



THE CONSTITUTION
OF THE
STUDENT ASSOCIATION OF THE
UNIVERSITY OF NOTRE DAME AUSTRALIA
(Sydney Campus)

THIS CONSTITUTION IS MADE ON

31 October 2012

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THE CONSTITUTION

OF THE

STUDENT ASSOCIATION OF THE

UNIVERSITY OF NOTRE DAME AUSTRALIA

(Sydney Campus)

WE, the students of The University of Notre Dame Australia (Sydney Campus), in order to enhance our educational, spiritual and social development during the course of our study and through the Catholic Mission of The University, set down here the Constitution of the Student Association of The University of Notre Dame Australia.

The Student Association, while being run by students, will fulfill these aspirations through the representation of students, the building of a vibrant student community and the promotion of interaction between the students and the University and the wider community.

Part 1 The Association

1 Name and Effect

- 1) The name of the Association is the ‘Student Association of The University of Notre Dame Australia (Sydney Campus)’.
- 2) This Constitution is binding on each member of the Student Association.
- 3) Any regulations made under provisions in this Constitution are binding upon the Student Association, affiliated and subsidiary bodies.
- 4) Where the Student Association Constitution or Regulations created under this Constitution conflict with those of an affiliated or subsidiary body the Student Association Constitution or regulations will prevail.

2 Definitions

- 1) In the construction and for the purposes of this constitution, (if not inconsistent with the context and subject matter) the following terms mean:

Absolute majority – means a majority of all Members attending the meeting and who are entitled to vote under this Constitution.

Act – means the *Associations Incorporation Act*, as may be amended or replaced from time to time

Annual General Meeting – includes “AGM” and is the annual meeting of the Members of the Student Association.

Constitution – refers to this document and all sections of it contained herein, known as “The Constitution of the Student Association of the University of Notre Dame Australia (Sydney Campus)” and constitutes the rules of the Student Association for the purposes of the Act.

Committee – means the Student Association Committee referred to in this Constitution.

Committee Meeting – means a meeting of the Committee convened in accordance with this Constitution and any applicable standing orders or regulations.

Committee Member – means any person elected or co-opted to a position as provided for in this Constitution.

Days – means any twenty-four hour period from and to midnight and includes public holidays in New South Wales , University holidays and weekends.

Electronic messaging – any means of communication via an electronic device.

Election Tribunal – means an Election Tribunal established by the Student Association in accordance with the Election Regulations.

Election Regulations – means the regulations governing Student Association elections.

Executive – means the President, Vice Presidents, Treasurer and Secretary.

General Meeting – a meeting of the Members of the Student Association convened under this Constitution.

Member – includes all Ordinary Members and the members of any additional class of membership created in accordance with this Constitution.

Ordinary member – means a members of the Student Association that satisfies the requirements of membership as set out in this Constitution.

Ordinary resolution – means a resolution other than a Special Resolution and requires an Absolute Majority.

Person – any natural person and includes a person who is not a Student Association Member.

Presiding Officer – includes Chairperson and means the person chairing the meeting.

School of the University – a School of the University as established on the Sydney Campus.

Special Resolution – has the meaning given to it by the Act, namely, that it is a resolution passed by a majority of not less than three-fourths of the Members who are entitled to vote under this Constitution in person or by proxy.

Student – means a person enrolled at the Sydney Campus of the University.

Student Association – means the Student Association of the University of Notre Dame Australia (Sydney Campus).

Student Association Committee – means the body governing and managing the affairs of the Student Association.

The University – means the University of Notre Dame Australia.

Vice Chancellor – means the Vice Chancellor of the University (or delegate appointed in writing by the Vice Chancellor).

3 Interpretation

1) Where in this constitution –

a) the word ‘*may*’ is used in conferring a power such word shall be interpreted to imply that the power so conferred may be exercised or not at discretion, and where in a section the word ‘*shall*’ is used in conferring a power such word shall be interpreted to mean that the power so conferred must be exercised.

b) a power or a duty to make appointments to an office or position is imposed on a person or body, unless the contrary intention appears, the power includes a power to remove or suspend a person appointed and to appoint another person temporarily in the place of the person suspended or in place of a sick or absent holder of the office or position.

c) the word ‘*section*’ is used it refers to a section of this constitution unless its context proves it to relate to a section of a specified statute.

d) the word ‘*subsection*’ is used it refers to –

i) the subsection of the section to which the word was used; or

ii) the subsection of a section that is specified in context of the use of the word.

2) Whenever in the constitution it is provided that appointment shall be made at a specific meeting of the Student Association Committee and such appointment is not made, for whatever reason, the appointment shall be made at the earliest next meeting.

