



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

Contents

Part 1 Preliminary

1	Interpretation	4
2	Schedules	5
3	Amendments	5
4	Conflict of interest	6

Part 2 Council

Division 1 Purposes and membership

5	Purposes	7
6	Members	7

Division 2 Office-bearers

7	Office-bearers generally	7
8	Duties of office-bearers	7
9	Eligibility to hold office	9
10	Term of office	9
11	Vacancies	10
12	Filling vacancies	10

Part 3 Executive

Division 1 Composition

13	Voting members	12
14	Ex-officio members	12

Division 2 Responsibilities

15	Functions and powers	12
16	Delegation	13
17	Supremacy of council	13

Division 3 Meetings

18	Meetings generally	13
19	Leave of absence	14
20	Circular resolutions	15

Part 4 General meetings

21	Notice and agendas	16
22	Annual general meetings	16
23	Ordinary general meetings	16
24	Extraordinary general meetings	16
25	Conduct of general meetings	17
26	Proxies	18
27	Warnings	18

Part 5 Elections

Division 1 Elections generally

28	Timing	20
----	--------	----

Division 2 Returning Officer

29	Appointment	20
30	Neutrality	20
31	Duties	20

Division 3 Notice

32	Notice generally	21
----	------------------	----

Division 4 Nominations

33	Nominations generally	21
34	Prior nominations	21
35	Nominations from the floor	22
36	Disqualification by Returning Officer	22
37	Candidate presentations	22

Division 5 Voting		
38	Ballots generally	23
39	Withdrawal	23
40	Distribution of ballot-papers	23
Division 6 Unopposed candidates		
41	Unopposed candidates generally	24
42	Multiple candidates from the same club	24
Division 7 Results		
43	Counting of votes	24
44	Declaration of results	24
45	Election records	25
46	Election report	25
Division 8 Appeal panels		
47	Appeal panels generally	25
48	Conduct	25
49	Decision	26
Part 6 Clubs		
Division 1 Affiliation		
50	Recognition	27
Division 2 Constitutions		
51	Constitutions generally	27
Division 3 Disaffiliation		
52	Disaffiliation generally	32
53	Distribution of assets	32
54	Maintaining external registrations	33
Part 7 Misconduct		
55	Misconduct by clubs	34
56	Misconduct hearings	34
57	Misconduct appeal hearings	36

Deleted: Part 1 → Constitution ¶

- 1 → Interpretation → 3 ¶
- 2 → Schedules → 4 ¶
- 3 → Amendments → 4 ¶

Part 2 → Council ¶

- 4 → Purposes → 6 ¶
- 5 → Members → 6 ¶
- 6 → Office-bearers → 6 ¶
- 7 → Duties of office-bearers → 6 ¶
- 8 → Eligibility to hold office → 8 ¶
- 9 → Term of office → 8 ¶
- 10 → Vacancies → 9 ¶
- 11 → Filling Vacancies → 9 ¶

Part 3 → Executive ¶

- 12 → Voting members → 10 ¶
- 13 → Ex-officio members → 10 ¶
- 14 → Functions and powers → 10 ¶
- 15 → Delegation → 10 ¶
- 16 → Supremacy of council → 11 ¶
- 17 → Meetings → 11 ¶
- 18 → Conflict of interest → 12 ¶
- 19 → Leave of absence → 12 ¶
- 20 → Circular Resolutions → 13 ¶

Part 4 → General Meetings ¶

- 21 → Notice and Agendas → 14 ¶
- 22 → Annual General Meetings → 14 ¶
- 23 → Ordinary General Meetings → 14 ¶
- 24 → Extraordinary General Meetings → 14 ¶
- 25 → Conduct of General Meetings → 15 ¶
- 26 → Proxies → 16 ¶
- 27 → Warnings → 16 ¶

Part 5 → Elections ¶

- 28 → Timing → 18 ¶
- 29 → Returning Officer → 18 ¶
- 30 → Notice → 19 ¶
- 31 → Nominations → 19 ¶
- 32 → Ballots → 20 ¶
- 33 → Unopposed Candidates → 21 ¶
- 34 → Counting of Votes → 22 ¶
- 35 → Appeals → 22 ¶

Part 6 → Clubs ¶

- 36 → Recognition → 23 ¶
- 37 → Constitutions → 23 ¶

Part 7 → Misconduct ¶

- 38 → Misconduct by clubs → 29 ¶
- 39 → Misconduct hearings → 29 ¶
- 40 → Misconduct Appeal Hearings → 31 ¶
- 41 → Disaffiliation → 33 ¶

Part 1 Preliminary

1 Interpretation

- (1) In this constitution, unless the contrary intention appears, words and phrases have the same meaning as in the MSA constitution and, in addition—
- (a) **academic day** means a day that falls within the Semester 1 or Semester 2 teaching periods of the University, other than a Saturday, Sunday or University holiday; and
 - (b) **AGM** means the Annual General Meeting; and
 - (c) **attendant** means a person attending a general meeting, who has a deliberative vote at that meeting, as defined in subclause 25(8); and
 - (d) **C&S** means the Clubs & Societies Council, as defined in Part 2; and
 - (e) **C&S member** means a member of C&S, as defined in subclause 6(1); and
 - (f) **C&S Office-Bearer** means an office-bearer of C&S, as defined in subclause 7(2); and
 - (g) **C&S staff member** means a person employed by the MSA on a non-casual/non-sessional basis, within the C&S office; and
 - (h) **club** means a club, society, association or other group recognised by C&S, as prescribed in subclause 50(1); and
 - (i) club constitution includes—
 - (i) in the case of unincorporated clubs, the constitution of the club; or
 - (ii) in the case of incorporated clubs, the rules of the club;
 - (j) **club office-bearer** means the president, vice-president, secretary or treasurer of a club; and
 - (k) **club president** means the president of a club; and
 - (l) **EGM** means an Extraordinary General Meeting; and
 - (m) **Executive** means the Executive of C&S, as defined in Part 3; and
 - (n) **Executive-elect** means all of the students elected as the Executive of C&S following the annual elections in September before they take office on 1 November; and
 - (o) **executive meeting** means a meeting of the members of the Executive; and
 - (p) **executive member** means a voting member of the Executive, as defined in subclause 13; and
 - (q) **executive member-elect** means an individual elected as C&S Office-Bearer who is a member of the Executive-Elect; and
 - (r) **ex-officio member** means an ex-officio member of the Executive, as defined in subclause 14; and
 - (s) **general meeting** means a general meeting of the C&S Members; and
 - (t) **MSA** means Monash Student Association (Clayton), Inc. (Reg. No. A0036131Z, A.B.N. 20 147 061 074); and
 - (u) **MSA Executive Officer** means the MSA's most senior manager; and
 - (v) **MSC** means Monash Student Council, the governing body of MSA; and
 - (w) **OGM** means an Ordinary General Meeting; and

Deleted: <#>Constitution

Deleted: Part 2

Deleted: 5

Deleted: 6

Deleted: 36

Deleted: 12

Deleted: 13

- (x) **signed notice** means a written notice—
 - (i) containing the sender’s signature; or
 - (ii) sent from the sender’s official C&S, MSA or University email; and
 - (y) **student** means a student of the University who is currently enrolled in a course located or managed at the Clayton Campus; and
 - (z) **University** means Monash University (A.B.N. 12 377 614 012); and
 - (aa) **University staff member** means a person employed by the University, MSA, or another University affiliate, who has a University personnel number; and
 - (bb) **written notice** means—
 - (i) a printed notice delivered to a body’s or person’s C&S supplied mailbox, a person’s residential address, or a body’s registered address; or
 - (ii) an electronic message delivered to a body’s or person’s C&S supplied electronic mail account.
- (2) The headings form part of this constitution.
- (3) The Executive is responsible for the interpretation of this constitution and its schedules.
- (4) In this constitution a period of notice of a meeting expressed in days—
- (a) does not include the day on which notice is given; but
 - (b) includes the day on which the meeting is held.

Deleted: <#>Unless the contrary intention appears, words and phrases in this constitution have the same meaning as in the MSA constitution.

2 Schedules

- (1) Schedules to this constitution have the same force as this constitution.
- (2) Unless the contrary intention appears in a schedule to this constitution, the schedule is to be interpreted in the same manner as this constitution.
- (3) Where a schedule is inconsistent with this constitution, the latter will prevail, and the former will, to the extent of the inconsistency, be without force or effect.
- (4) A breach of any schedule is a breach of this constitution.
- (5) The schedules to this constitution are—
 - (a) the C&S Affiliation Regulations; and
 - (b) the C&S Complaints Policy; and
 - (c) the C&S Expenditure Regulations; and
 - (d) the C&S Finance Regulations; and
 - (e) the C&S Grants Regulations; and
 - (f) the C&S IT Policy; and
 - (g) the C&S Off-Campus Event Regulations; and
 - (h) the MSA/C&S Marketing Policy; and
 - (i) the MSA/C&S Responsible Service of Alcohol Policy.

Deleted: In schedules to this constitution, u

Deleted: words and expressions have the same meaning as in this constitution

Deleted: e

Moved (insertion) [1]

Moved (insertion) [4]

Moved (insertion) [2]

Moved up [1]: <#>the C&S Affiliation Regulations; and

Moved (insertion) [3]

Deleted: .

Moved up [2]: the C&S Expenditure Regulations; and

Deleted: ; and

Moved up [4]: <#>the C&S Complaints Policy; and

Moved up [3]: <#>the C&S IT Policy;

Deleted: <#>the MSA/C&S Marketing Policy; and

3 Amendments

- (1) This constitution may be amended by a resolution at a general meeting, provided that—
 - (a) at least three-quarters of the attendants vote in favour of the resolution; and

- (b) 14 days written notice of the proposed amendment is given to all C&S Members.
- (2) Schedules to this constitution may be added, amended or removed by—
 - (a) a resolution at an executive meeting passed an absolute majority of the Executive; or
 - (b) a resolution at a general meeting, provided that—
 - (i) at least three-quarters of the attendants vote in favour of the resolution; and
 - (ii) 14 days written notice of the proposed amendment is given to all C&S Members.
- (3) A schedule to this constitution to which there is at least 1 direct reference in this constitution other than in subclause 2(5), must not be removed or have its name amended, without this constitution being amended, to update or remove the references, as appropriate.
- (4) If a schedule to this constitution is added, removed or has its name altered, subclause 2(5) must be amended to reflect the change.
- (5) Amendments to this constitution made under subclause (4) are not subject to subclause (1).
- (6) Amendments to this constitution and its schedules must be—
 - (a) promulgated by written notice within 14 days to all clubs; and
 - (b) noted in an appendix to this Constitution, including—
 - (i) the date on which the amendment was approved; and
 - (ii) a description of the amendment; and
 - (iii) the body that approved the amendment; and
 - (iv) the meeting at which the amendment was approved.

4 Conflict of interest

- (1) Persons who have a material personal interest in a matter that is being considered, including holding a position of responsibility in a club, a meeting of a body established by or under this Constitution or its schedules, must—
 - (a) disclose the nature and extent of their interest to the body as soon as they become aware of the interest; and
 - (b) not be present while the matter is being considered at the meeting; and
 - (c) not vote on the matter.
- (2) This clause does not apply to material personal interests that—
 - (a) exist only because the person is a student; or
 - (b) exist only because the person is a member of a club; or
 - (c) exist only because the person belongs to a class of persons for whose benefit C&S is established; or
 - (d) the person has in common with all or a substantial proportion of the members of C&S or MSA.

Moved (insertion) [5]

Deleted: Executive members

Deleted: (

Deleted:)

Deleted: at an executive meeting

Deleted: executive member

Deleted: executive member

Deleted: member

Deleted: executive member

Part 2 Council

Division 1 Purposes and membership

Formatted: Heading 3

5 Purposes

- (1) The purpose of C&S is to advance the education of students by—
 - (a) fostering student participation in clubs; and
 - (b) facilitating and regulating the activities and administration of clubs; and
 - (c) providing financial and administrative support to clubs; and
 - (d) liaising between clubs, the MSA and the University.

