the Student Council, each Student Council member must familiarise themselves with the sections in this Constitution.

21.3 The Student Council members must exercise their powers and discharge their duties with:

- a) reasonable care and diligence;
- b) good faith and in the best interests of MONSU Peninsula; and
- c) a proper purpose.

21.4 When:

- a) A representative on the Student Council has a direct or indirect pecuniary interest in a contract or proposed contract with MONSU, that representative must disclose the nature and extent of his/her interest to the Student Council as soon as he/she becomes aware of the interest; and
- b) If that representative is present at a meeting of the Student Council at which that contract or other arrangement is considered, that representative shall disclose the nature of the pecuniary interest to the meeting. That representative may participate in the discussion but may not vote on the matter.

21.5 A disclosure of pecuniary interest made under section 21.4 shall be recorded in the minutes of the meeting.

## 22. Frequency of Meetings

22.1 The Student Council must meet at least once each month.

## 23. Regulations

- 23.1 The Student Council may by resolution passed by an absolute majority make Regulations to give effect to this Constitution.
- 23.2 Each representative of the Student Council must be given at least 7 days' notice of any proposal to make or change Regulations, including the text of the proposed Regulations.
- 23.3 Notice must be given:
- a) by email to all representatives of the Student Council; or
  - b) on the MONSU website
- 23.4 No motion for the making or amendment of any Regulation may be considered unless the notice requirements relating to regulations in this section 23 have been met.
- 23.5 Members must at all times comply with the Regulations as if they formed part of this Constitution.
- 23.6 All Regulations, including any amending Regulations (together with the relevant dates), must be posted on the MONSU website as soon as they have been approved in accordance with this Constitution.

## PART 6 – THE EXECUTIVE SUBCOMMITTEE

### 24. Status, Responsibilities and Powers

- 24.1 The Executive Subcommittee is a subcommittee of the Student Council, exercising delegated powers from the Student Council.
- 24.2 The Executive Subcommittee is responsible on behalf of the 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 the Student Council.
- 24.3 The powers of the Student Council shall be exercised by a special committee known as the Summer Executive during the end of year break (approximately 1 November to 28 February of each year). Student Council will appoint the Summer Executive Committee before the last Student Council meeting for the year.

### 25. Membership

- 25.1 The Executive Subcommittee has five (5) members, comprised as follows:

- a) The President – Chair;
- b) The Vice President – General Secretary
- c) Three other members of the Student Council.

## 26. Frequency of Meetings

26.1 The Executive Subcommittee should meet at least once each month if active.

# PART 7 – OFFICERS AND COMMITTEES

## 27. Officers

27.1 The annually elected officers of MONSU Peninsula shall be:

- a) The President – Chairperson and Spokesperson;
- b) The Vice President – General Secretary;
- c) The Education Officer;
- d) The Welfare Officer;
- e) The Volunteer Officer;
- f) The Social Officer;
- g) The Queer Officer;
- h) The Women’s Officer;
- i) The International Student Officer;
- j) The First Year Officer (who is required to be in their first year of study at the University at the time of election);
- k) The General (Social) Officer;
- l) The General (Welfare) Officer; and
- m) The General (International) Officer.

27.2 The provisions set out in Part 8 of this Constitution shall apply to the election of persons to any of the offices referred to in section 27.1.

27.3 The Student Council may at its discretion pay an officer a reasonable fee for filling a vacancy of a directly elected position.

27.4 Elected officers, including those paid an honorarium, are not considered as employees of MONSU Peninsula.

- 27.5 The Student Council may by resolution passed by an absolute majority:
- (a) grant leave of absence (unpaid) 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.

## 28. Responsibilities

- 28.1 The Student Council must by regulation prescribe:
- a) the responsibilities of each Officer; and
  - b) which MONSU Peninsula bodies may direct each other.