3) In this constitution unless the context otherwise requires each in the singular number is to be construed as including the plural number.

4 Objects of the Student Association

- 1) The objects of the Student Association, a non-profit organisation, shall be to –
 - a) Foster and promote Objects and mission of the University;
 - b) Promote the well being and interests of Students;
 - c) Further the common interest of Students;
 - d) Provide for and encourage communication among enrolled students in matters of common interest;
 - e) Provide extra-curricular activities for the general well-being of Students;
 - f) Represent student when such representation is authorized, necessary and desirable, and to provide a recognised means of communication between the students and the University authorities;
 - g) Cooperate with any body or organisation having kindred aims;
 - h) Provide, conduct or manage educational, cultural, sporting, welfare, recreational or commercial facilities or activities intended for the benefit directly, or indirectly, of students;
 - i) Accommodate and provide for any type of amenities or facilities for Students;
 - j) Help students achieve their full social and spiritual potential;
 - k) Contribute effectively, positively and in accordance with the University's Objects to the wider community;
 - l) Further the common interest of students at the University generally, and to support best practice in pastoral care for our members consistent with *University of Notre Dame Australia Act 1989* (WA).
- 2) The property and income of the Student Association shall be applied solely towards the promotion of the objects of the Student Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Student Association, except in good faith in the promotion of the objects.

5 Powers and Functions of the Student Association

- 1) The Powers of the Student Association, as exercised by the Student Association Committee, are to:
 - a) Represent the Student Association and Students in public ceremonies and functions as requested by the University;
 - b) Represent the Student Association and Members in cultural, sporting and social activities;
 - c) Upon request by a Student, provide support in relation to any hearings of a University Discipline Committee;
 - d) Represent Students in liaising with the University, other Universities and external bodies;
 - e) Serve on the Student Board, Student Affairs Committee or other University committees as required under University Regulation or Statute;
 - f) Affiliate with any other university association or any other association of students;
 - g) Expend and invest moneys –
 - i) In any security in which trust moneys may lawfully be invested; and
 - ii) In any other manner authorised by the Constitution;
 - h) Operate banking accounts;
 - i) Transact such financial business as may be necessary to carry out the objects of the Student Association;
 - j) Borrow or raise money for any of the objects of the Student Association, including raising funding and seeking sponsorships for the Student Association;
 - k) Appoint agents to transact any business of the association on its behalf;
 - l) Enter into contracts on behalf of the Student Association or any student group, the terms of which have been approved by the Executive Committee;
 - m) Create committees or subsidiary bodies of the Student Association;
 - n) Exercise general supervision, control over and co-ordinate all student societies and their activities, and to make grants thereto for approved purposes;

- o) Register Student clubs and societies on the Sydney Campus with the Student Association, and affiliate registered clubs, societies and subsidiary bodies of the Student Association, in accordance with the Objects of the University, University Regulations, Rules and Policies.
- p) Monitor Student Clubs, subsidiary bodies and societies on the Sydney Campus to ensure that each acts and continues to action;
- q) Assume the care, control and management of the property and financial affairs of any Student society, for such period as the Student Association Committee thinks fit;
- r) In consultation, and with the consent of the University (where the University owns or leases buildings) make provision for the control and management of any buildings from time to time occupied by the Student Association and for regulating the conduct of any person using such building or parts thereof;
- s) Incorporate or cause to be incorporated any Student society under the *Associations Incorporation Act* or under the *Corporations Act* or any like legislation for the benefit of the members of that society or to limit the liability of the Student Association, and to hold shares in any company so incorporated;
- t) Hold licenses under any legislation, including the *Liquor Licensing Act*, for the time being in force;
- u) Admit to Associateship persons other than members of the Student Association, in the manner prescribed by this constitution and regulations made there under;
- v) As prescribed by this Constitution, to impose fines upon members of the Student Association, upon members and officers of Student societies and on student societies for breaches of the provisions of this Constitution or Student Association Regulations;
- w) Take such actions as necessary in the performance of its obligations as prescribed by this Constitution; and
- x) Seek incorporation under *Associations Incorporation Act* or under equivalent legislation for the benefit of the Student Association or to limit the liability of the Student Association.
- y) Create Rules, Regulations, Terms of Reference and Standing Orders in accordance with this Constitution and as may be necessary in the management or performance of the business, affairs, obligations and procedures of the Student Association as prescribed by this Constitution;

- z) Create, by way of a Special Resolution passed through the Student Association Committee, binding Regulations relating to any aspect of the operation of the Student Association, the Student Association Committee, subsidiary bodies, affiliated and registered clubs and societies in consultation with the relevant body.