6 Members

- (1) The members of C&S are—
 - (a) the club presidents; and
 - (b) the C&S Office-Bearers.

Deleted:

Deleted:

Formatted: Heading 8

Division 2 Office-bearers

7 Office-bearers generally

- (1) The offices of C&S are the—
 - (a) office of the President; and
 - (b) office of the Vice-President; and
 - (c) office of the Secretary; and
 - (d) office of the Treasurer; and
 - (e) office of the General Representatives.
- (2) There is 1 office-bearer for each office, except for the office of the General Representatives, where there are 5 office-bearers.

8 Duties of office-bearers

- (1) The general duties of all C&S office-bearers are to—
 - (a) attend executive meetings and general meetings; and
 - (b) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations; and
 - (c) evaluate and process annual club reaffiliation packs, as prescribed in the C&S Affiliation Regulations; and
 - (d) staff the C&S space for at least 2 hours per week, excluding Executive meetings; and
 - (e) assist with MSA and C&S Orientation activities; and
 - (f) support the governance of clubs as appropriate; and
 - (g) actively participate in Handover with their respective C&S Executive-elect counterpart; and
 - (h) fulfill the specific duties of their office under subclause (2); and
 - (i) perform any other duties, as the Executive may resolve.

Deleted: s

Deleted: -(6)

(2) In addition to their general duties—

- (a) ~~the~~ duties of the President are to—
- (i) preside as chair over executive meetings and general meetings; and
 - ~~(ii) consult with C&S staff members on and, monitor on behalf the of Executive, the day-to-day management of C&S; and~~
 - (iii) attend MSC meetings, represent the interests of C&S, and report outcomes to the Executive and C&S, as appropriate or to ensure their nominee, who must be an Executive Member, does the same; and
 - (iv) submit reports to MSC on the activities of the Executive and C&S, as required; and
 - (v) represent C&S, and act as its spokesperson, to the MSA, the University and other bodies, as appropriate; and
 - ~~(vi) with the Treasurer, represent C&S in MSA budget meetings, as appropriate; and~~
 - (vii) submit reports to executive meetings, as appropriate; and
 - (viii) submit bi-annual reports to the AGM and OGM; and
 - (ix) monitor and review ~~schedules to this constitution~~, in conjunction with ~~relevant members of the executive~~; and
 - (x) evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations; ~~and~~
- (b) ~~the~~ duties of the Vice-President are to—
- (i) preside as chair over executive meetings and general meetings, in the absence of the President; and
 - (ii) assist the President in their duties; and
 - (iii) perform the duties of the President if the President is on an approved leave of absence or that office is vacant; and
 - (iv) preside as chair and Returning Officer at Inaugural General Meetings of clubs; ~~and~~
 - (v) assist and liaise with new clubs to provide support and guidance during their first 12 months of affiliation; and
 - (vi) submit an annual report to the AGM; ~~and~~
- (c) ~~the~~ duties of the Secretary are to—
- (i) prepare agendas and minutes, and give notice as prescribed, for general meetings and executive meetings; and
 - (ii) act as Returning Officer for C&S elections, as appropriate; and
 - (iii) ~~ensure that inwards and outwards correspondence for C&S and the Executive is handled correctly and in a timely manner; and~~
 - (iv) ensure that clubs are informed of relevant issues discussed, and resolutions made, by the Executive, in a timely manner; and
 - (v) submit an annual report to the AGM; ~~and~~
- (d) ~~the~~ duties of the Treasurer are to—
- (i) ~~prepare C&S submissions to the MSA budget process, in conjunction with C&S staff members, as required; and~~
 - (ii) ~~with the President~~, represent C&S in MSA budget meetings, as appropriate; and

Deleted: T
Formatted: Heading 8

Formatted: Heading 9

Formatted: Heading 9

Deleted: grants regulations

Deleted: the Treasurer

Deleted: .

Deleted: T

Deleted: or their nominee (who must be a member of the Executive)

Deleted: .

Deleted: T

Deleted: <#>ensure that an up-to-date register of clubs and club office-bearers is maintained; and¶

Deleted: .

Deleted: T

Deleted: <#>monitor and review grants regulations, in conjunction with the President; and¶

- (iii) manage the C&S grants program, in accordance with the C&S Grants Regulations; and
 - (iv) monitor spending from the C&S budget, including grants; and
 - (v) submit reports to executive meetings, as appropriate; and
 - (vi) submit bi-annual reports to the AGM and OGM; ~~and,~~
- (e) ~~the duties of each General Representative are to assist other members of the Executive as required.~~
- (3) The duties of each member of the Executive-Elect are to—
- (a) actively participate in handover with their respective C&S Office-Bearer counterpart; and
 - (b) attend executive meetings and general meetings; and
 - (c) become familiar with the C&S constitution and its schedules; and
 - (d) learn how to evaluate and process grant applications and reports, as prescribed in the C&S Grants Regulations; and
 - (e) learn how to evaluate and process annual club reaffiliation packs, as prescribed in the C&S Affiliation Regulations; and
 - (f) perform other duties, as the Executive may resolve.

~~(4) The Executive may establish additional portfolios with specific responsibilities to be divided between executive members and members of the Executive-elect.~~

9 Eligibility to hold office

- (1) A person is eligible to be elected a C&S Office-Bearer, or hold office as a C&S Office-Bearer, if they are a student, and—
- (a) are a C&S Office-Bearer; or
 - (b) are a club office-bearer; or
 - (c) have commenced their appointment as a club president's proxy—
at the time of election or appointment, except as restricted in subclauses (2)-(4).
- (2) A person is not be eligible to be elected as 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 under this constitution.
- (3) A person must not hold more than 1 position referred to in subclause ~~7~~(2) at the same time.
- (4) A person must not hold, or be elected to, any position referred to in subclause ~~7~~(2) while being—
- (a) the MSA Executive Officer; or
 - (b) a C&S staff member; or
 - (c) a non-casual MSA employee.
- (5) C&S Office-Bearers must be elected as prescribed in Part 5.

10 Term of office

- (1) A person elected a C&S Office-Bearer at an AGM holds office—
- (a) on the Executive-Elect, for a term of 1 month, commencing on 1 October in the same year as the AGM and concluding on 31 October; and

Deleted: .

Deleted: T

Deleted: 6

Deleted: 6

- (b) on the Executive, for a term of 1 year commencing on 1 November in the same year as the AGM and concluding on 31 October of the following year.
- (2) Despite subclause (1), a person elected as President, Vice-President, Secretary or Treasurer at an AGM holds office—
 - (a) if position is vacant at the time of the AGM, commencing immediately following end of the AGM; or
 - (b) if the position becomes vacant after the AGM, commencing when the position becomes vacant.
- (3) A person elected a C&S Office-Bearer at an OGM or EGM holds office—
 - (a) if the position is vacant, on the Executive for a term commencing immediately after that general meeting; or
 - (b) if the position to which they were elected is not yet vacant—
 - (i) on the Executive-Elect, for a term concluding when the position becomes vacant; and
 - (ii) on the Executive, for a term commencing upon the position becoming vacant and concluding on the following 31 October.

11 Vacancies

- (1) A C&S Office-Bearer ceases to hold office prior to the completion of their ordinary term if they—
 - (a) give a written notice of resignation, specifying the date of cessation, on the Executive or C&S; or
 - (b) cease to be a student; or
 - (c) cease to be enrolled in at least one unit of study at a Victorian campus of the University; or
 - (d) are removed from office in accordance with subclause (2); or
 - (e) fail to attend 3 consecutive executive meetings without a leave of absence.
- (2) A C&S Office-Bearer may only be removed from office if—
 - (a) if 14 days written notice of the intention to move a motion to remove the member has been given to the Office-Bearer and the Executive; and
 - (b) the Office-Bearer has been given a reasonable opportunity to speak to the motion; and
 - (c) the resolution is passed by at least three-quarters of the attendants at a general meeting.

12 Filling vacancies

- (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 appoint a person to fill the vacant position, if that person would be eligible to be elected at the time of appointment.
- (2) A person appointed to fill a vacancy as a C&S Office-Bearer will ordinarily hold office for a term commencing at the time of appointment and concluding at the end of the next general meeting.

Deleted: V

- (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 will undertake the duties of the vacant position, commencing on the day of the resolution and concluding at the end of the next general meeting.

Part 3 Executive

Division 1 Composition

13 Voting members

- (1) The C&S Office-Bearers are voting members of the Executive.
- (2) Executive members have the right to speak and vote at executive meetings.

14 Ex-officio members

- (1) The MSA Executive Officer, C&S staff members, and each member of the Executive-Elect are ex-officio members of the Executive.
- (2) Ex-officio members have the right to speak at executive meetings, except as prescribed in subclause 18(11), but must not vote and are not counted towards quorum.

Division 2 Responsibilities

15 Functions and powers

- (1) The functions of the Executive are to—
 - (a) affiliate groups of students as clubs for the purposes of this constitution; and
 - ~~(b) maintain an up-to-date register of—~~
 - ~~(i) clubs; and~~
 - ~~(ii) club office-bearers; and~~
 - (c) disaffiliate clubs as provided for in this constitution; and
 - (d) ~~manage~~ the C&S budget, including grants; and
 - ~~(e) oversee the management of C&S records and archives;~~
 - ~~(f) monitor and regulate the activities of clubs; and~~
 - (g) ~~ensure that clubs act in accordance with both their constitutions and this Constitution;~~ and
 - (h) consider ~~allegations~~ 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.
- (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 ~~believes may~~ be in breach of—
 - (a) the constitution of a club; or
 - (b) this constitution; or
 - (c) the MSA constitution; or
 - (d) the Statutes, Regulations or Rules of the University.
- (3) The Executive has, and may exercise, subject to this constitution, such powers as are reasonably necessary in order for C&S to pursue its purposes, as prescribed in subclause 5(1), and for the Executive to perform its functions, as prescribed in subclause (1).
- ~~(4) Without limiting any other provision, the Executive has express power—~~

Formatted: Heading 3

Deleted: 17

Formatted: Heading 3

Deleted: administer

Deleted: oversee

Deleted: ,

Deleted:

Deleted: any

Deleted: deems

Deleted: to

Deleted: 4

(a) ~~to invalidate any meeting or election of a club that has not been conducted in accordance with the club's constitution; and~~

(b) ~~to convene a general meeting of a club.~~

- (5) For the exclusive purposes of the constitution of the MSA, the Executive is the governing body of C&S.

16 Delegation

- (1) The Executive may, by an absolute majority—
- (a) establish committees or subcommittees with such membership and terms of reference as it thinks appropriate; and
 - (b) delegate its responsibilities and powers as it thinks appropriate.

~~(2) Responsibilities and powers of the Executive may be delegated by a schedule to this constitution to any executive members or MSA staff members.~~

- (3) A body to which or person to whom a responsibility or power is delegated must not delegate that responsibility or power further.
- (4) The Executive must not delegate its powers—
- (a) to affiliate groups of students as clubs; or
 - (b) to direct a club to a misconduct hearing; or
 - (c) to impose any misconduct penalty on a club; or
 - (d) to add, amend or remove schedules under subclause 3(2); or
 - (e) to interpret this constitution and the regulations under subclause 1~~(3)~~.

17 Supremacy of council

- (1) When a resolution of the Executive is inconsistent with a resolution of C&S, the latter will prevail, and the former will, to the extent of the inconsistency, be without force or effect.
- (2) Subject to the prescribed notice requirements for agenda items under subclause 21(2), C&S may resolve to reconsider any resolution of the Executive.
- (3) Where C&S resolves to reconsider a resolution of the Executive, it may, after that reconsideration, resolve to—
- (a) affirm; or
 - (b) revoke; or
 - (c) amend
- that resolution of the Executive.