## 29. Establishment of Committees

- 29.1 The Student Council may by regulation or resolution establish committees, including portfolio and faculty committees.
- 29.2 The Student Council may by regulation or resolution establish standing and ad hoc committees as necessary.
- 29.3 Other MONSU Peninsula bodies may by resolution establish committees as necessary.
- 29.4 Regulations and resolutions 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. Delegation

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

## 31. Duties

- 31.1 All former and current officers and members of MONSU Peninsula bodies owe MONSU Peninsula a duty to:
- a) act honestly and in good faith; and
  - b) exercise reasonable care and diligence.
- 31.2 All former and current 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,
- c) to gain, directly or indirectly, any financial benefit or material advantage for themselves or any other person; cause detriment to MONSU Peninsula.

## 32. Indemnity

- 32.1 MONSU Peninsula indemnifies officers and members of MONSU Peninsula bodies against any liability incurred by them in that capacity, unless the liability is caused by or contributed by the wilful act, negligence or breach of duty of that officer or member.

## 33. Validity of Acts and Decisions

- 33.1 The acts and decisions of MONSU Peninsula bodies and officers 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 with the election or appointment of a member or officer; or
  - b) a defect or irregularity with the election of the chair of a meeting.

# PART 8 – ELECTIONS

## 34. Annual Elections

- 34.1 Student members must elect officers and members of MONSU Peninsula bodies at the annual elections, held each year in Semester 2. Student Council will appoint the Returning Officer in Semester 1 each year. The Returning Officer is responsible for the conduct of the election and may decide all matters not provided for in the Constitution or election procedures only subject to the Electoral Tribunal.

## 35. Conduct

- 35.1 The Student Council must make regulations for the conduct of elections.
- 35.2 All elections must be conducted by secret ballot.
- 35.3 Electors may vote:
- a) at any Campus Polling Place if voting is conducted in person;
  - b) on-line if voting is conducted electronically; or
  - c) by post if a valid postal vote application has been submitted by the Elector within the timeframe if the elections are not being conducted electronically.
- 35.4 The election procedure is set out in the Schedule of this Constitution.



## 36. Eligibility to Stand and Vote

- 36.1 All student members except for Honorary members, Associate members and members of staff may stand and vote in elections.

## 37. Eligibility to Hold Positions

- 37.1 A member may stand for more than one position in simultaneous annual elections, but may not hold more than one position at the same time.

## 38. Term of Office

- 38.1 Officers and members of MONSU Peninsula bodies elected at the annual elections hold those positions from 1 December in the year elected, until 30 November of the following year, unless their position becomes vacant sooner in accordance with this Constitution.
- 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, in accordance with this Constitution.

## 39. 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 Vice President (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 permanent member of staff of MONSU Peninsula or the University;
  - e) is removed by resolution of Student Council passed by an absolute majority on the basis that the officer or member has been certified by a registered medical practitioner to be incapable of carrying out the responsibilities of the position by reason of injury, illness or incapacity, absence from duty or any other reason;
  - f) dies; or
  - g) without being granted leave by a MONSU Peninsula body, fails to attend a meeting on **three** consecutive occasions (within 30 minutes from the time a meeting was scheduled to commence) after being given seven days' notice in writing of each meeting.
- 39.2 A position elected by a MONSU Peninsula body becomes vacant if:

- a) the person holding the position is removed by resolution passed by an absolute majority due to a breach of their duties to MONSU Peninsula; or
  - b) it is withdrawn by the MONSU Peninsula body.
- 39.3 Any officer or member of a MONSU Peninsula body may be removed from their position by a resolution passed by a four-fifth's majority of the Student Council provided that:
- a) The Student Council has provided the officer or member with particulars of the breach; and
  - b) The officer or member has been given a fair opportunity in writing, and through the use of any advocate or agent (but not an employee of MONSU Peninsula) or in person, to defend himself/herself;
- 39.4 Vacancies that occur between annual elections shall be referred to as casual vacancies. Casual vacancies should be filled no later than the first Student Council meeting held after the vacancy arises. In the event of a casual vacancy in any positions, Student Council may appoint one of its members to the vacant office by election at a Student Council meeting subject to the candidate meeting the requirements of this Constitution.
- 39.5 Casual vacancies not filled internally should be advertised within five academic days of the vacancy arising.
- a) Nominations for vacant offices or positions must remain open for ten academic days from the date of the advertisement of the vacancy
  - b) The Student Council must by regulation determine the procedure for election of candidates to fill vacant positions from the nominations received.
- 39.6 MONSU Peninsula bodies may continue to act despite vacancies in their membership.