6 Discrimination

No person in the Student Body shall be discriminated against by the Student Association on the basis of race, sex, gender identity, religion, political beliefs, mental or physical disability, sexual orientation, age or financial status.

Part 2 Membership

7 Qualifications for membership of the Student Association

- 1) There are six types of membership on the Student Association:
 - a) Ordinary membership;
 - b) Committee membership;
 - c) Alumni Membership;
 - d) Honorary Life Membership; and
 - e) Legacy Membership; and
 - f) Such additional class or classes of membership as may be determined by the Student Association in accordance with section 7(7) of this Constitution.
- 2) All students enrolled at the Sydney Campus of the University are automatically Ordinary Members of the Student Association through their valid and continued enrolment without the need for application.
- 3) All students who have graduated from the Sydney Campus of the University of Notre Dame Australia are automatically an Alumni Member of the Student Association. Alumni Members have all rights and privileges of Ordinary Members except they are only eligible to nominate for Alumni Representative on the Student Association and cannot vote unless they have been appointed as Alumni Representative.

- 4) Honorary Life Membership may be conferred upon a person through a special resolution in the Student Association Committee as the highest recognition for outstanding and meritorious service to the Student Association and University community. Appointments to Honorary Life Membership is limited to 3 in any one year.
- 5) Honorary Life Members are not required to pay membership fees and have all rights and privileges of ordinary members. If the Life Member is a continuing student of the University, then they continue to have all rights and privileges of an ordinary member. If the life member has become alumni of the University, then they have all rights and privileges of ordinary members except they cannot vote and nominate as a candidate for the Student Association Committee unless for the Alumni Representative.
- 6) Legacy Members have all rights and privileges of ordinary members. If the Legacy Member is a continuing student of the University, then they continue to have all rights and privileges of an ordinary member. If the Legacy Member has become alumni of the University, then they have all rights and privileges of ordinary members except they cannot vote and nominate as a candidate for the Student Association Committee unless for the Alumni Representative. Legacy Membership is only applied to Students or Alumni that have served on the Student Association Committee for a period of 6 months or greater and is applied automatically.
- 7) The Student Association may, by three-fourth majority of the Student Association Committee and prior to the commencement of the University Year, establish an additional class or classes of membership.
- 8) The additional class of membership may entitle Students to such additional benefits over and above those enjoyed by Ordinary Members, as may be determined by the Student Association Committee. Access to an additional class of membership may be for payment or an annual fee, for service to the Student Association or for equity reasons.
- 9) The Student Association may also through a majority vote grant Associate membership to a graduate of the University, a member of the University or such other bodies as the Student Association deems appropriate after receiving a written application as prescribed by the Committee. Associate Members have all rights and privileges of Ordinary Members except that they cannot nominate for a Committee position, cannot vote or be elected to the Committee.
- 10) In establishing an additional class of membership:
 - a) No rights, privileges or benefits to Ordinary Members under this Constitution or any Regulation shall be reduced, diminished or altered in any way; and
 - b) Any fee must be reasonable taking into account the nature and extent of the additional entitlements and benefits, equity, student capacity and ability to pay the fee and the objects of the University.

8 Member entitlements

- 1) All members of the Student Association shall be entitled to all the rights and privileges and shall observe the duties and obligations specified in this constitution.
- 2) A member may at any reasonable time inspect without charge the books, documents, records and securities of the Student Association.
- 3) A member may make a copy of or take an extract from any of the books, documents, records and securities of the Student Association but shall have no right to remove the books, documents, records or securities for that purpose.

9 Resignation, Suspension and Expulsion of Members from the Student Association

- 1) A Member may resign from the Student Association by giving written notice of resignation to the Secretary. The resignation shall take effect from the date specified in the notice or, if no date is specified, then on the date the notice is received by the Secretary.
- 2) The Student Association Committee is to give 30 Days written notice of the proposed suspension or expulsion, including the date and place of the Committee meeting and the particulars of the Member's conduct.
- 3) The Committee after having afforded the Member a reasonable opportunity to be heard by, or to make written representations to, the Committee, approve or decline the suspension or expulsion.
- 4) The decision of the Committee is to be communicated to the Member in writing and 14 Days after receiving the communicated decision the member will be suspended or cease to be a Member.
- 5) A Member suspended or expelled may appeal the decision by giving notice to the Secretary of their intention to appeal within the 14 Days after receiving the decision of the Committee.
- 6) The Member will be given a reasonable opportunity to be heard by, or make written representations to, the Committee in a General Meeting.
- 7) The Student Association in a General Meeting will confirm or set aside the decision of the Committee to suspend or expel the Member. However, pending the decision of the General Meeting, the decision of the Committee does not become effective until confirmed by the General Meeting.

