



Constitution of the **Clubs & Societies Council**

a division of the
Monash Student Association (Clayton), Inc.

Victorian Incorporation Number A0036131Z.
Australian Business Number 20 147 061 074.

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Part 1. The Constitution

1.1. Interpretation

- 1.1.1. In this constitution, unless the contrary intention appears,
- (i) "Academic Day" means a day that falls within a regular teaching period of the University, on which classes are held;
 - (ii) "AGM" means the Annual General Meeting;
 - (iii) "Attendant" means a person attending a General Meeting, who has a deliberative vote at that meeting, as defined in §4.5.5;
 - (iv) "C&S" means the Clubs & Societies Council, as defined in Part 2;
 - (v) "C&S Manager" means the MSA manager whose portfolio includes C&S;
 - (vi) "C&S Member" means a member of C&S, as defined in §2.3.1;
 - (vii) "C&S Office Bearer" means an office bearer of C&S, as defined in §2.4.3;
 - (viii) "C&S Staff Member" means a person employed by MSA on a non-casual/non-sessional basis, whose duties pertain in their entirety, or majority, to C&S;
 - (ix) "Club" means a club, society, association or other group recognised by C&S, as prescribed in §6.1.1;
 - (x) "Club Office Bearer" means the President, Vice President, Treasurer or Secretary of a Club;
 - (xi) "Club President" means the President of a Club;
 - (xii) "Continuing Candidate" means a candidate for election in an office, who has not been elected or eliminated;
 - (xiii) "EGM" means an Extraordinary General Meeting;
 - (xiv) "Executive" means the Executive of C&S, as defined in Part 3;
 - (xv) "Executive Meeting" means a meeting of the members of the Executive;
 - (xvi) "Executive Member" means a voting member of the Executive, as defined in §3.3;
 - (xvii) "Ex-officio Member" means an ex-officio member of the Executive, as defined in §3.4;
 - (xviii) "General Meeting" means a general meeting of the C&S Members;
 - (xix) "MSA" means Monash Student Association (Clayton), Inc. (A.B.N. 20 147 061 074);
 - (xx) "MSC" means Monash Student Council, the governing body of MSA;
 - (xxi) "OGM" means an Ordinary General Meeting;
 - (xxii) "Prescribed" means prescribed by this constitution and/or 1 or more of its schedules;
 - (xxiii) "Public Notice" means an electronic notice displayed on the C&S world wide web site;

- (xxiv) "Signed Notice" means a Written Notice containing the sender's signature;
- (xxv) "Student" means a student of the University who is currently enrolled in a course located at the Clayton Campus;
- (xxvi) "University" means Monash University (A.B.N. 12 377 614 012);
- (xxvii) "University Staff Member" means a person employed by the University, MSA, or another University affiliate, who has a University personnel number;
- (xxviii) "Oral Notice" means spoken notice given in person, over the telephone or by voice message to a person's home or mobile telephone voice mail account; and
- (xxix) "Written Notice" means a printed notice delivered to a body's or person's C&S supplied mailbox, a person's residential address, and/or a person's or body's facsimile number, and/or an electronic message delivered to a body's or person's C&S supplied electronic mail account.

1.2. Jurisdiction

1.2.1. Whereas,

- (i) The University Statute permits the University Council to make regulations;
- (ii) Part 9 of the Monash University (Council) Regulations permits the University Council to recognise associations of students;
- (iii) Schedule 1 of the Monash University (Council) Regulations specifies the MSA as a recognised association;
- (iv) §7 of the constitution of MSA includes C&S as a division;
- (v) §8 of that constitution recognises C&S as the body within MSA that represents clubs and societies;
- (vi) §9 of that constitution recognises that divisions do not require the approval of MSA to amend their constitutions;
- (vii) MSC first approved a constitution for C&S on 5 March 1969; and
- (viii) MSC revoked the 1969 constitution and replaced it with the constitution approved by C&S on 31 May 1996;

C&S hereby revokes the 1996 constitution and in its place approves the constitution set out herein, on this day, 29 August 2006.

1.3. Schedules

- 1.3.1.** Subject to §1.3.3, schedules to this constitution shall have the same force as this constitution.
- 1.3.2.** In schedules to this constitution, unless the contrary intention appears, words and expressions shall have the same meaning as they have in this constitution.
- 1.3.3.** Where a schedule to this constitution is inconsistent with the constitution, the latter shall prevail, and the former shall, to the extent of the inconsistency, be without force or effect.
- 1.3.4.** Subject to §1.3.3, a breach of any schedule to this constitution shall be deemed to be a breach of the constitution.
- 1.3.5.** The schedules to this constitution are
- (i) the C&S Finance Regulations;
 - (ii) the C&S Affiliation Regulations;
 - (iii) the C&S Grants Regulations;
 - (iv) the MSA/C&S Responsible Service of Alcohol Policy;
 - (v) the C&S Complaints Policy;
 - (vi) the MSA/C&S Marketing Policy;
 - (vii) the C&S IT Policy; and
 - (viii) the C&S Electronic Register Procedures Policy.

1.4. Amendments

- 1.4.1.** This constitution may be amended by the affirmative votes of at least 2/3 of the Attendants at a General Meeting, if 14 days' Written Notice of the proposed amendment is served on all C&S Members.
- 1.4.2.** Subject to §1.4.3, schedules to this constitution may be added, amended or removed by
- (i) the affirmative votes of an absolute majority of the Executive; or
 - (ii) the affirmative votes of at least 2/3 of the Attendants at a General Meeting, if 14 days' Written Notice of the proposed amendment is served on all C&S Members.
- 1.4.3.** A schedule to this constitution to which there is at least 1 direct reference in this constitution other than in §1.3.5, shall not be removed or have its name amended, without this constitution being amended, in accordance with §1.4.1, to update and/or remove the reference(s), as appropriate.
- 1.4.4.** Where such a change is not affected by §1.4.3, if a schedule to this constitution is added, removed or has its name amended, §1.3.5 shall be amended to reflect the change.
- 1.4.5.** Amendments to this constitution made in accordance with §1.4.4 shall not be subject to §1.4.1.

Adopted by the Clubs & Societies Council on 29 August 2006.

Amended by the Clubs & Societies Council on 4 September, 2018.

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- 1.4.6.** Amendments to this constitution and/or its schedules shall be
- (i) promulgated by Written Notice within 14 days to all clubs; and
 - (ii) noted in §1.4.7, including the date on which the amendment was approved, a description of the amendment, the body that approved the amendment, and the meeting at which the amendment was approved.

1.4.7. Document History:

Date	Description	Approving Body	Meeting
18 th March 2009	Inserted clause stating that if members of the executive miss 3 consecutive executive meetings without apology they are deemed to have resigned.	Council	01/09
19 th February 2009	Reduced number of 'Culture Card' holders a new club need before affiliation.	Executive	02/09
27 th March 2008	Inserted new s2.2.6 in affiliation regulations allowing the executive to terminate new club application for behaviour that would be an act of misconduct for an affiliated club.	Executive	07/08
4 th October 2007	Amended s2.2.2 of the C&S Finance Regulations to allow some clubs to hold linked bank accounts under certain conditions.	Executive	30/07
21 st August 2007	Added clause to allow clubs to open ordinary membership and (limited) committee membership to non-Clayton students; Amended <i>Affiliation Regulations</i> to limit Full Affiliation to clubs who do not take advantage of the abovementioned clause; Redefined "Written Notice" and "Signed Notice"; Various insubstantial amendments (general clean-up).; Insubstantial (general clean-up) amendments to the <i>Affiliation Regulations, Alcohol Policy, Finance Regulations</i> and <i>Information Technology Policy</i> .	Council	3/07
8 th May 2007	Redefined "Academic Day" to include "on which classes are held"; Added option for exemption from requirement for clubs to hold annual elections at AGMs; More clearly defined rules of co-option for clubs; and Added clause stating the incorporated clubs should	Council	2/07

	favour Victorian law over requirements		
19 th March 2007	Amended <i>Affiliation Regulations</i> to update new club process, and make allowances for registration of academic and halls clubs.	Executive	8/07
22 nd January 2007	Amended <i>Affiliation Regulations & Finance Regulations</i> .	Executive	2/07
29 th August 2006	Adoption of 2006 Constitution and Schedules.	Council	3/06
23 rd February 2010	Amended <i>Affiliation Regulations</i> to change references to 'Culture Card' to the 'MSA card'. Inserted two clauses to prohibit the affiliation of clubs that are purely social in nature or duplicate the work of an existing MSA department.	Executive	2/10
4 th August 2011	Amended <i>Affiliation Regulations</i> to include: - s2.1.3(vii) the Club Vice President must complete a Presidents workshop - Inserted two clauses to prohibit the affiliation of clubs that; s2.2.5(v) are not in the interests of benefiting Monash Clayton students; or s2.2.5(vi) are not in the interests of Monash University; or s2.2.5(vii) are set up for commercial gain as well as insubstantial general clean-up.	Executive	14/11
6 th October, 2011	Adoption of Electronic Register (Tills) Procedures Policy	Council	3/11
13 th September, 2012	Added s3.7 <i>Circular Resolutions</i> to allow Executive to vote on a resolution by way of circular resolution. Added new duties for C&S VP and General Representatives. Reduced length of time to 1 day to appoint a President proxy. Removed ambiguity in wording for quorum requirements. Added an additional misconduct penalty so that C&S Exec or	Council	2/12