Division 3 Meetings

18 Meetings generally

- (1) There must be at least 6 ordinary executive meetings per semester.
- (2) The Secretary must give at least—
- (a) for ordinary executive meetings, 5 days written notice; or
 - (b) for urgent executive meetings, at least 2 days notice by the fastest means practicable—
- on all members of the Executive.

Formatted: Heading 8

Deleted: (4)

Formatted: Heading 3

Deleted: in cases of urgency

- (3) Subject to, and in accordance with, subclause (2), the Secretary—
 - (a) may convene an executive meeting whenever they deem it appropriate; and
 - (b) must convene an executive meeting whenever they receive a written request from the President to do so; and
 - (c) must convene an executive meeting whenever they receive a written request from 3 executive members to do so.
- (4) At an executive meeting—
 - (a) the President; or
 - (b) in the absence of the President, the Vice-President; or
 - (c) in the absence of both the President and the Vice-President, a person elected by and from the executive members present—may preside as chair.
- (5) The Executive may adopt Standing Orders for the conduct of executive meetings.
- (6) Each executive member present at an executive meeting, other than the chair, has a deliberative vote.
- (7) At an executive meeting, the chair has a casting vote.
- ~~(8)~~ A quorum for an executive meeting is ~~the presence of—~~
 - ~~(a)~~ a majority of executive members holding office;
 - ~~(b)~~ at least 1 of ~~whom~~ must be the President, Vice President, Secretary or Treasurer.
- (9) Executive members who are unable to be present at an executive meeting because—
 - (a) of a conflict of interest; or
 - (b) they are on an approved leave of absence ~~and not present—~~are not counted in determining quorum.
- (10) If, within 15 minutes after the scheduled start of an executive meeting, a quorum is not achieved, the meeting must—
 - (a) 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
 - (b) 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.
- (11) Executive meetings may only proceed in camera by a resolution passed by an absolute majority and in accordance with subclause 29(5) of the MSA Constitution.
- (12) Voting by proxy at executive meetings is not permitted.
- (13) Executive meetings may be held partially or entirely by use of technology, provided each executive member participating is able to communicate clearly and simultaneously with every other such executive member.

19 Leave of absence

- (1) The Executive may grant an executive member leave of absence from ~~their duties for~~ a period not exceeding six weeks.
- (2) A request for leave of absence is provisionally granted upon request, subject to ~~approval at the next executive meeting.~~

Deleted: ,
Deleted: which
Formatted: Heading 8

Moved up [5]: <#>Conflict of interest
Executive members who have a material personal interest in a matter that is being considered (including holding a position of responsibility in a club) at an executive meeting must—
¶ extent of their interest to the body as soon as they become aware of the interest; and
¶ not be present while the matter is being considered at the meeting; and
¶ not vote on the matter.
This clause does not apply to material personal interests that—
¶ member is a student; or
¶ executive member is a member of a club; or
¶ exist only because the member belongs to a class of persons for whose benefit C&S is established; or
¶ the executive member has in common with all or a substantial proportion of the members of C&S.

Deleted: Executive
Deleted: Meetings
Deleted: any resolutions of the Executive

- (3) 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.
- (4) Notwithstanding subclauses (1)-(3), the Executive must not refuse to grant an executive member leave of absence if the request was made on reasonable grounds.

20 Circular resolutions

- (1) The Executive may, in between meetings, vote on a resolution by way of circular resolution.
- (2) A circular resolution is only considered a valid resolution of the Executive when—
 - (a) every executive member, with the exception of the President and executive members who declare a conflict of interest or are on an approved leave of absence, votes in favour or abstains from the resolution; and
 - (b) all votes are received within 72 hours of the resolution being communicated to executive members.
- (3) A circular resolution must be communicated by email to all executive members by the President.
- (4) Executive members may reply to the email voting in favour, voting against or abstaining from the resolution.
- (5) The email circulated by the President must—
 - (a) specify the exact wording of the resolution proposed; and
 - (b) state the time that votes must be received by; and
 - (c) state the process for voting.
- (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 practicable, inform all members of the Executive, by email, whether the circular resolution was passed or otherwise.
- (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.
- (8) A resolution cannot be voted on by way of circular resolution when it proposes—
 - (a) to recognise a club, society, association or a group of students as a club, in accordance with subclause ~~50(1)~~; or
 - (b) a change to schedules of the C&S constitution; or
 - (c) penalties to a club that are guilty or otherwise of committing an act of misconduct.
- (9) A list of all resolutions passed by circular resolution must be tabled at the next meeting of the Executive.

Deleted: R

Deleted: 61(1)

Part 4 General meetings

21 Notice and agendas

- (1) The Secretary must give at least 14 days written notice of a general meeting, specifying the date and time, on all C&S members.
- (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 23:59 four academic days prior to the scheduled start of the meeting.
- (3) The Secretary must distribute 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) The Secretary must distribute 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.
- (5) The C&S Council may adopt Standing Orders for the conduct of general meetings.

Deleted: M

Deleted: A

Deleted: disseminate

Deleted: disseminate

22 Annual general meetings

- (1) The Executive must convene an AGM to be held in September of each year.
- (2) The business of an AGM must include—
 - (a) reception of the annual reports of the C&S Office-Bearers; and
 - (b) election of C&S Office-Bearers; and
 - (c) any other business of which notice has been given with the final agenda; and
 - (d) a forum for general discussion.

Deleted: G

Deleted: M

23 Ordinary general meetings

- (1) The Executive must convene an OGM each year, to be held during the first semester.
- (2) The business of an OGM must include—
 - (a) reception of reports from the President and Treasurer; and
 - (b) if necessary, by-elections of C&S Office-Bearers; and
 - (c) if necessary, consideration of any Misconduct Appeal Hearings; and
 - (d) any other business of which notice has been given with the final agenda; and
 - (e) a forum for general discussion.

Deleted: G

Deleted: M

24 Extraordinary general meetings

- (1) An EGM must be convened if—
 - (a) at least 5 C&S members give written notice to the Executive requesting one; or
 - (b) C&S resolves to convene one; or
 - (c) the Executive resolves to convene one; or
 - (d) an election appeal panel directs the Executive to convene one; or
 - (e) one must be convened to hold a by-election, as prescribed in subclauses 21(4)-(5).
- (2) The business of an EGM must include—
 - (a) if necessary, by-elections of C&S Office-Bearers; and

Deleted: G

Deleted: M

- (b) if necessary, consideration of any Misconduct Appeal Hearings; and
- (c) any other business of which notice has been given with the final agenda.

25 Conduct of general meetings

- (1) General meetings may only be held—
 - (a) on an academic day; and
 - (b) on the Clayton campus of the University or by means of technology.
- (2) Subject to this Part, paragraph ~~33(1)(b)~~ and subclause ~~56(11)~~, the Executive may, in its absolute discretion, determine the date, time, place and agenda of any general meeting.
- (3) Attendance at general meetings must be limited to—
 - (a) C&S Office-Bearers; and
 - (b) C&S and MSA staff members; and
 - (c) either the club president, president's proxy or an office-bearer of each club; and
 - (d) candidates who submitted a prior nomination for an election, for the duration of the elections or by-elections; and
 - (e) any other person permitted by declaration of the chair, unless otherwise resolved by a majority of the attendants present.
- (4) No club may be represented by more than 1 person at any general meeting.
- (5) 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 clubs they are representing at that meeting.
- (6) The Executive may resolve that a general meeting be held partially or entirely by means of technology, provided each attendant participating is able to communicate clearly and simultaneously with every other such attendant.
- (7) At a general meeting—
 - (a) the President; or
 - (b) in the absence of the President, the Vice-President; or
 - (c) in the absence of both the President and the Vice-President, an executive member nominated by the President by signed notice to the Secretary; or
 - (d) otherwise, a person elected by and from the attendants present—may preside as chair, except as prescribed in paragraph ~~31(1)(c)~~ and subclause ~~57(4)~~.
- (8) At a general meeting, each C&S member has a deliberative vote, except as prescribed in subclause (9)-(11).
- (9) At a general meeting, the chair has a casting vote, but not a deliberative vote.
- (10) A C&S member must 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.
- (11) At a general meeting, C&S Office-Bearers do not have a deliberative vote unless a C&S Office-Bearer is voting in their capacity as a club president or club president's proxy.
- (12) A quorum for a general meeting is the presence of one-third of C&S members.

Deleted: G

Deleted: M

Deleted: 29(4)

Deleted: (d)

Deleted: 39

Deleted: Division 2

Deleted: 40

(13) Proxies are counted in determining quorum.

- (14) If, within 30 minutes after the scheduled start of a general meeting, a quorum is not achieved, the meeting must—
- (a) 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
 - (b) 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.

26 Proxies

- (1) 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.
- (2) A club president may appoint a person or persons as their proxy for general meetings, in accordance with subclause (3), if those persons are—
 - (a) students undertaking at least one unit of study at a Victorian Campus of the University; and
 - (b) ordinary members entitled to vote of that club president's club—
for the duration of the appointment.
- (3) To appoint a person or persons as their proxy, a club president must give a signed notice of proxy appointment to the Secretary or the Executive at least 72 hours prior to the commencement of the appointment.
- (4) Such an appointment notice must contain—
 - (a) the name of the club president appointing the proxy; and
 - (b) the name of the club for which the proxy is being appointed; and
 - (c) the names and student numbers of the persons being appointed proxy, in order of priority; and
 - (d) an electronic mail address for the persons being appointed proxy; and
 - (e) the date on which the appointment will cease, as the appointment will commence 72 hours after the date that signed notice was given.
- (5) Where a person is the president of more than 1 club, they may appoint separate proxies for each club.
- (6) 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 is deemed to be that club president's proxy for that general meeting.
- (7) A club president's proxy is deemed to be a C&S member for the duration of a general meeting if that club president—
 - (a) is presiding as chair;
 - (b) is absent from that general meeting; or
 - (c) 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.
- (8) A club president may withdraw a proxy appointment at any time, by serving a signed notice of withdrawal on the Secretary or the Executive.

27 Warnings

- (1) An attendant must not—

- (a) 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
 - (b) 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
 - (c) disseminate any physical campaign materials or material intended or reasonably likely to alter the voting intention of attendees.
- (2) Where the chair determines an attendant has breached subclause (1) the chair may issue the attendant an oral warning specifying that they are in breach of subclause (1).
- (3) If any attendant has been issued with three oral warnings, pursuant to subclause (2), the chair must direct them to leave the general meeting, and the club that they were representing will no longer be represented at the general meeting.
- (4) A direction by the chair made under subclause (3) 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.

Part 5 Elections

Division 1 Elections generally

Formatted: Heading 3

28 Timing

- (1) A C&S Office-Bearer election may only be held during a general meeting.
- (2) Annual elections must be held at the AGM, for all positions in all offices.
- (3) A by-election for a position must be held at an OGM or EGM if the person most recently elected to that position—
 - (a) has ceased to hold office prior to the ordinary conclusion of their term prior to that meeting; or
 - (b) will cease to hold office prior to the ordinary conclusion of their term within 28 days of the date of that meeting.
- (4) In the event that the office of the President, Vice-President, Secretary or Treasurer —
 - (a) is vacated prior to the conclusion of an ordinary term; or
 - (b) remains vacant after an election—an EGM must be convened by the Executive and held within 20 academic days of vacation to enable a by-election for the vacant positions, unless an OGM or AGM will be held within the same period.