Part 3 Governing Structure

10 Governing Bodies: Student Association Committee

Subject to this constitution, the Student Association Committee has the power and authority to govern and manage the affairs and property of the Student Association. The Committee shall exercise the powers provided to the Student Association in this Constitution and in accordance with the Act.

11 Student Association Committee

- 1) The affairs of the Student Association shall be managed by the Student Association Committee consisting of:
 - a) the President; (1)
 - b) Vice President (Broadway); (1)
 - c) Vice President (Darlinghurst); (1)
 - d) the Secretary; (1)
 - e) the Treasurer; (1)
 - f) Clubs Director (1)
 - g) Marketing Director (1)
 - h) Academic & Welfare Director (1)
 - i) Events Director Broadway (1)
 - j) Events Director Darlinghurst (1)
 - k) Sports & Health Director (1)
 - l) Alumni Representative; (1)
 - m) Postgraduate Representative; (1)
 - n) Student representatives from each School as set out in section 11(3)
 - o) Immediate Past President

- 2) All Student Association Committee members are elected under the provisions of this constitution.
- 3) Each School of the University will have one Representative on the Student Association Committee.
- 4) The Student Association has the power and authority to manage and control the affairs, concerns and property of the Student Association. The Committee may act as it appears best calculated to promote the interests of the Student Association and has the power to take such action as necessary in the performance of its functions as prescribed by this Constitution.

12 Functions of Committee Members

- 1) All Committee members will:
 - a) Act according to the objects of the Student Association;
 - b) Act to improve the Student Community through development of their area of responsibility in the Student Association;
 - c) Act with due diligence in respect to any function of the Student Association Committee;
 - d) Support the organisation and delivery of the Student Association's student events and services;
 - e) Scrutinise the activities and finances of the Student Association to keep the Committee accountable to the Student body;
 - f) Represent the views and concerns of the Students; and
 - g) Serve on such Student boards or committee as may be required under University Statute, Regulation, Policy or otherwise upon request by the Vice Chancellor.
- 2) A failure by any Committee member to comply with the duties or functions provided for under this Constitution or the Student Association's Governance Regulation will constitute grounds for removal from the Committee.
- 3) The President of the Student Association will:
 - a) Direct, co-ordinate and supervise the work of the other officials elected and appointed under the Constitution; and

- b) Direct the activities and manage the affairs of the Student Association.
- 4) The Vice President of the Student Association will:
- a) Assist the President in all areas of responsibility;
 - b) In the event of a vacancy of the office of President, assume the role of President until a new President is elected by a majority vote of the Student Association Committee at the next Committee Meeting; and
 - c) If unable to assume the role of President as stipulated in the preceding paragraph, appoint another Student Association Committee member as temporary President until the next Student Association Committee meeting.
- 5) The Secretary of the Student Association will:
- a) Co-ordinate the correspondence of the Student Association;
 - b) On behalf of the Student Association, keep and maintain an up to date register of Committee Members, Associate Members, and Honorary Life Members, which shall be available upon request of a member of the Student Association;
 - c) Keep full and correct records of the proceedings of the Committee and of the Student Association; and
 - d) Ensure that the Student Association's record-keeping obligations are fulfilled.
- 6) The Treasurer of the Student Association will:
- a) Keep true and fair accounting records that show the financial transactions and position of the Student Association, and comply with the Act;
 - b) Be responsible for all financial affairs of the Student Association, including the receipt and payment of all moneys as directed by the Committee; and
 - c) Have custody of all securities, books and documents of a financial nature and accounting records of the Student Association;
 - d) Ensure that all affiliated and registered student clubs receiving funds from the Student Association adhere to the fiscal policy; and
 - e) Have the power to freeze any account which exceeds its budget allocation.

13 The Executive Committee of the Student Association

- 1) The Executive Committee of the Student Association will consist of –
 - a) The President;
 - b) The Vice President (Broadway);
 - c) The Vice President (Darlinghurst);
 - d) The Secretary; and
 - e) The Treasurer.