	Council can direct clubs to submit Minutes of committee meetings for a specified period of time.		
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13 th March, 2013	Amended <i>Affiliation Regulations</i> : - s3.2.1 to reflect current practice of Week 3 for submission of annual club Registration Pack.	Executive	4/13
13 th March, 2013	Amended <i>Finance Regulations</i> s3.3 and s3.6 to include the introduction of Qualified Pass 2 (QP2) result and the associated Prescribed penalty (PPN)	Executive	4/13
19 th August, 2013	Amended <i>Affiliation Regulations</i> to insert: - s4.2.2(v) Probationary level clubs to receive non reporting grants - s4.2.7 to clarify grant cap entitlements; and - removed all references to "use of the terms 'Monash', 'Monash University' or 'Monash Uni' in its (club) name.	Executive	21/13
19 th August, 2013	Added additional duty in s2.4.6 for C&S Treasurer to 'submit an annual report to the AGM'. Added 2.5.3 to allow provision for a C&S General Representative to undertake the duties of a vacant position of C&S President, Vice President, Secretary or Treasurer	Council	3/13
30 th January 2014	Amended <i>Finance Regulations</i> to include: - Definitions for 'Head Auditor', 'C&S Receipt Books' and 'EFT'. - s2.1.1 (iv) so that club does not incur debt - 2.1.1 (v) so that club does not have unbanked income at end of audit period for two consecutive audit periods - 2.2.3 so that clubs may draw a bank cheque with C&S approval - 2.2.4 to clarify grants paid by electronic funds transfer (EFT)	Executive	1/14

	<ul style="list-style-type: none"> - Inserted Section 2.4 to outline Manual Receipting procedures - Inserted Section 2.5 to outline Online Receipting procedures 		
30 th January 2014	<p>Amended <i>Grants Regulations</i> to include:</p> <ul style="list-style-type: none"> - s3.1.2 and 3.1.3 so that C&S office bearers do not process grants and reports where there is, or perceived to be, a conflict of interest 	Executive	1/14
5 th February, 2015	<p>Amended <i>Affiliation Regulations</i> to update/add:</p> <ul style="list-style-type: none"> - s1.1.1 (ii) that a new club applicant group comprises 4 Clayton enrolled students who are all MSA subscribers - s1.1.1 (iv) add definition of "Club Portal" - s2.1.1 (x) Increase number of students required to sign 'Expression of Interest' forms from 20 to 40, of which 10 must be MSA subscribers. - s2.2.1 reduce time to collect and lodge new club application form from 4 weeks to 2 weeks. - s2.2.4 reduce time for termination of new club application for non-contact with DO from 2 months to 28 days - s2.2.5 removed 'substantially' - s2.2.11 reduce maximum of up to 12 new clubs each year to requirement that the Executive resolve the number to affiliate each semester - s3.1.1(ii) Require annual Registration documents to include membership list print out from club portal with at least 40 names of ordinary members, of whom at least 10 are MSA subscribers. - s3.1.1.(iii) add telephone number as requirement - Revised s3.3 'Failure to Register Documents' to set out due dates for both Registration 	Executive	1/15

	and Office Bearer elections, and associated prescribed penalties for lateness. - Various insubstantial amendments to wording.		
5 th February 2015	Amended <i>Grants Regulations</i> to insert: - s2.1.4 that clubs cannot claim expenses related to alcohol - s2.2.3 that applications for grant extension submitted after the due date must be rejected - s3.2.2 updated list of grants to be processed by C&S Treasurer	Executive	1/15
5 th February 2015	Amended <i>Finance Regulations</i> to update: - s2.2.1 that the club cheque account must be held at a bank located on Clayton campus	Executive	1/15
16 th February 2016	Amended <i>Affiliation Regulations</i> to include: - 2.1.1 (iv) that the Executive, in their absolute discretion, will consider which application will be successful for progression to Part 2 of the new club process - 2.2.5 that the Executive 'cannot accept' a new club application where it is deemed to conflict with the requirement and restrictions set out in 2.2.5 (i) – 2.2.5 (viii)	Executive	2/16
20 th October 2016	- Redefined 'Public Notice' to be an electronic notice only on C&S website - Redefined 'Verbal Notice' to be 'Oral notice for spoken notice.' - Amendments to constitution to be promulgated by written notice instead of public notice. - Provision for Executive to participate in meetings by use of technology. - Notice for General Meetings, Misconduct Hearings, and Misconduct Appeal Hearings reduced from 10 academic days to 14 calendar days and to specify date and time.	Council	3/16

	<ul style="list-style-type: none"> - Agenda items for General Meetings may be added by C&S member increased from 2 days to 72 hours. - Provisional Agenda for General Meeting to be disseminated changed from 5 academic days to 7 calendar days, and to specify date, time and location. - Final Agenda for a General Meeting to be disseminated changed from 1 day to 48 hours prior and specifying date, time and location. - Number of Ordinary General Meetings reduced from 2 to 1 each year. - Clarified definition of 'student', to also mean undertaking at least one unit of study at a Victorian campus of the University. - Substantial change to s6.2.2. to outline what clubs must set out in their club constitution. - Provision for Halls of Residence clubs to restrict ordinary membership to their residence. - Provision for Non-Financial clubs to seek exemption from constitutional requirements set out in s6.2.2. - Added breach of fiduciary duties and queerphobic, transphobic, ableist conduct as acts of club misconduct. - Added that Misconduct Hearings must be held on an academic day, unless otherwise agreed by the club. - Removed s7.4.4(i) as all deregistered club bank accounts must be closed. - Deleted all provisions to allow for an election by show of hands as elections must be by secret ballot. 		
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<p>25th January, 2018</p>	<p>Amended <i>Finance Regulations</i> to insert s2.2.2. – s2.2.6. allowing clubs to pay for goods and services by club cheque, electronic funds transfer (EFT) or international wire transfer. - Updated s2.4.4 and s2.5.3 to include that income may be received via an approved Point of Sale (POS) system - Added s2.4.7 to clarify that a club may write a single receipt to account for sum total of sales from food and drinks costing <\$5 per item. - Inserted s2.6 to outline requirements for clubs when making payments via EFT. - Added s3.4.1(viii) outlining that a transaction list from any POS system must be submitted in a club's audit.</p>	<p>Executive</p>	<p>1/18</p>
<p>4th September, 2018</p>	<p>- Replaced 'her/his' and 's/he' references to gender neutral terms 'their' and 'they'. - Amended s4.5.12 and s2.4.9(iii) to rule that Club President proxy appointments must be served 72 hours prior to the commencement of the appointment, and that the appointment will commence 72 hours after the date that the signed notice was given. Also removed the need to provide a telephone number for the person being appointed a proxy, maintaining the need for an email address. - Added s3.6.18-s3.6.20 to enable a C&S Executive member to be granted leave of absence for a period not exceeding 6 academic weeks. - Amended s2.4.17(iv) to add rule that failure by a C&S Executive member to attend 3 consecutive meetings without a leave of absence will mean that they cease to hold office.</p>	<p>Council</p>	<p>3/18</p>

	<ul style="list-style-type: none"> - Added s4.1.5 to enable C&S Council to resolve standing orders for the conduct of General Meetings. - Amended s5.7.2 to rule that each candidate in a C&S Office Bearer election may appoint 1 Attendant as a scrutineer. - Amended s7.2.3 and s7.3.1 to rule that the Executive must serve at least 14 days' written notice of a misconduct hearing and misconduct appeal hearing on any representative of a club who the Executive reasonably believes could face an individual penalty, as per s7.2.7 (vii) and s7.3.8(vii). - Added s7.2.7(v) to enable the C&S Executive to impose an additional penalty at a misconduct hearing that a club can be directed to repay the cost of any property damage that has occurred due to club misconduct. Similarly, for C&S Council at a misconduct appeal hearing in s7.3.8(v) - Added s7.2.7(vi) to enable the C&S Executive to impose an additional penalty at a misconduct hearing that a club's eligibility to hold specified types of events for a specified period can be restricted. Similarly, for C&S Council at a misconduct appeal hearing in s7.3.8(vi). - Amended s7.4.4 to allow the C&S Executive discretion to determine whether or not a deregistered club can keep their registration (ABN) with the Australian Taxation Office. 		
<p>14th February, 2019</p>	<p>Amended <i>Finance Regulations</i></p> <ul style="list-style-type: none"> - updated senior Auditor name from 'Head Auditor' to 'C&S Finance Officer'. - removed requirement that clubs must have prior approval 	<p>Executive</p>	<p>3/19</p>

	<p>from the C&S Executive to draw a bank cheque.</p> <ul style="list-style-type: none">- Amended s2.5.2 to clarify correct online receipting procedures.- Amended prescribed penalty for '3 in a row' Qualified Pass (1) or (2) results in club audit submissions from Deregistration to Demotion to Probationary status for 12 academic weeks.		
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Part 2. The Council

2.1. Existence

- 2.1.1.** There shall be a Clubs & Societies Council for the Clayton campus of the University.