## PART 9 – MEETINGS

### 40. Applicability

- 40.1 This part applies to all meetings convened by MONSU Peninsula bodies, unless otherwise provided by this Constitution. This part does not apply to Part 4 - General Meetings convened by Student Council.

### 41. Convening

- 41.1 Meetings may be convened by:
- a) the chair of any MONSU Peninsula body;
  - b) one-third or more of the members of a MONSU Peninsula body; or
  - c) the Vice President – General Secretary.

## 42. Notice

- 42.1 All members of MONSU Peninsula must be provided with 7 days' written notice of impending meetings except in cases of urgency.
- 42.2 Written notice must be given:
- a) to each Member by sending it to the electronic mail address or postal address notified by that member to MONSU Peninsula; or
  - b) by posting the notice on the MONSU Peninsula website; or
  - c) in such additional manner as set out in the Regulations.
- 42.3 In cases of urgency, a meeting may be held without the notice required according to section 42.1, provided that:
- a) as much notice as practicable is given by whatever means will reach each member; and
  - b) no resolution may be passed except by an absolute majority.
- 42.4 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
- 42.5 The notice need not include the agenda for the meeting.
- 42.6 All members of MONSU Peninsula bodies must give MONSU Peninsula their address for notice, and provide any updates to any address changes.
- 42.7 The address for notices may include an electronic mail address and a facsimile number.
- 42.8 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.
- 42.9 Notices sent by electronic mail or facsimile are taken to have been sent on the first day after sending that is not a Saturday, Sunday or University holiday at that address.
- 42.10 The accidental failure to give notice to a member of the body does not invalidate the meeting.

## 43. Use of Technology

- 43.1 Meetings may be held at more than one (1) place, provided that the technology used enables each member of the body present at all places where the meeting is held to clearly and simultaneously communicate with every other such member.

## 44. Quorum

- 44.1 Quorum is the presence in person, or electronically of more than half 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, no meeting may proceed.

## 45. 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 shall elect another member of the body to chair.
- 45.3 The chair of the meeting has a deliberative vote and a casting vote.

## 46. Attendance

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

## 47. Voting

- 47.1 Each member of the body has one vote, unless provided for in this Constitution. Delegates from another body do not have a vote.
- 47.2 Members may vote by proxy and may only hold a maximum of two proxies.
- 47.3 Voting is by show of hands, unless the meeting is held using technology.
- 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) more than one-third 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:
  - a) call for another show of hands; and
  - b) conduct a count of the hands.
- 47.5 If the meeting is held with technology, 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 is conclusive evidence of the result of the vote.

## 48. 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.

## 49. Resolutions without Meeting

- 49.1 A resolution set out in a document 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.

## 50. Minutes

- 50.1 The Student Council must ensure that minutes are taken and kept of all meetings and resolutions without meetings.

# PART 10 – FINANCIAL AND LEGAL

## 51. Fund Sources

- 51.1 All MONSU Peninsula funds may be derived from:
- a) University grants;
  - b) fees collected from students by the University; and
  - c) any other sources approved by Student Council.

## 52. Financial Year

- 52.1 The financial year of MONSU Peninsula is from 1 January to 31 December in each year.

## 53. Fund Management

- 53.1 The Student Council is responsible for the fund management of MONSU Peninsula.
- 53.2 MONSU Peninsula must maintain adequate and accurate accounting records of all financial transactions.

## 54. Cheques

- 54.1 The Student Council must make regulations for the drawing and signing of cheques.
- 54.2 All cheques must be signed by at least two approved persons pursuant to the regulations, one of whom should be a staff member.

## 55. Audit

- 55.1 The Student Council must arrange for the accounts for the last financial year to be audited before submitting to each annual general meeting.