14 Removal and Casual Vacancies

- 1) Any Committee member who is antagonistic toward the objects of the University and Student Association, or does not fulfil his or her functions as a Committee Member may be assessed as liable for removal from the Committee by the following procedure:
 - a) The Committee Member will be informed in writing of the reason for the assessment, which shall be signed by two Executive members or five Committee members.
 - b) The President will serve the written notice to the Committee Member. However, if the Committee member is the President, then the Vice President will serve the notice.
 - c) The Committee member will be allocated time to defend their position at the next Committee meeting and a motion to remove them from their position will be debated by the Committee.
 - d) The Committee will vote on the motion to remove the Committee Member, which must succeed by a three-fourth majority of the Committee.
- 2) A Committee Member may resign from their position by submitting their resignation in writing to the President. If the Committee member resigning is the President, the resignation must be submitted to the Vice President.
- 3) The resignation takes effect:
 - a) Two weeks after the notice of resignation is received; or
 - b) If a later date is specified in the notice, then on the later date.

- 4) The Committee Member may revoke their resignation anytime before the resignation takes effect.
- 5) A Casual vacancy occurs if:
 - a) A Committee position is not filled following the annual election;
 - b) A Committee Member dies;
 - c) A Committee Member resigns;
 - d) A Committee Member is convicted of an offence under the Act;
 - e) A Committee Member is absent from more than:
 - i) 3 consecutive Committee meetings; or
 - ii) 3 Committee meetings without tendering an apology to the presiding officer of that meeting within the term of office.
 - f) A Committee Member ceases to be an ordinary member of the Student Association;
 - g) A Committee member ceases to satisfy the qualifications for candidates in the Constitution; or
 - h) A Committee Member is removed from office.
- 6) The Student Association Committee may at its discretion decide to fill a casual vacancy. A casual vacancy on the Student Association Committee will be filled by co-opting a Member into the position by a majority vote of the Committee.
- 7) The Vice Chancellor of the University shall be informed of:
 - a) All appointments to, and resignations from the Committee; and
 - b) All proceedings to remove a Committee Member.

Part 4 Committee Meetings

15 Presiding Officer

The Presiding officer at all Committee Meetings is the President. However, in the absence of the President, then the Vice President must preside at the Committee meeting.

16 Proceedings of Student Association Committee

- 1) Student Association Committee business will be conducted in Committee Meetings either:
 - a) Held at least once per calendar month; or
 - b) Convened as and when required by the President, the Secretary or at least half the Committee Members.
- 2) The procedure of Committee meetings shall be determined by the Student Association Committee and published as the Committee Standing Orders or equivalent Regulations.
- 3) Notice of at least 36 hours must be given prior to the Committee meeting either:
 - a) In writing;
 - b) By telephone;
 - c) Via electronic messaging; or
 - d) In person.
- 4) The Secretary shall prepare, in collaboration with the Executive Committee, and distribute the agenda to the Committee Members at least 12 hours prior to the commencement of the meeting, either:
 - a) In writing;
 - b) By telephone;
 - c) Via electronic messaging; or
 - d) In person.
- 5) Any member may submit to the Secretary an item to be put on the agenda 48 hours prior to the Committee Meeting.

- 6) Meetings to begin with the University prayer and acknowledgment of Country
- 7) Each Committee Member, except the Presiding Officer, has a deliberative vote.
- 8) Except as otherwise stipulated in this Constitution, matters arising for determination at Committee meetings shall be decided by Ordinary Resolution. If there is no majority, the Presiding Officer will have a casting vote.
- 9) Quorum is achieved when more than half of the Committee, including either the President or Vice President(s), is present.
- 10) A Committee member who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in contemplation of, the Committee, shall:
 - a) As soon as he or she become aware of that interest, disclose the nature and extent of the interest to the Committee; and
 - b) Not take part in any deliberations or decision of the Committee with respect to that contract.
- 11) Section 16(9) does not apply to a pecuniary interest that exists only by virtue of the fact that the Committee Member is an employee of the Student Association.
- 12) The Secretary must record all disclosures made by Committee Members in the minutes of the Committee meeting.
- 13) Meetings can occur face-to-face in a meeting room on Broadway or Darlinghurst campus or virtually on zoom or another platform approved and used by the University
 - a) In the case that meetings are held physically on campus, those who cannot attend must be given an alternative such as an online platform, calling in or on another platform approved and used by the University

17 Minutes of Committee Meetings

- 1) The secretary must take proper minutes of all proceedings and enter these minutes in the minute book within 7 days after the Committee Meeting.
- 2) Minutes must be distributed to all Committee Members at least prior to the next Committee Meeting.
- 3) Minutes must be checked and confirmed at the next Committee Meeting by the Committee Members who were present at the relevant meeting. The President must sign the minutes as a correct record and after the minutes must be made available to all Members of the

Student Association.