Division 2 Returning Officer

Formatted: Heading 3

29 Appointment

Deleted: Returning Officer

- (1) C&S Office-Bearer elections must be conducted by a Returning Officer who must—
 - (a) be the Secretary; or
 - (b) if the Executive resolves otherwise by an absolute majority or the Secretary self-disqualifies, be a C&S Office-Bearer or club office-bearer appointed at least 14 days prior to the date of the general meeting at which the election is to be held—at the time of appointment.
- (2) If the Returning Officer—
 - (a) is not present at the general meeting; or
 - (b) is unable to fulfill their duties—the general meeting may appoint a new Returning Officer if at least three-quarters of attendants vote in favour of the decision.

30 Neutrality

Formatted: Heading 5

- (1) The Returning Officer must not—
 - (a) be a candidate; or
 - (b) endorse a candidate; or
 - (c) vote—in an election over which they preside.

31 Duties

Formatted: Heading 5

- (1) The Returning Officer, for an election over which they oversee—

Deleted: preside

- (a) is responsible to C&S and the Executive for the proper conduct of the election, in accordance with this constitution; and
- (b) ~~must~~ determine the methods in which policy documents may be accepted; and
- (c) ~~must~~ preside as chair over the general meeting at which the election takes place, for the duration of the election.

Division 3 **Notice**

32 **Notice generally**

- (1) The Returning Officer must give written notice of an election on all C&S members, at least 14 days prior to the date of the general meeting at which the election is to be held.
- (2) A notice of election must specify—
 - (a) the general meeting at which the election is to be held; and
 - (b) the positions to be filled at the election; and
 - (c) the ordinary term of office for each position to be elected; and
 - (d) the duties of each office in which positions are to be elected; and
 - (e) the nomination process; and
 - (f) the methods, determined by the Returning Officer, in which policy documents may be submitted; and
 - (g) whether the general meeting at which the election is to be held will be in-person or by use of technology.

Division 4 **Nominations**

33 **Nominations generally**

- (1) ~~The Returning Officer must—~~
 - (a) ~~must verify the correctness of nominations, including, but not limited to, verifying that nominees and endorsers are students; and~~
 - (b) ~~in conjunction with the Secretary, ensure that, in order of nomination, a complete list of candidates for the election and any policy documents are included with the final agenda for the general meeting at which the election will take place.~~
- (2) ~~A candidate may be nominated for more than 1 position if each position is in a different office.~~

34 **Prior nominations**

- (1) A person is eligible to be nominated as a candidate for election as a C&S Office-Bearer if they are eligible to be elected at the time of the election.
- (2) A nomination of a candidate for election as a C&S Office-Bearer must—
 - (a) be made in writing on a nomination form supplied by the Returning Officer; and
 - (b) state the nominee's full name and student number, the body (a club or the Executive) from which they are being nominated, and the position held within that body; and

Moved down [7]: <#>must verify the correctness of nominations, including, but not limited to, verifying that nominees and endorsers are students; and¶

Moved down [8]: in conjunction with the Secretary, ensure that, in order of nomination, a complete list of candidates for the election and any policy documents are included with the final agenda for the general meeting at which the election will take place; and¶

Moved down [11]: 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; and¶ each ballot paper and keep records of how many ballot papers are issued, and to whom; and¶

Deleted: ; and

Formatted: Heading 3

Moved down [10]: <#>provide candidates, in order of nomination an opportunity to give a brief speech and answer questions from the floor; and¶ in their absolute discretion, determine the speaking time and the maximum number of questions that each candidate may be asked by C&S members, which must be at least 2 minutes and 2 questions respectively, granted to candidates before a ballot, such that every candidate for any given office is entitled to an equal amount of time and questions and must ensure this is included as part of the final agenda for a general meeting; and¶

Moved down [14]: <#>declare the election results as soon as practicable; and¶ inform each candidate of the election results as soon as practicable; and¶ notify all clubs of the election results by written notice as soon as practicable; and¶

Moved down [13]: <#>submit all election materials to the MSA Executive Officer, who must retain them for a period of at least 12 months; and¶

Deleted: <#>submit to the Executive and MSA Executive Officer, within 14 days of the election, a written report detailing the nominations received and election results. ¶

Formatted: Heading 3

Formatted: Heading 7

Moved (insertion) [7]

Moved (insertion) [8]

Deleted: ; and

Moved (insertion) [9]

Deleted: N

- (c) state all clubs of which the nominee is a committee member, and the position held in each club; and
- (d) include the signed consent of the nominee; and
- (e) 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
- (f) be delivered to the Returning Officer by 23:59 four academic days prior to the date of the general meeting at which the election is to be held—

except as prescribed in ~~clause 35~~,

- (3) A candidate may submit a policy document of up to 500 words length to the Returning Officer, in the method specified in the notice of election, by 23:59 four academic days prior to the scheduled start of the general meeting at which the election is to be held.
- (4) The Returning Officer must review the policy document prior to its use in the election and ensure untrue, defamatory or discriminatory statements are not published.

Deleted: sub

Deleted: (5)

35 Nominations from the floor

- (1) Where a nomination is received at a general meeting in accordance with subclause ~~41(2)~~,
 - (a) it must be orally endorsed by representatives of each of 2 clubs, at least 1 of which the nominee is not a member; and
 - (b) it must be orally accepted by the nominee; and
 - (c) 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; and
 - (d) the nominee must provide their student number to the Returning Officer; and
 - (e) the nominee must state all clubs of which they are a committee member, and the position held in each club.

Formatted: Heading 5

Deleted: 33(1)

36 Disqualification by Returning Officer

- (1) ~~A nomination of a candidate for a C&S Office-Bearer election must be withdrawn by the Returning Officer if that candidate—~~
 - (a) becomes ineligible to be elected or to hold office; or
 - (b) has already been declared elected for another position; or
 - (c) is nominated from a club, and another candidate nominated from the same club has already been declared elected for a position in an election at the same general meeting.

Note: Nomination from club refers to the club ~~,if any,~~ declared by the nominee under ~~either paragraph 34(2)(b) or paragraph 35(1)(c),~~

Moved up [9]: <#>A candidate may be nominated for more than 1 position if each position is in a different office.¶

Deleted: (2)(b)

37 Candidate presentations

(1) The Returning Officer must—

- (a) provide candidates, in order of nomination an opportunity to give a brief speech and answer questions from the floor; and
- (b) in their absolute discretion—
 - (i) determine the maximum speaking time, which must be at least 2 minutes and

Formatted: Heading 5, No bullets or numbering

Moved (insertion) [10]

Deleted: ,

Deleted: and the maximum number of questions that each candidate may be asked by C&S members...

(ii) ~~determine the maximum number of questions that each candidate may be asked by C&S members which must be at least 2 questions respectively—~~

~~granted to candidates before a ballot, provided that every candidate for each office is entitled to an equal amount of time and questions and must ensure this is included as part of the final agenda for a general meeting.~~

Division 5 Voting

38 Ballots generally

(1) The Returning Officer must—

- (a) ~~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; and~~
- (b) ~~initial or verify each ballot paper and keep records of how many ballot papers are issued, and to whom; and~~
- (c) ~~determine whether an election will be held by physical or digital ballot and ensure that the voting method or platform is included in the final agenda.~~

(2) A ballot for a C&S Office-Bearer election must be a secret ballot, using optional preferential proportional representation.

(3) The order in which candidates—

- (a) are listed on digital ballot papers must, where practicable, be in a rotating random order; or
- (b) otherwise, must be in the order of nomination.

39 Withdrawal

- (1) A candidate for a C&S Office-Bearer election may voluntarily withdraw their nomination at any time prior to the declaration of the result, by giving a signed notice of withdrawal to the Returning Officer.
- (2) If a candidate withdraws their nomination, the Returning Officer—
 - (a) must proceed with the ballot as if that student had never nominated; and
 - (b) may modify ballot-papers as necessary or appropriate.

40 Distribution of ballot-papers

- (1) Where a secret ballot is held for a C&S Office-Bearer election, each attendant—
 - (a) must be supplied 1 ballot-paper by the Returning Officer; and
 - (b) for each office where at least 1 position is being balloted and candidates are listed on the ballot-paper, may 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; and
 - (c) for each office where at least 1 position is being balloted and candidates are not listed on the ballot-paper, may indicate an order of preference for 1 or more candidates by writing the name of the candidates, 1 per line, from top to bottom, in order of preference; and
 - (d) may lodge the ballot-paper as instructed by the Returning Officer.

Deleted:

Deleted: ,

Deleted: such

Deleted: any given

Formatted: Indent: Left: 3.81 cm, No bullets or numbering

Deleted: ; and

Formatted: Heading 3

Moved (insertion) [11]

Deleted: The Returning Officer must

Formatted: Heading 8

Moved up [12]: <#>The Returning Officer must determine whether an election will be held by physical or digital ballot and ensure that the voting method or platform is included in the final agenda.¶

Formatted: Heading 5, No bullets or numbering

Formatted: Heading 5, No bullets or numbering

Deleted:

Deleted:

Deleted:

Deleted: (

Deleted:)

Deleted:

Division 6 Unopposed candidates

41 Unopposed candidates generally

- (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 must declare the candidates, if any, elected unopposed.
- (2) Further nominations, to fill the remaining positions in the office, must be received from the floor at the general meeting at which the election is held.
- (3) After all new nominations from the floor have been received—
 - (a) 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 must declare the new candidates elected unopposed, except as prescribed in clause (4), and any remaining positions must be left vacant; or
 - (b) otherwise, a ballot for the remaining positions in the office must be held, as prescribed in Division 5.
- (4) If the number of candidates for an office is equal to the number of positions to be filled in that office, the Returning Officer must declare the candidates elected unopposed, except as prescribed in clause 42.

42 Multiple candidates from the same club

- (1) If multiple candidates nominated from the same club are to be declared elected unopposed simultaneously—
 - (a) the attendants may resolve to endorse the election of those candidates; or
 - (b) otherwise, the Returning Officer must hold a ballot to determine which 1 of those candidates will be elected, after which the nominations of the other candidates nominated from that club must be withdrawn by the Returning Officer.

Division 7 Results

43 Counting of votes

- (1) The offices must be elected in the order listed in subclause 7(1).
- (2) Each candidate may appoint 1 attendant as a scrutineer.
- (3) Votes must be counted by the Returning Officer, with assistance from C&S staff members if required, in the presence of any scrutineers appointed under subclause (2).
- (4) A ballot paper that has been completed incorrectly, but on which, in the opinion of the Returning Officer, the intent of the voter is clear, must be counted as if it has been completed correctly.
- (5) Votes must be counted using the Meek method with a Droop quota.

44 Declaration of results

- (1) Upon the calculation of votes, the Returning Officer must—
 - (a) declare the election results as soon as practicable; and
 - (b) inform each candidate of the election results as soon as practicable; and
 - (c) notify all clubs of the election results by written notice as soon as practicable; and

Formatted: Heading 3

Deleted: C

Deleted: sub

Deleted: (4)

Deleted: subclause

Deleted: 32

Deleted: (1)

Moved (insertion) [15]

Deleted: (

Deleted:)

Deleted: sub

Deleted: (4)

Formatted: Heading 5, No bullets or numbering

Moved up [15]: <#>If the number of candidates for an office is equal to the number of positions to be filled in that office, the Returning Officer must declare the candidate(s) elected unopposed, except as prescribed in subclause (4).¹

Deleted: V

Deleted: 6

Formatted: Heading 5, No bullets or numbering

Moved (insertion) [14]

45 Election records

- (1) The Returning Officer must submit all election materials to the MSA Executive Officer, who must retain them for a period of at least 12 months; and
- (2) The MSA Executive Officer must, on request and as soon as practicable, make election materials available for inspection by—
 - (a) candidates or their scrutineers;
 - (b) the Returning Officer;
 - (c) executive members;
 - (d) the MSA Executive Officer or delegate.