2.2. Aims and Objectives

- 2.2.1.** The aims and objectives of C&S shall be to
- (i) foster Student participation in Clubs;
 - (ii) facilitate the activities and administration of Clubs;
 - (iii) provide financial and administrative support to Clubs; and
 - (iv) liaise between Clubs, MSA and the University.

2.3. Members

- 2.3.1.** The members of C&S shall be the Club Presidents and the C&S Office Bearers.

2.4. Office Bearers

- 2.4.1.** The offices of C&S shall be the
- (i) office of the President;
 - (ii) office of the Vice President;
 - (iii) office of the Treasurer;
 - (iv) office of the Secretary; and
 - (v) office of the General Representatives.
- 2.4.2.** There shall be 1 position for each office referred to in §2.4.1, except the office of the General Representatives, where there shall be 5 positions.
- 2.4.3.** The office bearers of C&S shall be the holders of positions referred to in §2.4.2.

2.4.4. The duties of the President shall be to

- (i) preside as chair over Executive Meetings and General Meetings;
- (ii) attend MSC meetings, vote in the interests of C&S, and report outcomes to the Executive and/or C&S, as appropriate, or to ensure their nominee, who must be an Executive Member, does the same;
- (iii) submit reports to MSC on the activities of the Executive and C&S, as required;
- (iv) represent C&S, and act as its spokesperson, to MSA, the University and other bodies, as appropriate;
- (v) submit reports to Executive Meetings, as appropriate;
- (vi) submit annual reports to the AGM and to MSC;
- (vii) monitor and review grants regulations, in conjunction with the Treasurer;
- (viii) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations;
- (ix) staff the C&S space for at least 2 hours per week; and
- (x) perform other duties, as the Executive may resolve.

2.4.5. The duties of the Vice President shall be to

- (i) attend Executive Meetings and General Meetings;
- (ii) preside as chair over Executive Meetings and General Meetings, in the absence of the President;
- (iii) assist the President in their duties;
- (iv) perform the duties of the President if that office is vacant;
- (v) assist and liaise with Students applying to start new Clubs, in conjunction with C&S Staff Members;
- (vi) preside as chair and Returning Officer at Inaugural General Meetings of Clubs or their nominee (who must be a member of the Executive);
- (vii) submit an annual report to the AGM;
- (viii) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations;
- (ix) staff the C&S space for at least 2 hours per week; and
- (x) perform other duties, as the Executive may resolve.

- 2.4.6.** The duties of the Treasurer shall be to
- (i) attend Executive Meetings and General Meetings;
 - (ii) monitor and review grants regulations, in conjunction with the President;
 - (iii) prepare budget submissions to MSA, in conjunction with C&S Staff Members, as required;
 - (iv) represent C&S in MSA budget meetings, as appropriate;
 - (v) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations;
 - (vi) monitor spending from the C&S grants budget;
 - (vii) submit an annual report to the AGM;
 - (viii) staff the C&S space for at least 2 hours per week; and
 - (ix) perform other duties, as the Executive may resolve.
- 2.4.7.** The duties of the Secretary shall be to
- (i) attend Executive Meetings and General Meetings;
 - (ii) prepare agendas and minutes, and serve notice as Prescribed, for General Meetings and Executive Meetings;
 - (iii) act as Returning Officer for C&S Office Bearer elections, as appropriate;
 - (iv) ensure that an up-to-date register of Clubs and Club Office Bearers is maintained;
 - (v) ensure that inwards and outwards correspondence for C&S and the Executive is handled correctly and in a timely manner;
 - (vi) ensure that Clubs are informed of relevant issues discussed, and resolutions made, by the Executive, in a timely manner;
 - (vii) submit an annual report to the AGM;
 - (viii) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations;
 - (ix) staff the C&S space for at least 2 hours per week; and
 - (x) perform other duties, as the Executive may resolve.
- 2.4.8.** The duties of each General Representative shall be to
- (i) attend Executive Meetings and General Meetings;
 - (ii) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations;
 - (iii) evaluate and process annual club registration packs, as prescribed in the C&S Affiliation Regulations
 - (iv) staff the C&S space for at least 1 hour per week; and
 - (v) perform other duties, as the Executive may resolve.

- 2.4.9.** A person shall be eligible to be a C&S Office Bearer, or be elected a C&S Office Bearer, if they are a Student, and
- (i) is a C&S Office Bearer;
 - (ii) is a Club Office Bearer; or
 - (iii) has commenced their appointment as a Club President's proxy, in accordance with §4.5.12,
- at the time of election, except as restricted in §2.4.10 - §2.4.13.
- 2.4.10.** A person shall not be eligible to be elected a C&S Office Bearer if they are ineligible to hold, or be nominated for, office in any Club, as a result of a penalty imposed in accordance with §7.2.7, §7.3.8 or §7.3.9.
- 2.4.11.** A person shall not hold more than 1 position referred to in §2.4.2 at the same time.
- 2.4.12.** A person shall not hold, or be elected to, any position referred to in §2.4.2 while C&S Manager.
- 2.4.13.** A person shall not hold, or be elected to, any position referred to in §2.4.2 while a C&S Staff Member.
- 2.4.14.** C&S Office Bearers shall be elected as prescribed in Part 5.
- 2.4.15.** A person elected a C&S Office Bearer at an AGM shall ordinarily hold office for a term of 1 year commencing on 1 October in the same year as the AGM.
- 2.4.16.** A person elected a C&S Office Bearer at an OGM or EGM shall ordinarily hold office for a term commencing the day after that General Meeting, unless the position to which they were elected was not yet vacant on that day, in which case the term shall commence the day after the position is vacated. The ordinary term shall conclude on the following 30 September.
- 2.4.17.** A C&S Office Bearer shall cease to hold office prior to the completion of their ordinary term if they
- (i) serve a Written Notice of resignation, specifying the date of cessation, on the Executive and/or C&S;
 - (ii) cease to be a Student;
 - (iii) are removed from office in accordance with §2.4.18. or
 - (iv) fail to attend 3 consecutive executive meetings without a leave of absence in accordance with §3.6.18.
- 2.4.18.** A C&S Office Bearer may be removed from office by the affirmative votes of at least 2/3 of the Attendants at a General Meeting, if 14 days' Written Notice of the intention to move a motion to remove the member has been served on the Secretary and/or the Executive, and the Office Bearer has been given a reasonable opportunity to speak to the motion.

2.5. Co-option

- 2.5.1.** In the event that a C&S Office Bearer ceases to hold office prior to the conclusion of their ordinary term, or a position remains vacant after an election, the Executive may co-opt a person to hold the vacant position, if that person would be eligible to be elected on the day of co-option, as prescribed in §2.4.9.
- 2.5.2.** A person co-opted as a C&S Office Bearer shall ordinarily hold office for a term commencing on the day of co-option and concluding on the day of the next General Meeting.
- 2.5.3.** Where the position of President, Vice President, Secretary or Treasurer becomes vacant, or a position remains vacant after an election, the Executive may resolve that one of the General Representatives shall undertake the duties of the vacant position, commencing on the day of the resolution and concluding on the day of the next General Meeting.

Part 3. The Executive

3.1. Existence

3.1.1. There shall be an Executive of C&S.

3.2. Governing Body

3.2.1. For the exclusive purposes of MSA, the Executive shall be the governing body of C&S.

3.3. Members

3.3.1. The C&S Office Bearers shall be voting members of the Executive.

3.3.2. Executive Members shall have the right to speak and vote at Executive Meetings.

3.4. Ex-officio Members

3.4.1. The C&S Manager and C&S Staff Members shall be ex-officio members of the Executive.

3.4.2. Ex-officio Members shall have the right to speak at Executive Meetings, except as prescribed in §3.6.9, but shall neither vote, nor be counted towards quorum.

3.5. Functions and Powers

3.5.1. The functions of the Executive shall be to

- (i) recognise groups of Students as Clubs for the purposes of this constitution;
- (ii) deregister Clubs as provided for in this constitution;
- (iii) administer the C&S budget, including grants;
- (iv) oversee the activities of Clubs, and ensure that Clubs act in accordance with their constitutions; and
- (v) consider any allegation of misconduct on the part of a Club, or a Club's representatives, that is referred to it, and to take such action as it deems appropriate, subject to this constitution.