## 56. Records

- 56.1 The Student Council shall ensure the safe keeping of all MONSU Peninsula records.
- 56.2 Members may inspect and obtain copies (at their own cost) of the records of MONSU Peninsula at any reasonable time except for confidential personal, employment, contractual and legal matters (unless they are members of the Student Council).
- 56.3 The Student Council shall ensure that copies of the Constitution and regulations are freely available to members.

## 57. Publication of Material

- 57.1 All persons producing material for MONSU Peninsula publications must make every effort to ensure that the material is not defamatory.
- 57.2 The President and/or nominee:
- a) is entitled to have access to all material prior to publication; and
  - b) may stop publication of any material deemed defamatory or inappropriate.
- 57.3 MONSU Peninsula reserves the right to join any officer or members if they are associated with any defamatory action taken against MONSU Peninsula publication.

## 58. Common Seal

- 58.1 MONSU Peninsula may have a common seal.
- 58.2 Clauses 58.3 and 58.4 only apply if MONSU Peninsula has a common seal.
- 58.3 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.
- 58.4 Student Council is responsible for the safe keeping of the Common Seal of MONSU Peninsula.

## 59. Public Officer

- 59.1 The Student Council must appoint the Operations Manager a Public Officer for the purposes of the Act.

## 60. Registered Address

- 60.1 The registered address of MONSU Peninsula for the service of documents is the address of the MONSU Peninsula office.

60.2 MONSU Peninsula shall notify the Registrar within fourteen (14) days of any change of registered address.

## 61. Amendment of Constitution

61.1 The Constitution may only be amended by special resolution at a special general meeting.

## 62. Winding Up

62.1 MONSU Peninsula may be wound up voluntarily by special resolution at a special general meeting.

62.2 If MONSU Peninsula is

a) wound up:

(i) voluntarily; or

(ii) by a court; or

b) Its incorporation is cancelled;

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

62.3 The remaining assets shall 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.

62.4 If MONSU Peninsula is wound up voluntarily, any remaining assets shall be distributed in accordance with a special resolution at a special general meeting.

## 63. Definitions & 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) "the Act" means the Associations Incorporation Reform Act 2012;

d) "committee" includes sub-committee, working party or any similar groups;

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 unless inconsistent with the context, Student, Associate and Honorary Life members of MONSU Peninsula;
- g) “Membership Fee” means the fee (if any) set by the Student Council for joining or remaining a member of MONSU Peninsula in accordance with section 8;
- h) “MONSU Peninsula” has the meaning given in section 1.1;
- i) “MONSU Peninsula body” means Student Council, and other committees established in accordance with this Constitution;
- j) “officer” means an officer of MONSU Peninsula as set out in section 27.1;
- k) “Peninsula campus” means the Peninsula campus of Monash University;
- l) “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. officers who are paid according to section 27.3;
  - 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.
- m) “Regulations” means regulations of MONSU Peninsula made under section 23 and the word “Regulation” is taken to have a corresponding meaning;
- n) “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:

  - i. at least 21 days’ notice of the proposed resolution has been given to members;
  - ii. the notice specifies that it is intended that the resolution be proposed as a special resolution; and
  - iii. at least three-quarters of the members who vote at the meeting, vote in favour.
- o) “student” means:



- i. an undergraduate student enrolled in a course leading to an award of the University; or
    - ii. a paid officer.
  - p) “summer executive” means:
    - i. The outgoing President;
    - ii. The incoming President; and
    - iii. Three other members of the outgoing or incoming Executive to be nominated by the outgoing Student Council.
  - q) “Terms and Conditions of Membership” means the terms and conditions agreed to by members.
  - r) “the University” means Monash University, and the word “University” is taken to have 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 *Interpretation of Legislation Act 1984* (Vic) 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 if notice period is expressed in days:
- a) it will include the day notice is given; but
  - b) will not include the day 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, regardless of whether the member sees the advertisement.
- 63.6 Student Council is responsible for the interpretation of the Constitution and regulations.