Formatted: Heading 5, No bullets or numbering

Moved (insertion) [13]

Formatted: Heading 7

46 Election report

- (1) The Returning Officer must submit a written report, within 14 days of the declaration of results to—
 - (a) the C&S Executive; and
 - (b) the MSA Executive Officer
- (2) The written report must contain—
 - (a) detailing the nominations received for all positions, including any withdrawals and disqualifications; and
 - (b) reasons for any disqualifications or withdrawal of candidates; and
 - (c) results for any elections conducted; and
 - (d) any rulings or decisions made by the Returning Officer when exercising their authorities under this constitution.

Formatted: Heading 5, No bullets or numbering

Division 8 Appeal panels

47 Appeal panels generally

- (1) At least 5 club office-bearers, each from a different club, may 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.
- (2) Appeals must be made by giving a signed notice of appeal to the MSA Executive Officer within 14 days of the declaration of the election results.
- (3) The MSA Executive Officer must convene an appeal panel within 14 days of receipt of such a notice.
- (4) The appeal panel must consist of—
 - (a) the president of the MSA, or their nominee, who must be an office-bearer of the MSA; and
 - (b) an MSA staff member with supervisory responsibilities whose portfolio does not include C&S, nominated by the MSA Executive Officer; and
 - (c) the MSA Executive Officer, or their nominee, who may speak but not vote; and
 - (d) a person employed by the University on a non-casual and non-sessional basis, agreed upon by the other members of the panel and the Returning Officer.

Formatted: Heading 3

Deleted: (

Deleted:)

48 Conduct

- (1) The appeal panel must call for submissions from—

Formatted: Heading 5, No bullets or numbering

- (a) the Returning Officer; and
 - (b) the appellant; and
 - (c) any other person the panel reasonably determines to be an interested party.
- (2) The appeal panel—
- (a) may regulate its own proceedings; but
 - (b) must conduct its meetings in camera.

49 Decision

- (1) The appeal panel, in considering the notice of dissatisfaction with the conduct of the election, may resolve—
- (a) to set aside the election and direct the Executive to convene an EGM for a new election; or
 - (b) that no further action is warranted.
- (2) The appeal panel must give notice of its decision to—
- (a) the appellant; and
 - (b) any other person the panel reasonably determines to be an interested party; and
 - (c) the Returning Officer; and
 - (d) the Executive; and
 - (e) the MSA Executive Officer.
- (3) The decision of the appeal panel is final and binding on all parties.

Formatted: Heading 5, No bullets or numbering

Part 6 Clubs

Division 1 Affiliation

50 Recognition

- (1) A club, society, association or other group of students will be recognised by C&S if its constitution complies with [Division 2](#), and any requirements set out in the C&S Affiliation Regulations, and—
- (a) an application for its recognition is accepted by the Executive; or
 - (b) it maintains its affiliation with C&S—
as prescribed in the C&S Affiliation Regulations.

Deleted: subclauses 37(1)-(2)

Division 2 Constitutions

51 Constitutions generally

- (1) Every club's constitution must contain—
- (a) the club's name; and
 - (b) the club's aims and objectives; and
 - (c) ~~clauses that read—~~
 - (i) ~~“The provisions of this constitution must be construed subject to the constitution of the Clubs & Societies Council.”; and~~
 - (ii) ~~“Where this constitution is inconsistent with the constitution of the Clubs & Societies Council, the latter will prevail, and the former will, to the extent of the inconsistency, be without force or effect.”; and~~
 - (iii) ~~“Where the constitution of the Clubs & Societies Council makes provisions for a matter or thing not otherwise provided for in this constitution, those provisions take effect as if they were contained in this constitution.”.~~
- (2) Every Club's constitution must set out—
- (a) that the club is Not for Profit; and
 - (b) that the annual membership fee for the club, if any, must be set by the club committee and subject to differential pricing as outlined in the C&S Affiliation Regulations; and
 - (c) that a person's membership of the club will 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; and
 - (d) 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; and
 - (e) that ordinary membership of a club must be open to students, except as prescribed in subclauses (5)-(7), who subscribe to the purposes of the club; and

Deleted: a

Deleted: s

Deleted:

Deleted:

Formatted: Heading 9

- (f) that all other persons ineligible for ordinary membership of the club who subscribe to the purposes may be associate members; and
- (g) that associate members of the club will have all the rights of ordinary members, however are not eligible to vote or hold committee positions, except as provided for in subclauses (5)-(8); and
- (h) 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; and
- (i) that honorary life members of the club who are eligible for ordinary membership will have all the rights of ordinary members; and
- (j) that honorary life members of the club who are ineligible for ordinary membership will have all the rights of associate members; and
- (k) that within 7 days of a request, the club secretary must 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 each member's Monash student number (where applicable); and
- (l) that the club secretary must ensure that the register of members is submitted to the C&S Executive in accordance with the C&S Affiliation Regulations, and that the C&S Executive has an up-to-date copy of the register of members; and
- (m) that the club secretary must ensure that all past and current membership records are kept strictly confidential, and that out-of-date membership records are destroyed or de-identified, except as provided in paragraphs (k)-(l); and
- (n) a disciplinary procedure for—
 - (i) reprimanding; or
 - (ii) suspending the membership rights, including the right to stand for election or be a member of the club committee; or
 - (iii) expulsion—of a member by a properly convened disciplinary sub-committee; and
- (o) provisions to facilitate an appeal against the removal of membership rights, which may 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 the disciplinary appeal meeting has been served on the person and they have been given reasonable opportunity to speak to the motion; and
- (p) procedures for handling grievances between members, members and the committee or members and the club; and
- (q) the month of the club annual general meeting and that the annual election for all committee members will be held at the annual general meeting, unless otherwise approved by the Executive; and
- (r) the minimum number of ordinary general meetings of the club to be held each year; and
- (s) that club general meetings must be held—
 - (i) on campus; and
 - (ii) on an academic day; and

- (iii) with no less than 14 days notice—
unless otherwise approved by the Executive; and
- (t) that voting rights must be restricted to ordinary members, who are entitled to vote if—
 - (i) more than <7, 14, 21 or 28> days have passed since they became a member of the club; and
 - (ii) the member's membership rights are not suspended for any reason; and
- (u) 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 must convene an extraordinary general meeting within 30 academic days of the initial request;
- (v) that the quorum for a club general meeting is the presence (physically, by proxy or using technology) of 10 ordinary members entitled to vote, or 10% of the ordinary members entitled to vote up to a maximum of 50, whichever is greater; and
- (w) that the quorum for an adjourned club general meeting is the presence (physically, by proxy or using technology), of 10 ordinary members entitled to vote; and
- (x) a general meeting can be adjourned a maximum of two times before the C&S Executive must review the club's affiliation status, as per C&S Affiliation Regulations; and
- (y) that the committee must ensure that minutes are taken and kept of each club general meeting; and
- (z) that the committee must undertake their role honestly, in good faith and in the best interests of the club, and other requirements in accordance with fiduciary duties; and
- (aa) that the committee must consist of a president, a vice-president, a treasurer, a secretary and <at least one other member>; and
- (bb) that all members of the club committee must be students, except as provided for in subclauses (5)-(8); and
- (cc) the duties of each position on the club committee; and
- (dd) that the annual election for all committee positions must be held at the club annual general meeting, unless otherwise approved by the C&S Executive; and
- (ee) the method of election of the club committee; and
- (ff) that a person is eligible to be elected, be appointed to or hold office as a committee member if the member—
 - (i) is an ordinary member of at least <7, 14, 21 or 28> days; and
 - (ii) is a student, undertaking at least one unit of study at a Victorian campus of the University; and
 - (iii) the member's membership rights suspended for any reason; and
- (gg) that a committee member holds office until the positions of the committee are declared vacant at a specified time, unless they—
 - (i) resign; or
 - (ii) cease to be eligible to hold office; or

- (iii) are removed from office; and
 - (hh) 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 club 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; and
 - (ii) that the club committee may appoint 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 appointment; and
 - (jj) that in the event that the office of the president, vice-president, treasurer or secretary is vacated prior to the conclusion of an ordinary term or is vacant after an election, an EGM must be convened 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, or as otherwise approved by the Executive; and
 - (kk) that the Committee must meet at least 4 times in each half year and the notice requirements; and
 - (ll) that if a committee member fails to attend 3 consecutive committee meetings without leave of absence, as approved by the committee, is deemed to have resigned; and
 - (mm) 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; and
 - (nn) that the club secretary and committee must ensure that minutes are taken and kept of each committee meeting; and
 - (oo) that subject to any restrictions imposed by a general meeting of the club, the committee approve expenditure on behalf of the club; and
 - (pp) that only the president, vice-president, treasurer and secretary may be signatories to any bank accounts held in the club's name; and
 - (qq) that all assets are the property of the Clubs & Societies Council and will be seized upon disaffiliation; and
 - (rr) that it may be amended if not less than two thirds of the ordinary members present at a club general meeting vote in favour of the proposed amendments provided that the Executive has first approved the sought amendments and 14 days written notice of the proposed amendments are served on all club members; and
 - (ss) provisions regarding the appointment of proxies for club general meetings and that proxies are considered to be present at club general meetings; and
 - (tt) that people are considered to have attended committee meetings and club general meetings if they are able to clearly and simultaneously communicate with members present via the use of technology.
- (3) Under 51(1)(c) the following provisions are taken to be inserted into the Rules or Constitutions (however described) of all affiliated Clubs and apply despite any provision in the Rules or Constitution to the contrary—

Deleted: 37

- (a) ~~“General meetings may be held entirely by videoconference or teleconference, provided each member participating is able to communicate clearly and simultaneously with every other such member. all ordinary members participating in a general meeting held by videoconference or teleconference are taken to be present at the meeting and, if the members vote at the meeting, are taken to have voted in person”;~~ and
 - (b) ~~“For the purposes of 51(2)(ss), members are not permitted to vote by proxy at a general meeting held entirely by videoconference or teleconference”;~~ and
 - (c) ~~“For the purposes of 51(2)(mm), a club committee member holding office may participate in the meeting by use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other”;~~ and
 - (d) ~~“For the purposes of 51(3)(b), a club committee member holding office participating in a club committee meeting as permitted under 51(3)(c) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person”;~~ and
 - (e) ~~“Committee meetings may be held entirely by videoconference or teleconference, provided each committee member participating is able to communicate clearly and simultaneously with every other such committee member”;~~ and
 - (f) ~~“For the purposes of 51(3)(d), all committee members holding office participating in a club committee meeting as permitted under 51(3)(e) are taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person”;~~ and
 - (g) ~~“The Clubs & Societies Executive has power to convene a general meeting of the club”;~~ and
 - (h) ~~“The club may raise funds and collect goods for donation to—
 - (i) ~~charities registered with the Australian Charities and Not-for-profits Commission; or~~
 - (ii) ~~where approved by the C&S Executive, international charities— provided that only those funds raised and goods collected for donation are given to the charity.”;~~ and~~
 - (i) ~~“In this constitution or it’s schedules a period of notice of a meeting expressed in days—
 - (i) ~~does not include the day on which notice is given; but~~
 - (ii) ~~includes the day on which the meeting is held”.~~~~
- (4) For incorporated clubs, where a requirement under subclause (2) is inconsistent with any applicable requirements under Victorian law, the latter will prevail, and the former will, to the extent of the inconsistency, be without force or effect.
 - (5) A club designated by the Executive as an Academic club may restrict ordinary membership to students—
 - (a) enrolled in at least 1 unit of study administered through a specified faculty, school or department of the University; or
 - (b) enrolled in a specified course(s) of study at the University.
 - (6) A Club designated by the Executive as a Halls of Residence club may restrict ordinary membership to students who are residents of the hall.
 - (7) Subject to any conditions and restrictions prescribed in the C&S Affiliation Regulations, a club may, with prior approval of the C&S Executive—

Deleted: g

Deleted: f

Deleted: 37

Deleted: f

Deleted: 37

Deleted: f

Deleted: 37

Deleted: 37

Deleted: c

Deleted: f

Deleted: 37

Deleted: 37

Formatted: Heading 9

- (a) extend eligibility for ordinary membership to persons enrolled in a specified course(s) of study at the University, irrespective of campus; or
 - (b) 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; or
 - (c) extend eligibility to hold, or be elected to, any position on the club committee to persons who are currently enrolled in a course at Clayton campus, but may be offshore for an exchange program, for a period not exceeding 2 months of a 12-month term of office.
- (8) Where, in addition to at least 5 ordinary positions, there are non-voting positions on a club committee, they may be open to any member of the club.
- (9) Upon request and in exceptional circumstances, the Executive may waive one or more of the clauses listed in subclause (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 subclause (4).