3.5.2. The Executive may, whenever it resolves that it is appropriate to do so, make a written report to the President of MSA in relation to the conduct (including any act or omission) of any person or Club, which the Executive reasonably deems to be in breach of

- (i) the constitution of a Club;
- (ii) this constitution;
- (iii) the constitution of MSA; and/or
- (iv) the Statutes, Regulations and/or Rules of the University.

- 3.5.3.** The Executive shall have, and may exercise, subject to this constitution, such powers as are reasonably necessary in order for C&S to pursue its aims and objectives, as prescribed in §2.2.1, and for the Executive to perform its functions, as prescribed in §3.5.1.
- 3.5.4.** When a resolution of the Executive is inconsistent with a resolution of C&S, the latter shall prevail, and the former shall, to the extent of the inconsistency, be without force or effect.
- 3.5.5.** Subject to, and in accordance with, any prescribed notice requirements for agenda items, C&S may resolve to reconsider any resolution of the Executive.
- 3.5.6.** Where C&S resolves to reconsider a resolution of the Executive, it may, after that reconsideration, resolve to
- (i) affirm;
 - (ii) revoke; or
 - (iii) amend
- the resolution of the Executive.

3.6. Meetings

- 3.6.1.** There shall be at least 4 Executive Meetings per semester.
- 3.6.2.** The Secretary shall serve at least 5 days' Written Notice and/or at least 2 days' Oral Notice of an Executive Meeting on all members of the Executive.
- 3.6.3.** Subject to, and in accordance with, §3.6.2, the Secretary
- (i) may convene an Executive Meeting whenever they deem it appropriate;
 - (ii) must convene an Executive Meeting whenever they receive a written request from the President to do so; and
 - (iii) must convene an Executive Meeting whenever they receive a written request from 2 Executive Members to do so.
- 3.6.4.** At an Executive meeting
- (i) the President;
 - (ii) in the absence of the President, the Vice President; and
 - (iii) in the absence of both the President and the Vice President, a person elected by and from the Executive Members present,
- shall preside as chair.
- 3.6.5.** Each Executive Member present at an Executive Meeting, other than the chair, shall have a deliberative vote.
- 3.6.6.** At an Executive Meeting, the chair shall have a casting vote.
- 3.6.7.** A quorum for an Executive Meeting shall be 5 Executive Members, at least 1 of which must be the President, Vice President, Treasurer or Secretary, and of which at most 2 may be proxies.

- 3.6.8.** If, within 20 minutes after the scheduled start of an Executive Meeting, a quorum is not achieved, the meeting shall
- (i) proceed as a committee of the whole, which must report its resolutions to the next quorate Executive Meeting for ratification before they take effect; or
 - (ii) if the chair so rules, stand adjourned to a place, time and day (at most 14 days later) specified by the chair at the time of adjournment.
- 3.6.9.** Where an Executive Meeting, or part thereof, is held in camera, the Ex-officio Members shall be ejected from that meeting, unless the Executive resolves otherwise.
- 3.6.10.** An Executive Member may appoint a person, or persons, as their proxy for Executive Meetings in accordance with §3.6.11, if those persons would be eligible to be elected to, and hold, that Executive Member's position for the duration of the appointment, as prescribed in §2.4.9.
- 3.6.11.** To appoint a person or persons as their proxy, an Executive Member must serve a Signed Notice of proxy appointment on the Secretary and/or the Executive, and such an appointment notice must contain
- (i) the name of the Executive Member appointing the proxy;
 - (ii) the name(s) of the person(s) being appointed proxy, in order of priority;
 - (iii) an electronic mail address for the person(s) being appointed proxy; and
 - (iv) the date on which the appointment will cease.
- 3.6.12.** Where an Executive Member has appointed multiple persons as their proxy, and more than 1 of those persons attends an Executive Meeting, only the person first listed in the proxy appointment notice shall be deemed to be that Executive Member's proxy for that Executive Meeting.
- 3.6.13.** A person shall not be a proxy for more than 1 Executive Member at the same time.
- 3.6.14.** An Executive Member's proxy shall, in that Executive Member's absence, be deemed to be an Executive Member for the exclusive purposes of §3.6.2 and §3.6.4 - §3.6.7, for the duration of their appointment.
- 3.6.15.** An Executive Member may withdraw a proxy appointment at any time, by serving a Signed Notice of withdrawal on the Secretary and/or the Executive.
- 3.6.16.** An Executive Member who is not physically present at the Executive Meeting may participate in the meeting by use of technology that allows that Executive Member and the Executive Members present at the meeting to clearly and simultaneously communicate with each other.
- 3.6.17.** For the purposes of §3.6.7, an Executive Member participating in an Executive Meeting as permitted under §3.6.16 is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

- 3.6.18.** The Executive may grant an Executive Member leave of absence from Executive Meetings for a period not exceeding six Academic Weeks.
- 3.6.19.** The Executive must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the Executive Member to seek the leave in advance.
- 3.6.20.** Notwithstanding §3.6.18 and §3.6.19, the Executive must not refuse to grant an Executive Member leave of absence if the request was made on reasonable grounds.

3.7. Circular Resolutions

- 3.7.1.** The Executive may, in between meetings, vote on a resolution by way of circular resolution.
- 3.7.2.** A circular resolution is only considered a valid resolution of the Executive when:
 - (i) every Executive Member (with the exception of the President) votes in favour or abstains from the resolution; and
 - (ii) all votes are received within 72 hours of the resolution being communicated to Executive members.
- 3.7.3.** A circular resolution must be communicated by email to all Executive members by the President
- 3.7.4.** Executive members may reply to the email voting in favour, voting against or abstaining from the resolution.
- 3.7.5.** The email circulated by the President must:
 - (i) specify the exact wording of the resolution proposed;
 - (ii) state the time that votes must be received by (in accordance with §3.7.2); and
 - (iii) state the process for voting (in accordance with §3.7.4).
- 3.7.6.** Upon receiving the votes of all Executive members, or upon the time period for votes to be received lapses (whichever occurs first), the President must, as soon as practical, inform all members of the Executive, by email, whether the circular resolution was passed or otherwise (in accordance with §3.7.2).
- 3.7.7.** A circular resolution that has been passed is deemed to take effect from when the President emails the result of the circular resolution to all members of the Executive.
- 3.7.8.** A resolution cannot be voted on by way of circular resolution when it proposes:
 - (i) a change to schedules of the C&S constitution; and
 - (ii) penalties to a club that are guilty or otherwise of committing an act of misconduct.

- 3.7.9.** A list of all resolutions passed by circular resolution must be tabled at the next meeting of the Executive.

Part 4. General Meetings

4.1. Notice and Agendas

- 4.1.1. The Secretary shall serve at least 14 days' Written Notice of a General Meeting, specifying the date and time, on all C&S Members.
- 4.1.2. A C&S Member may request to have an item added to the agenda for a General Meeting by serving a Written Notice on the Secretary ~~by 3:00pm four academic days~~, prior to the scheduled start of the meeting.
- 4.1.3. The Secretary shall disseminate to all C&S Members a provisional agenda for a General Meeting by Written Notice at least 7 days prior to the day of the meeting, specifying the date, time and location.
- 4.1.4. The Secretary shall disseminate to all C&S Members a final agenda for a General Meeting by Written Notice at least 48 hours prior to the scheduled start of the meeting, specifying the date, time and location.
- 4.1.5. The C&S Council may resolve Standing Orders for the conduct of General Meetings.

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4.2. Annual General Meetings

- 4.2.1. An AGM shall be held in September of each year.
- 4.2.2. The business of an AGM shall include
- (i) reception of the annual reports of the C&S Office Bearers; and
 - (ii) election of C&S Office Bearers.

4.3. Ordinary General Meetings

- 4.3.1. There shall 1 OGM each year, which must be held during the first semester.

4.4. Extraordinary General Meetings

- 4.4.1. An EGM shall be called if
- (i) at least 5 Club Presidents serve Written Notice on the Executive requesting one;
 - (ii) C&S resolves to call one;
 - (iii) the Executive resolves to call one; or
 - (iv) one must be called to hold a by-election, as prescribed in §5.1.4 - §5.1.5.

4.5. Conduct of General Meetings

- 4.5.1. A General Meeting shall only be held on an Academic Day.
- 4.5.2. Subject to §4.1 - §4.4, §4.5.1, §5.2.6(iv) and §7.2.10, the Executive shall, in its absolute discretion, decide the date, time, place and agenda of any General Meeting.