18 The Executive

- 1) The Executive Committee shall determine any matters referred to it by the Student Association Committee and any matters that cannot be reasonably deferred until the next Committee meeting.
- 2) The Executive Committee shall meet at such time and places that the President may from time to time decide.
- 3) The Executive may determine an interim policy where no policy of the Student Association exists. An interim policy will automatically and finally lapse on the day of the next Committee meeting unless specifically ratified at that meeting.
- 4) An interim policy that has lapsed may not be readopted in style or substance by the Executive Committee.

Part 5 General Meetings

19 Presiding Officer

- 1) The presiding officer of a general meeting shall be the Student Association President or, in the absence of the President, the Vice President or an Executive shall be the presiding officer.
- 2) At the President's request and upon approval at the meeting the President may vacate the chair.

20 Proceedings of General Meeting

- 1) The Student Association Committee may convene a general meeting at any time, or within 30 days of upon a request in writing and signed by not less than 50 members to do so, stating the purpose for which the general meeting is required.
- 2) If a general meeting is not convened under s 31(1) within 30 days the members who made the request may convene a general meeting as if they were the Committee.
- 3) The Committee must convene an annual general meeting after the annual general election each year.

21 Notice of General Meeting

- 1) The Secretary shall give all members 14 Days notice of a general meeting including the motions to be debated, time and place of the general meeting and particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
- 2) The Secretary may give a notice by –
 - a) Serving it on a member personally;
 - b) sending it by email to a member at the University email address of the member; or
 - c) by publishing such a notice –
 - i) on the Main Library notice board;
 - ii) Student Association website; and/or
 - iii) In the Student Newspaper or any other publication generally circulated among the students, produced under the authority of the Student Association.

22 Quorum and procedure at general meetings

- 1) Quorum for a general meeting is 20 members present or by proxy constitute a quorum. Proxy votes shall be deemed to be valid if the Secretary has received signed notice of such.
- 2) The general meeting lapses if quorum is not reached within one hour of the start time of the meeting.
- 3) The Chairperson may, with the consent of a general meeting at which a quorum is present, and shall, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.
- 4) At a general meeting –
 - a) Any ordinary resolution put to the vote shall be decided by majority of votes cast on a show of hands, subject to s 22(6); and
 - b) A special resolution put to the vote shall be decided by a majority of not less than three-fourths of the members of the association who are present at the meeting and who are entitled under the constitution of the association to vote and vote in

person, by proxy or postal vote, subject to s 22(6).

- 5) A declaration by the Chairperson at a general meeting that a resolution has been passed as an ordinary resolution or as a special resolution shall be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with s 22(6).
- 6) At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, shall be taken in such a manner as the Chairperson directs.
- 7) If a poll is demanded and taken under s 22(6) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.
- 8) A poll demanded under s 22(6) must be taken immediately on that demand being made.

23 Voting rights and proxies of members of the Student Association

- 1) Subject to this constitution, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- 2) A member (in this section called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

24 Minutes of meetings of Student Association

- 1) The Secretary shall take minutes of the general meeting, which shall be signed by the President and made available to all members within 30 days of the meeting.
- 2) Minutes shall, until the contrary is proved, be evidence that –
 - a) The general meeting was duly convened and held;
 - b) All proceedings recorded as having taken place at the meeting did in fact take place;
and
 - c) All appointments or elections have been validly made.
- 3) All minutes are to be made available to all members of the Student Body through the Main Library or electronically.

Part 6 Election

25 Election Governance

- 1) All elections, polls and referendums are to be run in accordance with this Constitution and the Election Regulations. Any Election Regulations (provided they are not inconsistent with this Constitution) must be passed by a special resolution of the Committee.
- 2) The Student Association Committee will appoint an Election Tribunal to conduct the Annual election of the Student Association.
- 3) The Election Tribunal will include:
 - a) The Returning Officer;
 - b) One other manager or director of the University as appointed by the Returning Officer;
 - c) At least one Student Association Committee member not contesting the relevant election.
- 4) The powers and function of the Election Tribunal include:
 - a) Setting the dates for nomination and election;
 - b) Resolving disputes between and of candidates;
 - c) Counting the ballots; and
 - d) Declaring and publishing the results of the election.
- 5) General elections shall be held annually not less than 14 days before the holding of the AGM.
- 6) The Returning Officer for the election shall be the Manager of the Student Services Office or their representative, and they:
 - a) Shall supervise and count the ballots;
 - b) Must not be members of the Association or the student body of the University; and
 - c) Must be neutral and publicly perceived as such.
- 7) The Election Tribunal shall give written notice of the relevant dates at least 14 days before the election.