Division 3 Disaffiliation

52 Disaffiliation generally

- (1) When a club is disaffiliated—
- (a) it will no longer be recognised by C&S; and
 - (b) its assets will be seized by, or on behalf of, the Executive, and will become the property of C&S, except as prescribed in clause 53; and
 - (c) any bank accounts held in its name must be closed by, or on behalf of, the Executive; and
 - (d) the Executive must take steps to cancel that club's registrations with, if applicable, each of—
 - (i) the Australian Taxation Office; and
 - (ii) the Australian Charities and Not-for-profits Commission and
 - (iii) the Victorian Registrar of Incorporated Associations; and
 - (e) any application to start a new club with purposes that are substantially similar to the purposes of the disaffiliated club, received by the Executive within 1 year of the disaffiliation, must be rejected.

Moved (insertion) [6]

Deleted: sub

Deleted: (2)

Deleted: and provided for in subclause (3)

Deleted: (

Deleted:)

Deleted:

Formatted: Heading 9

Deleted: ,

Deleted: i

Deleted: a

53 Distribution of assets

- (1) Where, in order of priority—
- (a) the constitution of a club; or
 - (b) a written agreement between a club and the Executive—
- sets out that, in the event of that club's disaffiliation or winding up, certain specified assets will be distributed to bodies or persons other than C&S, such distribution arrangements must be honoured by the Executive.
- (2) Where a request is made, by signed notice to the Executive, for a reasonable alternative distribution of some or all of a disaffiliated club's assets, the Executive may, in its absolute discretion, accept or reject the request.

Formatted: Heading 5, No bullets or numbering

Deleted: , following its seizure of that club's assets in accordance with subclause (1)

54 Maintaining external registrations

(1) Where a request is made by an office-bearer of a disaffiliated club, by signed notice to the Executive, not to cancel that club's registrations with the Australian Taxation Office, Australian Charities and Not-for-profits Commission and Registrar of incorporated associations, the Executive may accept the request.

(2) Where a disaffiliated club—

(a) remains registered with any of—

(i) the ~~Australian Taxation Office~~; or

(ii) the ~~Australian Charities and Not-for-profits Commission~~; or

(iii) the ~~Victorian Registrar of Incorporated Associations~~; or

(b) retains its bank accounts—

that club's name must be amended to exclude the terms "Monash", "University", "Uni" and "MSA" and the amended name must be updated on that club's registrations and accounts.

Formatted: Heading 5

Deleted:

Formatted: Font: Italic

Deleted: ,

Deleted:

Deleted: *i*

Deleted: *a*

Formatted: Heading 9

Part 7 Misconduct

55 Misconduct by clubs

- (1) A club is guilty of misconduct if—
- (a) it fails to maintain its affiliation as prescribed in the C&S Affiliation Regulations; or
- (b) it, or at least 1 of its representatives, acts in breach of—
- (i) the club's constitution or its schedules; or
- (ii) this Constitution or its schedules; or
- (iii) the MSA constitution; or
- (iv) the Statutes, Regulations or other rules of the University; or
- (v) the fiduciary or statutory duties owed to the club's members; or
- (c) it, or at least 1 of its representatives, engages in conduct that is—
- (i) racist, sexist, queerphobic, transphobic, ableist, militaristic; or
- (ii) or otherwise unbecoming a member; or
- (iii) prejudicial to the interests, of C&S; or
- (d) it incurs a debt when there are reasonable grounds to expect that the club will not be able to repay all its debts; or
- (e) it fails to be represented at any general meeting; or
- (f) it fails to act on a directive from the Executive or C&S.
- (2) Schedules to this constitution may prescribe penalties for specific breaches of this constitution or the schedule itself.
- (3) Where a prescribed act of misconduct has an associated prescribed penalty, such a prescribed penalty must be imposed on an offending club by the Executive.
- (4) Where the Executive imposes upon a club a prescribed penalty in accordance with subclause (3), the President must give a signed notice to 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 subclauses (5)-(6).
- (5) If, within 10 academic days of a prescribed penalty notice being given to a club, other than for a reprimand, that club gives a written notice to the Executive stating that it objects to the prescribed penalty notice, that notice ceases to have any force or effect.
- (6) Where a prescribed penalty notice ceases to have any force or effect in accordance with subclause (5), the Executive may resolve to either—
- (a) take no further action; or
- (b) impose an alternative penalty of any combination of paragraphs 56(8)(a)-(d) which may be further appealed; or
- (c) direct the club to attend a misconduct hearing under subclause 56(1).
- (7) Where a club appeals an alternative penalty under paragraph (6)(b), the C&S Executive must convene a misconduct hearing.

56 Misconduct hearings

- (1) If the Executive forms the view that a club may be guilty of misconduct, it may, by an absolute majority, resolve to direct the club to attend a misconduct hearing.

Deleted: ,

Deleted:

Deleted:

Deleted: R

Formatted: Heading 9

Deleted: Note: Schedules and regulations form part of the constitutions of clubs, C&S and the MSA.

Deleted:

Deleted: ,

Deleted: ,

Deleted:

Formatted: Heading 9

Deleted: —
prescribe additional acts of misconduct; or
prescribe penalties for acts of misconduct

Deleted: President

Deleted: 39

- (2) A misconduct hearing must be held—
 - (a) on an Academic Day, unless otherwise agreed to by the club; and
 - (b) on the Clayton campus or, in exceptional circumstances, by means of technology.
- (3) The Executive must give at least 14 days written notice of a misconduct hearing, including the time, date and location of the hearing, on—
 - (a) the club it concerns, in accordance with subclause (2); and
 - (b) any representatives of the club which the Executive reasonably believes could face the penalty listed in paragraph (8)(g).
- (4) At a misconduct hearing, the Executive will act as a misconduct tribunal and—
 - (a) must permit evidence to be given orally and in writing; and
 - (b) must act according to fairness and good conscience and the substantial merits of the case, without regard to technicalities or legal forms; and
 - (c) must give the club directed to the hearing and any representatives who are given notice under subclause (3) a reasonable opportunity to be heard; and
 - (d) is not bound to conduct any proceeding in a formal manner; and
 - (e) must hear and determine the matter as quickly as is consistent with the requirements of fairness.
- (5) A person or club must 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.
- (6) For the exclusive purposes of subclauses ~~18(4)-(9)~~, and subject to subclauses (3)-(4), a misconduct hearing must be conducted in the same manner as an Executive Meeting.
- (7) If, at the scheduled start of a misconduct hearing, a quorum is not achieved, the hearing may—
 - (a) wait for no longer than 15 minutes to reach quorum; or
 - (b) 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
 - (c) 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.
- (8) 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—
 - (a) reprimanding the club or 1 or more of its representatives; or
 - (b) directing the club to apologise for its behaviour, in a method determined by the Executive; or
 - (c) directing 1 or more of the club's representatives to undertake training as determined by the Executive; or
 - (d) directing the club to submit confirmed minutes of committee meetings for a specified period of time; or
 - (e) directing the club to repay the cost of any property damage that has occurred due to the misconduct; or

Deleted: 17

- (f) restricting the club's eligibility to hold specified types of events for a specified period of time; or
 - (g) 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; or
 - (h) restricting or removing the club's access to services provided by C&S;
 - (i) 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; or
 - (j) altering the club's affiliation status, for a specified period of time not exceeding 24 academic weeks, or in exceptional circumstances, 48 academic weeks; or
 - (k) disaffiliating the club.
- (9) Where the Executive, resolves to impose a penalty on a club, the President must give a signed notice of the penalty to the club, which must include —
- (a) the penalty imposed; and
 - (b) the duration of the penalty and
 - (c) the reasons for the imposition, on the club.
- (10) Where a penalty removes a person's eligibility to hold, or be nominated for, office in any club, the President must give a signed notice of the ineligibility, the duration of the ineligibility, and the reasons for the ineligibility, to that person.
- (11) If, within 10 academic days of being given a penalty notice, other than for a reprimand, a club gives a written notice of appeal to the Executive, stating objection to the penalty—
- (a) the notice of appeal operates 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
 - (b) the appeal must, subject to subclause 57(1) and other notice requirements, be heard at the next scheduled OGM or EGM.
- (12) If, within 10 academic days of being given an ineligibility notice, a person gives a written notice of appeal to the Executive, stating objection to the ineligibility, the appeal must, subject to subclause 57(1), be heard at the next scheduled OGM or EGM.

Deleted: President

Deleted: 40

Deleted: President

Deleted: 40

57 Misconduct appeal hearings

Deleted: A

Deleted: H

- (1) The Executive must give at least 14 days written notice of a misconduct appeal hearing to the appellant and any representatives of the club which the Executive reasonably believes could face the penalty listed in paragraph (8)(g), stating the general meeting at which the appeal will be heard, provided that notice of the general meeting has been given as prescribed in clause 21.
- (2) Subject to subclauses (3)-(6), a misconduct appeal hearing must be conducted in the manner determined by C&S at the general meeting during which the appeal is heard.
- (3) At a misconduct appeal hearing, C&S acts as an appeal tribunal and—
 - (a) must permit evidence to be given orally and in writing; and
 - (b) must act according to fairness and good conscience and the substantial merits of the case, without regard to technicalities or legal forms; and
 - (c) must give the appellant a reasonable opportunity to be heard; and

- (d) must give the Executive a reasonable opportunity to be heard; and
 - (e) is not bound to conduct any proceeding in a formal manner; and
 - (f) must hear and determine the matter as quickly as is consistent with the requirements of fairness.
- (4) At a general meeting where a misconduct appeal is heard, a person—
- (a) elected by and from the attendants; and
 - (b) who is not an executive member; and
 - (c) who is not the appellant, if the appellant is a person; and
 - (d) who is not a member of the appellant, if the appellant is a club—
- may preside as chair for the duration of the misconduct appeal hearing.
- (5) At a misconduct appeal hearing—
- (a) each executive member; and
 - (b) the appellant, if the appellant is an attendant; and
 - (c) the appellant's representative, if the appellant is a club—
- must abstain from voting on any resolution, and have the abstention noted.
- (6) A misconduct appeal hearing must proceed as a hearing de novo.
- (7) The appellant must 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.
- (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—
- (a) reprimanding the appellant or 1 or more of its representatives; or
 - (b) directing the appellant to apologise for its behaviour, in a method determined by C&S; or
 - (c) directing 1 or more of the appellant's representatives to undertake training as determined by C&S; or
 - (d) directing the club to submit minutes of committee meetings for a specified period of time; or
 - (e) directing the club to repay the cost of any property damage that has occurred due to the misconduct; or
 - (f) restricting the club's eligibility to hold specified types of events for a specified period of time; or
 - (g) 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; or
 - (h) restricting or removing the appellant's access to services provided by C&S; or
 - (i) 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; or
 - (j) altering the appellant's affiliation status, for a specified period of time not exceeding 24 academic weeks, or in exceptional circumstances 48 academic weeks; or

- (k) disaffiliating the appellant.
- (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.
- (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 must 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.