- 4.5.3.** A person who is an Attendant in their capacity as a Club President or a Club President's proxy must, upon registration for a General Meeting, indicate which Club(s) they are representing at that meeting.
- 4.5.4.** At a General Meeting
- (i) the President;
 - (ii) in the absence of the President, the Vice President; and
 - (iii) in the absence of both the President and the Vice President, an Executive Member nominated by the President by Signed Notice to the Secretary
- shall preside as chair, except as prescribed in §5.2.6(vii) and §7.3.4.
- 4.5.5.** At a General Meeting, each C&S Member shall have a deliberative vote, except as prescribed in §4.5.6.
- 4.5.6.** At a General Meeting, the chair shall have a casting vote, but not a deliberative vote.
- 4.5.7.** A person may not cast more than 1 vote upon any question to be determined at a General Meeting, notwithstanding the fact that they are representing multiple Clubs, or is a C&S Office Bearer who is also representing a Club.
- 4.5.8.** A quorum for a General Meeting shall be 1/3 of C&S Members.
- 4.5.9.** If, within 20 minutes after the scheduled start of a General Meeting, a quorum is not achieved, the meeting shall
- (i) proceed as a committee of the whole, which must report its resolutions to the next quorate General Meeting for ratification before they take effect; or
 - (ii) if the chair so rules, stand adjourned to a place, time and day (at least 7 and at most 14 days later) specified by the chair at the time of adjournment.
- 4.5.10.** An Executive Member may not appoint any person as their proxy for General Meetings, unless that Executive Member does so in their capacity as a Club President.
- 4.5.11.** A Club President may appoint a person, or persons, as their proxy for General Meetings, in accordance with §4.5.12, if those persons are Students undertaking at least one unit of study at a Victorian Campus of the University and ordinary members entitled to vote of that President's Club for the duration of the appointment.

- 4.5.12.** To appoint a person or persons as their proxy, a Club President must serve a Signed Notice of proxy appointment on the Secretary and/or the Executive at least 72 hours prior to the commencement of the appointment. Such an appointment notice must contain
- (i) the name of the Club President appointing the proxy;
 - (ii) the name of the Club for which the proxy is being appointed;
 - (iii) the name(s) and Student number(s) of the person(s) being appointed proxy, in order of priority;
 - (iv) an electronic mail address for the person(s) being appointed proxy; and
 - (v) the date on which the appointment will cease, as the appointment will commence 72 hours after the date that Signed Notice was given.
- 4.5.13.** Where a person is the President of more than 1 Club, they may appoint separate proxies for each Club.
- 4.5.14.** Where a Club President has appointed multiple persons as their proxy for the same Club, and more than 1 of those persons attends a General Meeting, only the person first listed in the proxy appointment notice shall be deemed to be that Club President's proxy for that General Meeting.
- 4.5.15.** No Club shall be represented by more than 1 person at any General Meeting.
- 4.5.16.** A Club President's proxy shall be deemed to be a C&S Member for the duration of a General Meeting if that Club President
- (i) is absent from that General Meeting; or
 - (ii) is President of more than 1 Club, and at that General Meeting is representing a Club other than that for which the proxy has been appointed.
- 4.5.17.** A Club President may withdraw a proxy appointment at any time, by serving a Signed Notice of withdrawal on the Secretary and/or the Executive.
- 4.5.18.** An Attendant must not
- (i) act in breach of this Constitution; the MSA constitution; the Statutes, Regulations or Rules of the University; or the fiduciary duties owed to the Club's members; or
 - (ii) engage in conduct that is racist, sexist, queerphobic, transphobic, ableist, militaristic, or otherwise unbecoming a member, or prejudicial to the interests, of C&S; or
 - (iii) disseminate any physical campaign materials or material intended or reasonably likely to alter the voting intention of attendees.
- 4.5.19.** Where the Chair determines an Attendant has breached §4.5.18 the Chair shall issue the Attendant an oral warning specifying that they are in breach of §4.5.18.

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4.5.20. If any Attendant has been issued with three oral warnings, pursuant to §4.5.19, the Chair shall direct them to leave the General Meeting, and the club that they were representing will no longer be represented at the General Meeting.

4.5.21. A direction by the Chair made under §4.5.20 may be overruled by the affirmative votes of an absolute majority of the Attendants present at that General Meeting and, if that direction is overruled, the Attendant who was subject to that direction will be deemed to have been issued only two oral warnings.

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Part 5. Elections

5.1. Timing

- 5.1.1. A C&S Office Bearer election shall only be held during a General Meeting.
- 5.1.2. An annual election shall be held at the AGM, for all positions in all offices.
- 5.1.3. A by-election for a position shall be held at an OGM or EGM if the person most recently elected to that position
- (i) has ceased to hold office prior to the ordinary conclusion of their term, in accordance with §2.4.17, prior to that meeting; or
 - (ii) will cease to hold office prior to the ordinary conclusion of their term, in accordance with §2.4.17, within 28 days of the date of that meeting.
- 5.1.4. In the event that the office of the President, Vice President, Treasurer and/or Secretary is vacated prior to the conclusion of an ordinary term, an EGM shall be called and held within 20 Academic Days of vacation to enable a by-election for the vacant position(s), unless an OGM or AGM will be held within the same period.
- 5.1.5. In the event that the office of the President, Vice President, Treasurer and/or Secretary remains vacant after an election, an EGM shall be called and held within 20 Academic Days of that election to enable a by-election for the vacant position(s), unless an OGM or AGM will be held within the same period.

5.2. Returning Officer

- 5.2.1. There shall be a Returning Officer for all C&S Office Bearer elections.
- 5.2.2. The Returning Officer shall be appointed by the Executive at least 14 days prior to the date of the General Meeting at which the election is to be held.
- 5.2.3. The Secretary shall be appointed Returning Officer unless the Executive resolves otherwise, or the Secretary self-disqualifies.
- 5.2.4. The Returning Officer shall be a C&S Office Bearer or Club Office Bearer at the time of appointment.
- 5.2.5. The Returning Officer shall not
- (i) be a candidate;
 - (ii) endorse a candidate; or
 - (iii) vote in the initial ballot,
- in an election over which they preside.

- 5.2.6.** The Returning Officer shall, for an election over which they preside,
- (i) be responsible to C&S and the Executive for the proper conduct of the election, in accordance with this constitution;
 - (ii) verify the correctness of nominations, including, but not limited to, verifying that nominees and endorsers are Students;
 - (iii) determine the method(s) in which policy documents may be accepted;
 - (iv) in conjunction with the Secretary, ensure that a complete list of candidates for the election, and any policy documents submitted in accordance with §5.4.3, are included on, and distributed with, the final agenda for the General Meeting at which the initial ballot takes place;
 - (v) oversee the preparation of ballot papers and ensure that any other administrative duties required to conduct the election are completed, in conjunction with C&S Staff Members if required;
 - (vi) initial each ballot paper and keep records of how many ballot papers are issued, and to whom;
 - (vii) preside as chair over the General Meeting at which the initial ballot takes place, for the duration of the ballot;
 - (viii) in their absolute discretion, determine the speaking time, if any, granted to candidates before a ballot, such that every candidate for any given office is entitled to an equal duration of speaking time, and determine the maximum number of questions that each candidate may asked by C&S Members before a ballot, such that every candidate for any given office may be asked an equal number of questions, that number being at least two, and with the amount of speaking time and number of questions to be asked included as part of the final agenda for a General Meeting;
 - (ix) declare the election result(s) as soon as practicable;
 - (x) serve Written Notice and/or Oral Notice of the election results(s) on each candidate;
 - (xi) notify the C&S Members of the election result(s) by Public Notice;
 - (xii) submit all election materials to the C&S Manager, who shall retain them for a period of 6 months, after which they shall be destroyed; and
 - (xiii) submit to the Executive, within 1 month of the election, a written report detailing the nomination(s) received and election result(s).

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5.3. Notice

5.3.1. The Returning Officer shall serve a Written Notice of an election on all C&S Members as prescribed in §5.3.2, at least 14 days prior to the date of the General Meeting at which the election is to be held.

5.3.2. A Notice of Election must specify

- (i) the General Meeting at which the election is to be held, provided that notice of the General Meeting has been served as prescribed in §4.1;
- (ii) the positions to be filled at the election;
- (iii) the ordinary duration of the term for each position to be filled, as prescribed in §2.4.15 - §2.4.16;
- (iv) the duties of each office in which positions are to be filled, as prescribed in §2.4.4 - §2.4.8;
- (v) the nomination process, as prescribed in §5.4.2; and
- (vi) the method(s) in which policy documents may be submitted.

5.4. Nominations

5.4.1. A person shall be eligible to be nominated as a candidate for election as a C&S Office Bearer if they are eligible to be elected, as prescribed in §2.4.9.

5.4.2. A nomination of a candidate for election as a C&S Office Bearer shall

- (i) be made in writing on a nomination form supplied by the Returning Officer;
- (ii) state the nominee's full name and Student number, the body (a Club or the Executive) from which s/he is being nominated, and the position held within that body;
- (iii) state all Clubs of which the nominee is a committee member, and the position held in each Club;
- (iv) include the signed consent of the nominee;
- (v) be endorsed by a Club Office Bearer of each of 2 Clubs, at least 1 of which the nominee is not a member, and include the signature, full name, Student number, Club and position held within the Club, of each endorser; and
- (vi) be delivered to the Returning Officer ~~by 3:00pm four academic days'~~ prior to the scheduled start of the General Meeting at which the election is to be held,

except as prescribed in §5.4.4.