- 8) Nominations for the election must be submitted to the Returning Officer according to the Election Tribunal's prescribed form and procedure. The nomination must be signed by the nominee and by two members supporting the nomination.
- 9) At the annual general election, all Student Association Committee positions except the Alumni Representative, which will be co-opted by the Student Association Committee, will be available for election.

26 Terms of Office

- 1) The term of office for any elected position will begin on the 1st December in the year of the election, or if any student is co-opted or elected to a position on the Committee later than 1st December, on the date they are co-opted or elected, and will end on the subsequent 1st December.

27 Voting

- 1) All students are eligible to vote. However, a student can only vote:
 - a) For the Vice President (Broadway) or Vice President (Darlinghurst) if the Student's School is based on the Broadway or Darlinghurst site respectively of the Sydney Campus;
 - b) For a School Representative if they are enrolled in that School of the University;
 - c) For a Postgraduate Representative if they are enrolled as a Masters or Doctoral student (Doctor of Philosophy or Professional Doctorate).
- 2) Each voter may only vote once in an election or referenda and voting shall be voluntary and no sanctions are attached to failure to vote.
- 3) Voting will open and ballot cards available for a total of not less than 20 hours and must be spread over at least 3 weekdays. Voting will be by secret ballot and voting may be by postal vote.

28 Qualifications for Candidates

- 1) Subject to the Constitution or the Election Regulations, all ordinary members are eligible to stand as candidates for election to the Student Association Committee.
- 2) To be eligible to stand as a candidate for an Executive position:

- a) The student must have previously served on the Student Association Committee and must not have been removed from office by operation of any provision in this Constitution.
 - b) To be eligible to be a candidate for either Vice President (Broadway) or Vice President (Darlinghurst), the Student must be enrolled in a School which is primarily located on either the Broadway or Darlinghurst site of the Sydney Campus respectively.
 - c) In the event that no eligible student nominates for an Executive position then any student may nominate for that Executive position and the nomination period will be extended for that position for five business days.
- 3) To be eligible to stand as a candidate for a Director position:
- a) The candidate must have previously served on the Student Association Committee and must not have been removed from office by operation of any provision in this Constitution.
 - b) To be eligible to be a candidate for either Events Director (Broadway) or Events Director (Darlinghurst), the student must be enrolled in a School which is primarily located on either the Broadway or Darlinghurst site of the Sydney Campus respectively.
 - c) In the event that no eligible student nominates for a Director position then any student may nominate for that Director position and the nomination period will be extended for that position for five business days.
- 4) To be eligible to stand as a candidate for Alumni Representative:
- a) The candidate must have been a graduate of the Sydney Campus of the University of Notre Dame Australia;
 - b) Continue to be an Alumni Member of the Student Association; and
 - c) The Student Association may give preference to a candidate that have previously served on the Student Association Committee.
- 5) To be eligible to stand as a candidate for Postgraduate Representative:
- a) The Student must be enrolled in either a Masters or Doctoral level degree in the Sydney Campus of the University.
 - b) In the event that no eligible student nominates at the end of the nomination period then the nomination period will be extended for another additional five business days.

- 6) To be eligible to stand as a candidate for a School Representative:
- a) A candidate must have the particular school the position relates to as the dominant school in their enrolment.
 - b) In the event that no eligible student nominates for a School representative position then the nomination period will be extended by five business days.
 - c) During the extended nomination period for a School Representative position, if applicable, students enrolled in a combined degree, where the second degree pertains to the School representative position, may be eligible to nominate despite s 28(6)(a).
- 7) A student will be disqualified from candidature if he or she is:
- a) Not an ordinary member;
 - b) A member of the academic staff of the University;
 - c) A member of the Election Tribunal;
 - d) Previously convicted of an offence and sentenced to imprisonment or who is currently under sentence or has not been given a free pardon;
 - e) An undischarged bankrupt or who has entered into a scheme of arrangement with creditors;
 - f) A formerly expelled member of the Student Association Committee or subsidiary body;
 - g) Deemed ineligible due to any other provision in this Constitution or the Election Regulations.
- 8) Any Candidate who repeatedly fails to comply with this Constitution or the Election Regulation may be disqualified from the election.