Moved up [6]: <#>Disaffiliation¶

When a club is disaffiliated—¶
it will no longer be recognised by C&S; and¶
its assets will be seized by, or on behalf of, the Executive, and will become the property of C&S, except as prescribed in subclause (2) and provided for in subclause (3); and¶
any bank accounts held in its name must be closed by, or on behalf of, the Executive; and¶
the Executive must take steps to cancel that club's registration(s) with the Australian Taxation Office, Australian Charities and Not-for-profits Commission and Registrar of incorporated associations; and¶
any application to start a new club with purposes that are substantially similar to the purposes of the disaffiliated club, received by the Executive within 1 year of the disaffiliation, must be rejected. ¶
Where, in order of priority—¶
the constitution of a club; or¶
a written agreement between a club and the Executive—¶
disaffiliation, certain specified assets will be distributed to bodies or persons other than C&S, such distribution arrangements must be honoured by the Executive, following its seizure of that club's assets in accordance with subclause (1).¶
Where a request is made, by signed notice to the Executive, for a reasonable alternative distribution of some or all of a disaffiliated club's assets, the Executive may, in its absolute discretion, accept or reject the request.¶
office-bearer of a disaffiliated club, by signed notice to the Executive, not to cancel that club's registrations with the Australian Taxation Office, Australian Charities and Not-for-profits Commission and Registrar of incorporated associations, the Executive may accept the request.¶
remains registered with the Australian Taxation Office, Australian Charities and Not-for-profits Commission or Registrar of incorporated associations; or¶
retains its bank accounts—¶
that club's name must be amended to exclude the terms "Monash", "University", "Uni" and "MSA" and the amended name must be updated on that club's registrations and accounts.¶

Appendix 1 Jurisdiction

Whereas—

1. the University Statute permits the University Council to make regulations; and
2. Part 9 of the Monash University (Council) Regulations permits the University Council to recognise associations of students; and
3. Schedule 1 of the Monash University (Council) Regulations specifies the MSA as a recognised association; and
4. clause 7 of the MSA constitution includes C&S as a division; and
5. clause 8 of that constitution recognises C&S as the body within MSA that represents clubs and societies; and
6. clause 9 of that constitution recognises that divisions do not require the approval of MSA to amend their constitutions; and
7. MSC first approved a constitution for C&S on 5 March 1969; and
8. MSC revoked the 1969 constitution and replaced it with the constitution approved by C&S on 31 May 1996; and
9. C&S hereby revokes the 1996 constitution and, in its place, approves the constitution set out herein, on this day, 29 August 2006.

Appendix 2 Document history

Date	Description	Approving Body	Meeting
29 August 2006	Adoption of 2006 Constitution and Schedules.	Council	3/06
22 January 2007	<i>Amended Affiliation Regulations & Finance Regulations.</i>	Executive	2/07
19 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
8 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 favour Victorian law over requirements	Council	2/07
21 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 and Information Technology Policy.</i>	Council	3/07
4 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
27 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
19 February 2009	Reduced number of 'Culture Card' holders a new club need before affiliation.	Executive	02/09

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
18 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
23 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 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 October 2011	Adoption of Electronic Register (Tills) Procedures Policy	Council	3/11
13 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 can direct clubs to submit Minutes of committee meetings for a specified period of time.	Council	2/12
13 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

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
13 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 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 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 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) - Inserted Section 2.4 to outline Manual Receipting procedures - Inserted Section 2.5 to outline Online Receipting procedures	Executive	1/14
30 January 2014	Amended <i>Grants Regulations</i> to include: - 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

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
5 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 and Office Bearer elections, and associated prescribed penalties for lateness. - Various insubstantial amendments to wording. 	Executive	1/15
5 February 2015	<p>Amended <i>Grants Regulations</i> to insert:</p> <ul style="list-style-type: none"> - 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 February 2015	<p>Amended <i>Finance Regulations</i> to update:</p> <ul style="list-style-type: none"> - s2.2.1 that the club cheque account must be held at a bank located on Clayton campus 	Executive	1/15

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
16 February 2016	<p>Amended <i>Affiliation Regulations</i> to include:</p> <ul style="list-style-type: none"> - 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

Constitution of the Clubs & Societies Council

<p>20 October 2016</p>	<ul style="list-style-type: none"> - 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. - 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, ablest 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. 	<p>Council</p>	<p>3/16</p>
------------------------	--	----------------	-------------

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
25 January 2018	<p>Amended <i>Finance Regulations</i> to insert s2.2.2.</p> <ul style="list-style-type: none"> - 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. 	Executive	1/18

Constitution of the Clubs & Societies Council

<p>4 September 2018</p>	<ul style="list-style-type: none"> - 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. - 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>Council</p>	<p>3/18</p>
-------------------------	---	----------------	-------------

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
14 February 2019	<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 from the C&S Executive to draw a bank cheque. - 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. 	Executive	3/19

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
19 February 2019	<ul style="list-style-type: none"> - Replaced all references to club 'Aims and Objectives' with 'Purposes'. - Updated URL for Club Portal. - Amended 2.1.1(ii) to specify that new club Applicant groups must attach written responses to the selection criteria with their application. - Amended 2.1.1(iii) to enable both the Vice President and/or Development Officer (DO) to direct an Applicant group to revise their application as deemed necessary. - Updated s2.1.3 to set out that the online training module "Committees 101" or C&S approved equivalent must be completed by President, Vice President and Secretary. - Amended 2.2.2. to specify that every member of the new club Applicant Group must submit in person at one appointment during Week 2. - Amended wording and added further restrictions for proposed new clubs: cannot have activities that are not covered by Monash University public liability insurance; cannot have activities that will not function primarily as an on campus community; has activities that are controlled or substantially influenced by an external organisation which may detract from student governance; and cannot have a name which does not reflect its purposes. - Added s2.2.6. which specifies that a new club application categorised as a political club may have purposes similar to an existing political club, but must demonstrate that the new club will a) service a distinct student demographic and b) show that at least 80% of student names collected on the signed Expression of Interest forms are not current members of that existing political club. - Added s3.2.5 to clarify how annual club registration documents must be assessed where a club is affiliated under the s2.2.6. clause. - Various insubstantial amendments to wording and corrected cross references. 	Executive	4/19

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
5 September 2019	<ul style="list-style-type: none"> - Agenda items for General Meetings may be added by C&S member amended from 'at least 72 hours' to 'by 3.00pm four academic days prior' in s4.1.2. - Amended s4.5.11 to include that a club President's proxy must also be entitled to vote as an ordinary member in that President's club. - Added new s4.5.18, s4.5.19, s4.5.20 and s4.5.21 clauses to set out Attendant behaviour expectations and consequences at General Meetings. - Amended s5.2.6(viii) to rule that the Returning Officer, in their absolute discretion, determines the equal duration of speaking time for election candidates, the maximum number of questions (at least two) that each candidate may be asked, and for these decisions to be included in the final agenda for a General Meeting. - Delivery of nominations from a candidate for election as a C&S Office Bearer due to the Returning Officer amended from 'at least 72 hours' prior to the scheduled start' to 'by 3.00pm four academic days' prior' in s5.4.2(vi) - s5.4.3 amended to 'by 3.00pm four academic days' prior' to the scheduled start of the General Meeting as the deadline to submit a policy document by an election candidate. - Amended 'signed notice' to 'written notice' as an acceptable communication medium to lodge a club appeal in s7.1.4, s7.2.10 and s7.2.11. 	Council	2/19

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
6 March 2020	<p>Amended <i>Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Replaced 'C&S Development Officer' with 'C&S Coordinator'. - Amended s2.1.1. so that the 'C&S Coordinator is the first point of contact for Applicant Groups and removing the possibility of the C&S Vice President having a conflict of interest by assisting some and not all Applicant Groups. - Replaced 'MSA Card' with 'MSA Rewards'. - Added new s2.1.2 and s2.1.3 to include Executive code of conduct – being bound by confidentiality and conflict of interest provisions. - Stipulated that a club bank account must be held at a bank located on Clayton campus. - Club Treasurer must 'register and attend' a Treasurer workshop. - Added new s2.2.7 which sets out that a new club which may be reasonably perceived to have purposes similar to an existing club requires the Executive to fully determine the extent of the similarity. - Added new s2.2.14 to exclude a C&S office bearer from being eligible to hold any position in that club until the end of that club's first annual general meeting. 	Executive	6/20
2 June 2020	<ul style="list-style-type: none"> - Added a new Part 8. This part includes temporary changes to adapt to the COVID-19 pandemic and includes flexible provisions for online meetings, eligibility to hold office past elected term and co-option. 	Council	1/20
7 August 2020	<p>Amended <i>Finance Regulations</i></p> <ul style="list-style-type: none"> - Added a new Part 4. This part includes temporary changes to adapt to the COVID-19 pandemic and includes operational clauses to update bank signatories and compassionate clauses to give clemency to clubs facing audit misconduct and prescribed penalties. 	Executive	14/20

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
10 February 2021	<p><i>Amended Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Added a new Part 5. This part includes temporary changes to adapt to the COVID-19 pandemic and includes operational clauses to waive a club's requirement to provide evidence of at least 4 activities in pursuit of the club's purposes in 2020 for 2021 registration, and provisions to grant reasonable extensions for late submission of club documents. 	Executive	2/21
12 May 2021	<ul style="list-style-type: none"> - Added definitions in Part 1 to include 'Executive-Elect', 'Executive-Member Elect', and 'Handover'. - Defined the duties of Executive-Elect members. - Redefined the term of office for outgoing C&S Office Bearers (ending 31 October) and that the incoming C&S Office Bearers occupy a position on the Executive-Elect from 1 October to enable handover, and that their term of office officially commences on 1 November. - Added clauses that each member of the Executive-Elect shall be ex-officio members and defined their rights at Executive meetings. 	Council	1/2021
1 September 2021	<ul style="list-style-type: none"> - Added new s3.6.17 and s4.5.4 that Executive meetings and General Meetings may be held entirely by videoconference or teleconference. - Added new s5.3.2(vii) so that notice of a General Meeting which has elections, includes whether the election will be held in person or by videoconference or teleconference. - Added new s5.4.4. requiring the Returning Officer to authorise and approve all policy documents received in an election. - Added a new s6.2.3 to include provisions that are taken to be inserted into the Rules or Constitutions of all affiliated clubs to allow committee meetings and General meetings to be held entirely by videoconference or teleconference and how voting is counted. 	Council	2/2021

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
27 October 2021	<p><i>Amended Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Updated definition of 'Club Portal' to 'Club Payment Platform'. - Changed notice of IGM from 10 academic days to 14 calendar days. - Removed requirement for a new club to open a bank account with a branch located on Clayton campus due to all branches closed. - Updated s2.2.8 and s3.2.5 so that new clubs and affiliated clubs deemed to have similar purposes are required to have a certain percentage of unique memberships. 	Executive	22/2021
7 February 2022	<p><i>Amended Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Updated references to 'MSA subscriber' to 'MSA+ Rewards member'. 	Executive	2/2022
7 September 2022	<ul style="list-style-type: none"> - Inserted s1.1.1.(iv) to define 'ballot paper' to mean a paper or electronic voting method to count votes. - Updated a role descriptor for Vice President in s2.4.5. Removed the duty that they 'assist and liaise with students applying to start new clubs, in conjunction with C&S staff members', and replaced with 'assist and liaise with newly affiliated clubs to provide support and guidance'. - Amended s5.2.6.(vi) so that each ballot paper can be initialled or verified. - Amended s5.4.2(ii) to replace 's/he is' with 'they are'. - Amended s5.5.5 to replace 'on' with 'to'. - Inserted s6.2.3.(ii) For the purposes of s6.2.2(xliii), members are not permitted to vote by proxy at a general meeting held entirely by videoconference or teleconference. - Inserted new clause s6.2.7(iii) extend eligibility to hold, or be elected to, any position on the club committee to persons who are currently enrolled in a course at Clayton campus, but may be offshore for an exchange program, for a period not exceeding 2 months of a 12 month term of office. - Removed Part 8 temporary provisions – now lapsed. 	Council	2/2022