5.4.3. A candidate for election as a C&S Office Bearer shall have the right to submit a policy document of up to 500 words' length to the Returning Officer, in the method specified in the notice of election, as long as such a document is received by the Returning Officer ~~by 3:00pm four academic days'~~ prior to the scheduled start of the General Meeting at which the election is to be held.

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- 5.4.4.** Where a nomination is received at a General Meeting in accordance with §5.6.1,
- (i) it must be orally endorsed by representatives of each of 2 Clubs, at least 1 of which the nominee is not a member;
 - (ii) it must be orally accepted by the nominee;
 - (iii) the nominee must state their name, the body (a Club or the Executive) from which they are being nominated, and the position held within that body;
 - (iv) the nominee must provide to the Returning Officer their Student number; and
 - (v) the nominee must state all Clubs of which they are a committee member, and the position held in each Club.
- 5.4.5.** A candidate may be nominated for more than 1 position as long as each position is in a different office.
- 5.4.6.** A nomination of a candidate for a C&S Office Bearer election shall be withdrawn by the Returning Officer if that candidate
- (i) becomes ineligible to be elected or to hold office;
 - (ii) has already been declared elected for another position;
 - (iii) is nominated from a Club, and another candidate nominated from the same Club has already been declared elected for a position in the same election.

5.5. Ballots

- 5.5.1.** A ballot for a C&S Office Bearer election shall be a secret ballot, using optional preferential proportional voting, as prescribed in §5.5.5 and §5.7.5.
- 5.5.2.** The Returning Officer shall determine the order in which candidates are listed on the ballot paper by lot, in the presence of at least 1 Executive Member and at least 1 Ex-officio Member.
- 5.5.3.** A candidate for a C&S Office Bearer election may voluntarily withdraw their nomination at any time prior to the issuing of ballot papers, by serving a Signed Notice of withdrawal on the Returning Officer.
- 5.5.4.** If a candidate for a C&S Office Bearer election voluntarily withdraws their nomination, the Returning Officer shall cause the candidate to be removed from, or struck out on, all ballot papers.

- 5.5.5.** Where a secret ballot is held for an Office Bearer election, each Attendant shall
- (i) be supplied 1 ballot paper by the Returning Officer;
 - (ii) for each office where at least 1 position is being balloted and candidates are listed on the ballot paper, indicate an order of preference for 1 or more candidates by placing the number '1' against the candidate of first preference on the ballot paper, and sequential higher numbers against successive candidates of lower preference;
 - (iii) for each office where at least 1 position is being balloted and candidates are not listed on the ballot paper, indicate an order of preference for 1 or more candidates by writing the name of the candidate(s), 1 per line, from top to bottom, in order of preference; and
 - (iv) lodge the ballot paper as instructed by the Returning Officer.

5.6. Unopposed Candidates

- 5.6.1.** If the number of candidates for an office is less than the number of positions to be filled in that office, the Returning Officer shall declare the candidate(s), if any, elected unopposed, except as prescribed in §5.6.3. Further nominations, to fill the remaining positions in the office, shall be received at the General Meeting at which the election is held. After all new nominations have been received,
- (i) if the number of new candidates is less than or equal to the number of positions to be filled in the office, the Returning Officer shall declare the new candidate(s) elected unopposed, except as prescribed in §5.6.3, and any remaining positions shall be left vacant;
 - (ii) otherwise, a ballot for the remaining positions in the office shall be held, as prescribed in §5.5.1.
- 5.6.2.** If the number of candidates for an office is equal to the number of positions to be filled in that office, the Returning Officer shall declare the candidate(s) elected unopposed, except as prescribed in §5.6.3.
- 5.6.3.** In the event that multiple candidates nominated from the same Club are to be declared elected unopposed simultaneously, the Attendants shall
- (i) resolve to endorse the election of those candidates; or
 - (ii) resolve to hold a ballot to determine which 1 of those candidates shall be elected, after which the nominations of the other candidates nominated from that Club shall be withdrawn by the Returning Officer.

5.7. Counting of Votes

- 5.7.1.** The offices shall be filled in the order listed in §2.4.1.
- 5.7.2.** Each candidate may appoint 1 Attendant as a scrutineer.
- 5.7.3.** Votes shall be counted by the Returning Officer, with assistance from C&S Staff Members if required, in the presence of any scrutineers appointed under §5.7.2.
- 5.7.4.** A ballot paper that has been completed incorrectly, but on which the intent of the voter is, in the opinion of the Returning Officer, obvious, shall be counted as if it has been completed correctly.
- 5.7.5.** For an office where at least 1 position is being filled by secret ballot, each ballot paper shall be given an initial value of 1. Until all positions in the office are filled,
- (i) the value of each paper shall be allocated to the Continuing Candidate given the highest preference on that ballot paper for that office;
 - (ii) a ballot paper that does not show a valid preference for at least 1 Continuing Candidate in that office shall be exhausted and shall not be allocated further for the election of that office;
 - (iii) a quota shall be calculated, to 4 significant figures, by dividing the total number of ballot papers allocated to Continuing Candidates by 1 more than the number of positions remaining to be filled in that office;
 - (iv) where a candidate reaches a total value which is greater than the quota, that candidate shall be declared elected for that office, and each ballot paper allocated to that candidate shall be assigned a new value obtained by multiplying its current value by the candidate's transfer value;
 - (v) an elected candidate's transfer value shall be that candidate's total value less the quota, all divided by that candidate's total value; and
 - (vi) where no candidate for the office has reached a total value greater than the quota, the candidate with the lowest total value shall be eliminated. Where 2 or more candidates share an equal lowest total value, the Returning Officer shall determine by lot which 1 candidate shall be eliminated.

5.8. Appeals

- 5.8.1.** If at least 3 Club Office Bearers, each from a different Club, wish to appeal against the result of an election on the grounds that there has been a defect in the conduct of the election which has materially affected its result, they may do so by serving a Signed Notice of appeal on the C&S Manager within 14 days of the declaration of the election result(s). The C&S Manager shall convene an appeal panel within 14 days of receipt of such a notice.

- 5.8.2.** The appeal panel shall consist of
- (i) the President of MSA, or their nominee, who must be an office bearer of MSA;
 - (ii) an MSA manager whose portfolio does not include C&S;
 - (iii) the C&S Manager, who may speak but not vote; and
 - (iv) a person employed by the University on a non-casual/non-sessional basis, agreed upon by the other members of the panel and the Returning Officer.

- 5.8.3.** The appeal panel, in considering the notice of dissatisfaction with the conduct of the election, may resolve
- (i) to set aside the election and call for a new election; or
 - (ii) that no further action is warranted.

The appeal panel's decision shall be final.

Part 6. Clubs

6.1. Recognition

- 6.1.1. A club, society, association or other group of Students shall be recognised by C&S if its constitution complies with §6.2.1 - §6.2.2 and any requirements set out in the C&S Affiliation Regulations, and
- (i) an application for its recognition is accepted by the Executive; or
 - (ii) it maintains its registration with C&S,
- as prescribed in the C&S Affiliation Regulations.

6.2. Constitutions

- 6.2.1. Every Club's constitution must contain
- (i) the Club's name;
 - (ii) the Club's aims and objectives; and
 - (iii) a clause that reads "The provisions of this constitution shall be construed subject to the constitution of the Clubs & Societies Council. Where this constitution is inconsistent with the constitution of the Clubs & Societies Council, the latter shall prevail, and the former shall, to the extent of the inconsistency, be without force or effect. Where the constitution of the Clubs & Societies Council makes provisions for a matter or thing not otherwise provided for in this constitution, those provisions shall take effect as if they were contained in this constitution."
- 6.2.2. Every Club's constitution must set out
- (i) that the club is Not for Profit;
 - (ii) that the annual membership fee for the club, if any, shall be set by the club committee and subject to differential pricing as outlined in the C&S Finance Regulations;
 - (iii) that a person's membership of the Club shall run from the payment of the membership fee, or if there is no fee, from approval of the membership, until the March 20 of the following year, or until the person ceases to be eligible, whichever occurs earlier;
 - (iv) a provision to facilitate the rejection of a membership application, provided that the decision to reject be upheld by no less than two thirds of the ordinary members voting in favour of the decision at a general meeting, if at least 14 days notice of the intention to move a motion of rejection has been served on the person, club members and Executive, and they have been given reasonable opportunity to speak to the motion;
 - (v) that ordinary membership of a club shall be open to students, except as prescribed in §6.2.4 - §6.2.6 who subscribe to the purposes of the club;
 - (vi) that all other persons ineligible for ordinary membership of the club who subscribe to the purposes shall be associate members;