29 Referenda

- 1) The Student Association Committee shall submit a question to a referendum of the Student Body or of the members of the Student Association, if –
 - a) the Student Association Committee resolves by an absolute majority;
 - b) a general meeting resolves by a simple majority; or
 - c) one hundred students submit a petition to the Student Body President;
- 2) Unless expressed to the contrary in this section, sections applying to an Annual General Election shall also apply to a Referendum in so far as they are appropriate and practical.
- 3) If the referendum is –
 - a) of the whole student body, all students of the Student Body shall be entitled to one vote;
 - b) of Association members only, each Student Association member only shall be entitled to one vote.
- 4) Referenda may be held in conjunction with any election.
- 5) The Student Association Committee shall determine all matters of detail in connection with any referenda.
- 6) The result of a referendum shall be decided in the affirmative by a simple majority of the votes.
- 7) A valid vote in a referendum is a ballot paper that has only the question and “yes” or “no” written on the ballot paper unless otherwise determined by the Executive Committee prior to the commencement of voting in a referendum.

Part 7 Constitution of Student Association

30 Constitution of Student Association

- 1) This constitution binds every member and the Student Association to the same extent as if every member and the Student association had signed and sealed this constitution and agreed to be bound by all their provisions.
- 2) An amendment to this Constitution may be proposed in either of two ways:
 - a) by a member of the Association provided that such proposed amendments shall be in writing and submitted to the Student Association Secretary by any member of the Student Association with the signatures of the proposing member and twenty (20) other students accompanied by a statement of explanation; or
 - b) by a resolution of an absolute majority of the Student Association Committee.
- 3) This constitution may be made, altered or repealed in accordance with the following procedure –
 - a) A resolution to amend shall be put to a general meeting as a special resolution as in s 22(4).
 - b) If at the general meeting required by s 22(4), alterations are made to the proposed amendment –
 - i) in form only, the proposed amendment may be voted on at the general meeting;
 - ii) that affect the substance of the proposed amendment, the change will constitute a new proposed amendment and the procedures outlined in this section must be followed through again for the new proposed amendment.
 - c) Within one month of the passing of a resolution to amend, the Secretary shall lodge with the relevant Statutory authority:
 - i) notice of the resolution setting out particulars of the amendment; and
 - ii) a certificate, signed by the officer presiding at the General Meeting, certifying that the resolution was duly passed and that the amended constitution complies with the Act.

- 4) Notwithstanding any other provision of this Constitution, the Vice Chancellor may amend or disallow any proposed amendments to this Constitution, if the amendment is determined by the Vice Chancellor (in his or her absolute discretion) to be inconsistent with the Objects of the University.
- 5) Where the Vice-Chancellor of the University has disallowed an amendment the relevant amendment is deemed to never have been made.

Part 8 Miscellaneous

31 Common Seal

- 1) The Association may have a common seal on which its corporate name appears in legible characters.
- 2) Unless the Committee decides otherwise, the Secretary shall have the custody of the Common Seal.
- 3) The Common Seal shall not be used without the express authority of the Committee.
- 4) The affixing of the Common Seal shall be witnessed by any two members of the Committee.

32 University Relationship

- 1) Neither the Student Association, the Committee, Executive nor any member are agents of the University, nor can bind or represent the University (without the express written consent of the Vice Chancellor) in any capacity.
- 2) The University has no responsibility whatsoever for the debts or liabilities of the Student Association.
- 3) Notwithstanding any provisions of the Act, or this Constitution, the Student Association is subject to the restrictions or limitations imposed by the University Statutes, Rules, Regulations, Procedures and Policy.

33 Savings

- (1) All rights, obligations, responsibilities, powers and procedures as amended by a passed constitutional amendment at either a Special General Meeting or Annual General Meeting will take immediate effect, unless:

- (a) A later effect date is agreed to in conjunction with the passing of the constitutional amendment at either a Special General Meeting or Annual General Meeting; or
- (b) If an amendment removes an office gained by an individual under the repealed section, the repealed section shall remain in force until the first Annual General Meeting after the adoption of the amendment.

Change Tracker

Date of Change	Changes Made	Owner
11/2020	<ul style="list-style-type: none"> – Section 4 (16) Added “Meetings can occur face-to-face in a meeting room on Broadway or Darlington campus or virtually on zoom or another platform approved and used by the University.” & “in the case that meetings are held physically on campus, those who cannot attend must be given an alternative such as an online platform, calling in or on another platform approved and used by the University.” 	Helen Beaini
18/AUG/2022	<ul style="list-style-type: none"> – Section 4 (1) (Objects updated to include reference to pastoral care and <i>UNDA Act 1989</i>). – Section 7 (1) (Additional Membership Class added - Legacy Members). – Section 7 (6) (Conditions of Legacy Membership added). – Section 11(1) (Communication’s Director Renamed & Split of Events Director across both campus’). – Section 28 (3) (Eligibility for Event Director roles added). – Section 28 (6) (Student Services Student Leadership Program removed as condition). 	Heath Cauchi