- (vii) that associate members of the club shall have all the rights of ordinary members, however shall not be eligible to vote or hold committee positions, except as provided for in §6.2.6;
- (viii) that the club may confer Honorary Life Membership on a person who has made a substantial contribution to the club if not less than two thirds of ordinary members present at a general meeting vote in favour of the decision;
- (ix) that Honorary life members of the club who are eligible for ordinary membership shall have all the rights of ordinary members;
- (x) that Honorary life members of the club who are ineligible for ordinary membership shall have all the rights of associate members;
- (xi) that within 7 days of a request, the Club's Secretary shall make available to any Club member a list of all Club members, containing only each member's name and membership type, and, where applicable, the last three digits of the each member's Monash Student number (where applicable);
- (xii) that the club Secretary shall ensure that the register of members is submitted to the Executive in accordance with the C&S Affiliation Regulations, and that the C&S Executive has an update copy of the register of members;
- (xiii) that the Secretary shall ensure that all membership records are kept strictly confidential, and that out-of-date membership records are destroyed, except as provided in §6.2.2 (xi) and §6.2.2 (xii);
- (xiv) a disciplinary procedure for reprimanding, suspending membership rights, including the right to stand for election or be a member of the club committee, or expulsion of a member by a properly convened disciplinary sub-committee;
- (xv) provisions to facilitate an appeal against the removal of membership rights, which can only be upheld provided that the decision to remove membership rights be made by no less than two thirds of the ordinary members voting in favour of the decision at a disciplinary appeal meeting, if at least 14 days written notice of disciplinary appeal meeting has been served on the person and they have been given reasonable opportunity to speak to the motion;
- (xvi) procedures for handling grievances between members, members and the committee or members and the club;
- (xvii) the month of the club's Annual General Meeting and that the annual election for all committee members shall be held at the Annual General Meeting, unless otherwise approved by the Executive;
- (xviii) the minimum number of Ordinary General Meetings of the club to be held each year;
- (xix) that general meetings must be held on Campus and on an Academic Day with no less than 14 days notice, unless otherwise approved by the Executive;

- (xx) that voting rights shall be restricted to ordinary members, who shall be entitled to vote if more than <7, 14, 21 or 28> days have passed since they became a member of the club, and the member's membership rights are not suspended for any reason;
- (xxi) that where the committee fails to convene an Extraordinary General Meeting within 15 Academic Days after receiving a petition from no less than 10% of the total number of ordinary members, the Executive shall convene an Extraordinary General Meeting within 30 Academic Days of the initial request;
- (xxii) that the quorum for a general meeting is the presence of 15 ordinary members, or 10% of the ordinary members up to a maximum of 50, whichever is greater;
- (xxiii) that the Committee must ensure that minutes are taken and kept of each general meeting;
- (xxiv) that the committee undertake their role honestly, in good faith and in the best interests of the club, and other requirements in accordance with fiduciary duties;
- (xxv) that the committee must consist of a President, a Vice President, a Treasurer, a Secretary and at least one other member;
- (xxvi) that all members of the club committee must be students, except as provided for in §6.2.6 - §6.2.7;
- (xxvii) the duties of each position on the Club committee;
- (xxviii) that the annual election for all committee positions shall be held at the annual general meeting, unless otherwise approved by the Executive;
- (xxix) the method of election of the Club committee;
- (xxx) that a person is eligible to be elected, hold or appointed as a committee member if the member is an ordinary member of at least <7, 14, 21 or 28> days, a student, undertaking at least one unit of study at a Victorian campus of the University, and the member's membership rights are not suspended for any reason;
- (xxxii) that a committee member holds office until the positions of the Committee are declared vacant at a specified time, unless they resign, cease to be eligible to hold office or they are removed from office;
- (xxxiii) that a member of the club committee may be removed from office if not less than two thirds of the ordinary members present (either in person or by proxy) at a general meeting vote in favour of the decision, provided that 14 days notice of the intention to move a motion of removal from office has been served on the committee member, members of the club and Executive, and the committee member has been given reasonable opportunity to speak to the motion;
- (xxxiii) that the club committee may co-opt any person to fill a casual vacancy on the committee, until the next general meeting of the club, if that person would be eligible to be elected on the day of the co-option;

- (xxxiv) that in the event that the office of the President, Vice President, Treasurer and/or Secretary is vacated prior to the conclusion of an ordinary term or is vacant after an election, an EGM shall be called and held within 20 academic days of vacation to enable a by-election for the vacant position(s), unless an OGM or AGM will be held within the same period;
- (xxxv) that the Committee must meet at least 4 times in each half year and the notice requirements;
- (xxxvi) that if a committee member fails to attend 3 consecutive committee without leave of absence, as approved by the committee, is deemed to have resigned;
- (xxxvii) that the quorum for a committee meeting is the presence of a majority of the committee members holding office, at least 1 of which must be the President, Vice President, Treasurer or Secretary;
- (xxxviii) that the Secretary and Committee must ensure that minutes are taken and kept of each committee meeting;
- (xxxix) that subject to any restrictions imposed by a general meeting of the Club, the Committee approve expenditure on behalf of the Club;
- (xl) that only the President, Vice President, Treasurer and Secretary may be signatories to any bank accounts held in the club's name;
- (xli) that all assets are the property of the Clubs & Societies Council and shall be seized upon deregistration;
- (xlii) that a club constitution may be amended if not less than two thirds of the ordinary members present at a general meeting vote in favour of the proposed changes provided that the Executive has first approved the sought amendment(s) and 14 days written notice of the proposed amendment is served on all club members;
- (xliii) provisions regarding the appointment of proxies for general meetings and that proxies shall be considered to be present at general meetings; and
- (xliv) that people shall be considered to have attended committee meetings and general meetings if they are able to clearly and simultaneously communicate with members present via the use of technology.

6.2.3. For incorporated clubs, where a requirement in §6.2.2 is inconsistent with any applicable requirements under Victorian law, the latter shall prevail, and the former shall, to the extent of the inconsistency, be without force or effect.

6.2.4. A Club designated by the Executive as an Academic club may restrict ordinary membership to Students

- (i) enrolled in at least 1 unit of study administered through a specified faculty, school or department of the University; or
- (ii) enrolled in a specified course(s) of study at the University.

6.2.5. A Club designated by the Executive as a Halls of Residence club may restrict ordinary membership to students who are residents of the hall.

- 6.2.6.** Subject to any conditions and/or restrictions prescribed in the Affiliation Regulations, a Club may, with prior approval of the Executive,
- (i) extend eligibility for ordinary membership to persons enrolled in a specified course(s) of study at the University, irrespective of campus; and
 - (ii) extend eligibility to hold, or be elected to, any ordinary position on the club committee, except the positions of President, Vice President, Secretary and Treasurer, to persons enrolled in a specified course(s) of study at the University, irrespective of campus.
- 6.2.7.** Where, in addition to at least 5 ordinary positions, there are non-voting positions on a Club's committee, they may be open to any member of the Club.
- 6.2.8.** Upon request and in exceptional circumstances, the Executive may waive one or more of the clauses listed in §6.2.2 required to be in a club's constitution, provided that the club is affiliated at the Non Financial level, except for changes required under §6.2.3.

Part 7. Misconduct

7.1. Misconduct by Clubs

- 7.1.1. A Club shall be guilty of misconduct if
- (i) it fails to maintain its registration as prescribed in the C&S Affiliation Regulations;
 - (ii) it, or at least 1 of its representatives, acts in breach of the Club's constitution; this Constitution; the MSA constitution; the Statutes, Regulations or Rules of the University; or the fiduciary duties owed to the Club's members;
 - (iii) it, or at least 1 of its representatives, engages in conduct that is racist, sexist, queerphobic, transphobic, ableist, militaristic, or otherwise unbecoming a member, or prejudicial to the interests, of C&S;
 - (iv) it incurs a debt when there are reasonable grounds to expect that the Club will not be able to repay all its debts;
 - (v) it fails to be represented at any General Meeting;
 - (vi) it fails to act on a directive from the Executive or C&S; and/or
 - (vii) it commits an act of misconduct prescribed in a schedule to this constitution.
- 7.1.2. Where a Prescribed act of misconduct has an associated Prescribed penalty, such a Prescribed penalty shall be imposed on an offending Club by the Executive.
- 7.1.3. Where the Executive imposes upon a Club a Prescribed penalty in accordance with §7.1.2, the President shall serve a Signed Notice on the Club, stating the Prescribed penalty and the act of misconduct for which it was imposed, and explaining how the Club may appeal the penalty, as prescribed in §7.1.4 - §7.1.5.
- 7.1.4. If, within 10 Academic Days of a Prescribed penalty notice being served on a Club, that Club serves a Written Notice on the President stating that it objects to the Prescribed penalty notice, that notice shall cease to have any force or effect.
- 7.1.5. Where a Prescribed penalty notice ceases to have any force or effect in accordance with §7.1.4, the Executive may resolve to conduct a misconduct hearing under §7.2.1.

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7.2. Misconduct Hearings

- 7.2.1. If the Executive forms the view that a Club may be guilty of misconduct, it may resolve to conduct a misconduct hearing.
- 7.2.2. A Misconduct Hearing shall be held on an Academic Day, unless otherwise agreed to by the club.

- 7.2.3.** The Executive shall serve at least 14 days' Written Notice of a misconduct hearing, including the time, date and location of the hearing, on the Club it concerns, in accordance with §7.2.2, and any representatives of the Club which the Executive reasonably believes could face the penalty listed in §7.2.7(vii).
- 7.2.4.** At a misconduct hearing, the Executive shall act as a misconduct tribunal and
- (i) permit evidence to be given orally and/or in writing;
 - (ii) act according to fairness and good conscience and the substantial merits of the case, without regard to technicalities or legal forms;
 - (iii) give the Club subjected to the hearing a reasonable opportunity to be heard;
 - (iv) shall not be bound to conduct any proceeding in a formal manner; and
 - (v) hear and determine the matter as quickly as is consistent with the requirements of fairness.
- 7.2.5.** A person or Club shall not be represented at a misconduct hearing by a duly qualified legal practitioner or other agent acting for fee or reward, unless the Executive, after having considered all the relevant circumstances, is satisfied that such representation is necessary in order to ensure fairness.
- 7.2.6.** For the exclusive purposes of §3.6.4 - §3.6.8, and subject to §7.2.34, a misconduct hearing shall be deemed to be an Executive Meeting.
- 7.2.7.** If, after conducting a misconduct hearing in accordance with this constitution, the Executive resolves that a Club is guilty of misconduct, the Executive may resolve to impose a penalty on the Club, which may include any combination of
- (i) reprimanding the Club and/or 1 or more of its representatives;
 - (ii) directing the Club to apologise for its behaviour, in a method determined by the Executive;
 - (iii) directing 1 or more of the Club's representatives to undertake training as determined by the Executive;
 - (iv) directing the Club to submit confirmed Minutes of Committee Meetings for a specified period of time;
 - (v) directing the Club to repay the cost of any property damage that has occurred due to the misconduct;
 - (vi) restricting the Club's eligibility to hold specified types of events for a specified period;
 - (vii) removing from 1 or more of the Club's representatives the eligibility to hold, or be nominated for, office in any Club, for a specified period of time, or indefinitely;
 - (viii) restricting or removing the Club's access to services provided by C&S;

- (ix) restricting or removing the Club's eligibility to apply for, or receive, specified forms of financial or other assistance from C&S, for a specified period of time;
- (x) altering the Club's affiliation status, for a specified period of time, or indefinitely; and
- (xi) deregistering the Club.

7.2.8. Where the Executive, in accordance with §7.2.7, resolves to impose a penalty on a Club, the President shall serve a Signed Notice of the penalty imposed, the duration of the penalty, and the reasons for the imposition, on the Club.

7.2.9. Where a penalty imposed in accordance with §7.2.7 removes a person's eligibility to hold, or be nominated for, office in any Club, the President shall serve a Signed Notice of the ineligibility, the duration of the ineligibility, and the reasons for the ineligibility, on that person.

7.2.10. If, within 10 Academic Days of being served a penalty notice in accordance with §7.2.8, a Club serves a Written Notice of appeal, stating objection to the penalty, on the President,

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- (i) the notice of appeal shall operate as a stay of that penalty, unless the Executive, in exceptional circumstances and after having received the written concurrence of the President of the MSA, resolves otherwise; and
- (ii) the appeal shall, subject to §7.3.1, be heard at the next scheduled OGM or EGM.

7.2.11. If, within 10 Academic Days of being served an ineligibility notice in accordance with §7.2.9, a person serves a Written Notice of appeal, stating objection to the ineligibility, on the President, the appeal shall, subject to §7.3.1, be heard at the next scheduled OGM or EGM.

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7.3. Misconduct Appeal Hearings

7.3.1. The Executive shall serve at least 14 days' Written Notice of a misconduct appeal hearing on the appellant, stating the General Meeting at which the appeal will be heard, provided that notice of the General Meeting has been served as prescribed in §4.1, and any representatives of the Club which the Executive reasonably believes could face the penalty listed in §7.3.8(vii).

7.3.2. Subject to §7.3.3 - §7.3.6, a misconduct appeal hearing shall be conducted in the manner determined by C&S at the General Meeting during which the appeal is heard.

7.3.3. At a misconduct appeal hearing, C&S shall act as an appeal tribunal and

- (i) permit evidence to be given orally and/or in writing;
- (ii) act according to fairness and good conscience and the substantial merits of the case, without regard to technicalities or legal forms;
- (iii) give the appellant a reasonable opportunity to be heard;
- (iv) give the Executive a reasonable opportunity to be heard;

- (v) shall not be bound to conduct any proceeding in a formal manner; and
- (vi) hear and determine the matter as quickly as is consistent with the requirements of fairness.

7.3.4. At a General Meeting where a misconduct appeal is heard, a person

- (i) elected by and from the Attendants;
- (ii) who is not an Executive Member;
- (iii) who is not the appellant, if the appellant is a person; and
- (iv) who is not a member of the appellant, if the appellant is a Club,

shall preside as chair for the duration of the misconduct appeal hearing.

7.3.5. At a misconduct appeal hearing,

- (i) each Executive Member;
- (ii) the appellant, if the appellant is an Attendant; and
- (iii) the appellant's representative, if the appellant is a Club,

must abstain from voting on any resolution, and have the abstention noted.

7.3.6. A misconduct appeal hearing shall proceed as a hearing de novo.

7.3.7. The appellant shall not be represented at a misconduct appeal hearing by a duly qualified legal practitioner or other agent acting for fee or reward, unless C&S, after having considered all the relevant circumstances, is satisfied that such representation is necessary in order to ensure fairness.

7.3.8. If, after hearing a misconduct appeal in accordance with this constitution, C&S resolves that an appellant Club is guilty of misconduct, it may resolve to impose a penalty on the appellant, which may include any combination of

- (i) reprimanding the appellant and/or 1 or more of its representatives;
- (ii) directing the appellant to apologise for its behaviour, in a method determined by C&S;
- (iii) directing 1 or more of the appellant's representatives to undertake training as determined by C&S;
- (iv) directing the club to submit Minutes of Committee Meetings for a specified period of time;
- (v) directing the Club to repay the cost of any property damage that has occurred due to the misconduct;
- (vi) restricting the Club's eligibility to hold specified types of events for a specified period;
- (vii) removing from 1 or more of the appellant's representatives the eligibility to hold, or be nominated for, office in any Club, for a specified period of time, or indefinitely;
- (viii) restricting or removing the appellant's access to services provided by C&S;

- (ix) restricting or removing the appellant's eligibility to apply for, or receive, specified forms of financial or other assistance from C&S, for a specified period of time;
- (x) altering the appellant's affiliation status, for a specified period of time, or indefinitely; and
- (xi) deregistering the appellant.

7.3.9. If, after hearing a misconduct appeal in accordance with this constitution, C&S resolves that an appellant person is guilty of misconduct, it may resolve to remove the appellant's eligibility to hold, or be nominated for, office in any Club, for a specified period of time, or indefinitely.

7.3.10. If, after conducting a misconduct appeal hearing in accordance with this constitution, C&S resolves that an appellant has not been guilty of misconduct, C&S shall take such steps as it deems necessary to restore the successful appellant to a state which is, in the opinion of C&S, substantially the same as the state in which the appellant would have been, had the appellant not been found guilty of misconduct by the Executive.

7.4. Deregistration

7.4.1. When a Club is deregistered,

- (i) it shall no longer be recognised by C&S;
- (ii) its assets shall be seized by, or on behalf of, the Executive, and shall become the property of C&S, except as prescribed in §7.4.2 and provided for in §7.4.3;
- (iii) any bank accounts held in its name shall be closed by, or on behalf of, the Executive;
- (iv) the Executive shall take steps to cancel that Club's registration(s) with the Australian Taxation Office, except as provided for in §7.4.4; and
- (v) any application to start a new Club with aims and objectives that are substantially similar to the aims and objectives of the deregistered Club, received by the Executive within 1 year of the deregistration, shall be rejected.

7.4.2. Where

- (i) the constitution of a Club; and/or
- (ii) a written agreement between a Club and the Executive

sets out that, in the event of that Club's deregistration, certain specified assets shall be distributed to bodies or persons other than C&S, such distribution arrangements shall be honoured by the Executive, following its seizure of that Club's assets in accordance with §7.4.1.

7.4.3. Where a request is made, by Signed Notice to the Executive, for a reasonable alternative distribution of some or all of a deregistered Club's assets, the Executive may, in its absolute discretion, accept or reject the request.

- 7.4.4.** Where a request is made by an Office Bearer of a deregistered Club, by Signed Notice to the Executive, not to cancel that Club's registration(s) with the Australian Taxation Office, the Executive may, subject to §7.4.5, accept the request.
- 7.4.5.** Where a deregistered Club remains registered with the Australian Taxation Office and/or retains its bank account(s), that Club's name must be amended to exclude the terms "Monash", "University", "Uni" and "MSA", and the amended name must be reflected on that Club's registration(s) and account(s).