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
6 September 2023	<ul style="list-style-type: none"> - Amended 2.4.5.(iv) to update Vice President duties - Amended 2.5 to replace the terms 'co-opt', 'co-option', 'co-opted' to 'appoint', 'appointment' and 'appointed', where applicable, replaced 2.5 Heading name to 'Filling Vacancies', and clarified that an appointment concludes at the beginning of the next General Meeting. - Amended 4.5 to clarify voting entitlement of a C&S Office Bearer. - Amended 6.2.2.(xiii) to clarify the responsibility of Secretary in the handling of membership records. - Amended 6.2.2.(xxii) to reduce quorum requirements from 15 to 10 ordinary members entitled to vote at general meetings and clarifying adjournment limits. - Amended 6.2.2.(xxxiv) to provide flexibility to the C&S Executive to extend the 20 academic day election requirement for a Top 4 vacancy. 	Council	3/2023
4 December 2023	<p>Amended <i>Grants Regulations</i></p> <ul style="list-style-type: none"> - Inserted 3.1.4. The Treasurer may at their discretion appoint either the President, Vice President or Secretary to process a grant detailed in §3.3.1. 	Executive	30/2023
16 February 2024	<p>Amended <i>Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Replaced references to club 'registration' to club 'affiliation' or 're-affiliation', as applicable. - Amended §3.1.2 to enable club's requesting an exemption from holding at least 4 activities in pursuit of the club's purposes to be granted by the C&S Executive, at their discretion. - Deleted §3.1.4. requiring handwritten information, except signatures, on official forms to be legible and written in Latin script. - Added Part 4 Memberships to define annual membership fees, differential pricing and use of membership platform. - Various insubstantial amendments to wording and corrected numbering cross references 	Executive	4/2024

<p>18 March 2024</p>	<p>Amended <i>Finance Regulations</i></p> <ul style="list-style-type: none"> - Updated definitions to replace the term 'Audit' with 'Financial Review' and related terminology throughout the document. - Added definition for ATO – Australian Tax Office. - Inserted or amended requirements in Part 2 that clubs keep financial records prescribed by the Australian Accounting Standards and Taxation Law; safely secure and bank cash income; clarified role of Treasurer and committee; adhere to ATO legal obligations; be accountable and follow due diligence with financial contracts; and be liable for any debts incurred. - Amended 2.2 to remove restriction to operate a bank account held at a branch located on Clayton campus to a C&S approved financial institution; clarified club office bearers who may be signatories; added signatories must not authorise payments or reimburse to themselves; clarified how clubs receive money and make payments form bank account, including not withdrawing cash or use a debit card. - Removed 2.3 Differential Pricing to <i>Affiliation Regulations</i> and moved 'Receipting' up to 2.3. - Amended and updated clauses about receipting income; removed ticket stubs being allowed; use of C&S receipt book in limited circumstances; electronic receipting methods; and how to receipt cash. - Amended Part 3 to clarify Financial Review submission and deadlines; due 23.59 on the Tuesday of the second week of classes in semester; increased requirement from 1 month to 2 months for C&S to provide Financial Records Package to clubs; and updated requirement that where clubs are externally audited, they must submit a copy of each report to both C&S Treasurer and C&S Coordinator. - Amended 3.2 'Financial Review Process' to define that the Financial Reviewer must assess club submissions independently from the C&S Executive, according to the Financial Review Matrix - which must also be made available to clubs. - Amended 3.3 'Financial Review Results' to remove QP(1) and QP(2) grading and replace with Qualified Pass (QP); clarified when a Full Pass, Qualified Pass or Fail will be awarded. 	<p>Executive</p>	<p>9/2024</p>
----------------------	--	------------------	---------------

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
	<ul style="list-style-type: none"> - Amended 3.4 'Financial Review Misconduct' to adjust prescribed penalties whereby a result other than a Full Pass has been awarded, and taking the results of the last two Financial Review periods into account; added a Schedule of Penalties in Part 5 to set out these prescribed penalties. - Added Part 4 Transitional requirements to account for adjusted prescribed penalties in 3.4., specific to Financial Year 2023/2024 only. 		
27 August 2024	<p>Amended <i>Affiliation Regulations</i></p> <ul style="list-style-type: none"> - Reformatted to 5 Parts – Preliminary, New Clubs, Affiliation, Memberships, and General. - Introduced Part 2 and 3 to provide an overview/simplified outline. - Regulations redrafted to be clearer and more precise, especially new club process, submission dates, assessment of club documents and prescribed penalties. - Added Schedule 1 for Reaffiliation Penalties - Added Schedule 2 for Standing Delegations - Added Schedule 3 for transitional provisions and end date of 1 January, 2026. 	Executive	26/2024
6 August 2025	<p>Removed <i>Electronic Register Procedures Policy</i> as a Schedule in favour of cashless Point of Sale (POS) systems.</p>	Executive	24/2025
10 September 2025	<p>Added <i>Expenditure Regulations</i> as a Schedule to set out allowable expenditure for operational purposes without prior authorisation at an Executive meeting.</p>	Executive	27/2025

<p>8 September 2025, and 15 September 2025</p>	<p>Amended entire document (Part 1-Part 7):</p> <p>Reformat with new layout and numbering system</p> <p>Update and fix cross references to rule numbers</p> <p>Insubstantial wording and grammar corrections</p> <p>Fix capitalization, as appropriate</p> <p>Update suffixes as appropriate</p> <p>References to Club 'Registration' amended to Club 'Reaffiliation' and 'Deregistration' to 'Disaffiliation'</p> <p>Alter all votes needed to pass a resolution from two thirds (2/3) to three quarters (3/4) at a general meeting</p> <p>Replace 'shall' with 'must', 'may', or 'will be' as appropriate</p> <p>Swap list order of C&S Office Bearers so that Secretary is before Treasurer</p> <p>Replace the terms 'videoconference' and 'teleconference' with 'use of technology'</p> <p>Replace the terms 'call' and 'called' with 'convene' and 'convened'</p> <p>Amend Part 1:</p> <p>Remove definitions for 'ballot paper', 'continuing candidate', 'handover', 'prescribed', 'public notice', and 'oral notice'.</p> <p>Update/amend definitions for 'academic day', 'attendant', 'C&S Manager' renamed to 'MSA Executive Officer', 'C&S Staff Member', Signed Notice, and Written Notice.</p> <p>Add MSA Registration Number, and insert—</p> <p>(3) The headings form part of this constitution.</p> <p>(4) The Executive is responsible for the interpretation of this constitution and its schedules.</p> <p>(5) In this constitution a period of notice of a meeting expressed in days—</p> <p>(a) does not include the day on which notice is given; but</p> <p>(b) includes the day on which the meeting is held.</p> <p>Move entire section to be Schedule 1 in new Appendix section</p>	<p>Council</p>	<p>2/2025</p>
--	---	----------------	---------------

	<p>Add that amendments to the constitution and its Schedules must be noted in the new Appendix section</p> <p>Move entire 1.4.7 section (Document History) to be Schedule 2 in the new Appendix section</p> <p>Amend Part 2:</p> <p>remove 'Existence', replace 'Aims & Objectives' with 'Purposes', and include that the purpose of C&S is to 'advance the education of students'</p> <p>Set out general duties for all C&S Office Bearers, adding 'assist MSA and C&S Orientation activities'; 'support the governance of clubs as appropriate' and 'fulfil the specific duties of their office'.</p> <p>Clarify Vice President role to support new clubs is for the period 'during their first 12 months of affiliation'.</p> <p>Add to Secretary duties 'ensure that clubs are informed of relevant issues discussed, and resolutions made, by the Executive, in a timely manner'.</p> <p>Add to Treasurer duties 'submit reports to executive meetings, as appropriate' and 'submit bi-annual reports to the AGM and OGM'.</p> <p>Add to Executive-Elect duties 'become familiar with the C&S constitution and its schedules'.</p> <p>Insert an exception in a C&S Office Bearer's term of office that 'a person elected as President, Vice President, Secretary or Treasurer at an AGM holds office—</p> <p>(a) if position is vacant at the time of the AGM, commencing immediately following end of the AGM; or</p> <p>(b) if the position becomes vacant after the AGM, commencing when the position becomes vacant.</p> <p>Move rules regarding ceasing to hold office to a new 'Vacancies' section, including Filling Vacancies.</p> <p>Add 'cease to be enrolled in at least one unit of study at a Victorian campus of the University' as another reason a C&S Office Bearer shall cease to hold office.</p> <p>Alter eligibility to be appointed to fill a vacant position from 'on the day' to 'at the time' of appointment.</p> <p>Alter the appointment period concluding from 'beginning' to the 'end' of the General Meeting and same for the appointment of a General</p>		
--	--	--	--

	<p>Representative to the position of President, Vice President, Secretary or Treasurer.</p> <p>Amend Part 3:</p> <p>Delete clause 3.1 Existence</p> <p>Move 3.2 Governing Body clause under heading 'Functions and Powers'</p> <p>Change heading 'Members' to 'Voting Members'</p> <p>Replace 'recognise' groups with 'affiliate' groups</p> <p>Expand function to 'oversee' the activities of Clubs to 'oversee and regulate'</p> <p>Add new section 'Delegation' —</p> <p>(1) The Executive may, by an absolute majority—</p> <p>(a) establish committees or subcommittees with such membership and terms of reference as it thinks appropriate; and</p> <p>(b) delegate its responsibilities and powers as it thinks appropriate.</p> <p>(2) A body to which or person to whom a responsibility or power is delegated must not delegate that responsibility or power further.</p> <p>(3) The Executive must not delegate its powers—</p> <p>(a) to affiliate groups of students as clubs; or</p> <p>(b) to direct a club to a misconduct hearing; or</p> <p>(c) to impose any misconduct penalty on a club; or</p> <p>(d) to add, amend or remove schedules under subclause 3(2); or</p> <p>(e) to interpret this constitution and the regulations under subclause 1(4).</p> <p>Add heading 'Supremacy of Council' with existing clauses about when a resolution of the Executive is inconsistent with a resolution of C&S under this section.</p> <p>Increase minimum number of Executive Meetings from '4' to '6'</p> <p>Replace 'at least 2 days notice' with 'by the fastest means practicable' for urgent meeting notice</p> <p>Add 'The Executive may adopt Standing Orders for the conduct of Executive Meetings'</p>		
--	--	--	--

Constitution of the Clubs & Societies Council

	<p>Adjust/amend quorum requirement from the number '5' to 'a majority of executive members' with further definition that—</p> <p>(9) Executive members who are unable to be present at the meeting because—</p> <p>(a) of a conflict of interest; or</p> <p>(b) because they are on an approved leave of absence—</p> <p>are not counted in determining quorum.</p> <p>Adjust quorum as not being achieved from '20' minutes after the scheduled start to '15' minutes</p> <p>Add 'Executive meetings may only proceed in camera by a resolution passed by an absolute majority and in accordance with subclause 29(5) of the MSA Constitution'</p> <p>Remove all provisions to appoint a person, or persons as a proxy for Executive Meetings with 'Voting by proxy at Executive meetings is not permitted'</p> <p>Insert new Heading and section for 'Conflict of Interest'—</p> <p>(1) Executive Members who have a material personal interest in a matter that is being considered (including holding a position of responsibility in a club) at an Executive Meeting must—</p> <p>(a) disclose the nature and extent of their interest to the body as soon as they become aware of the interest; and</p> <p>(b) not be present while the matter is being considered at the meeting; and</p> <p>(c) not vote on the matter.</p> <p>(2) This clause does not apply to material personal interests that—</p> <p>(a) exist only because the Executive Member is a student; or</p> <p>(b) exist only because the Executive Member is a member of a club; or</p> <p>(c) exist only because the member belongs to a class of persons for whose benefit C&S is established; or</p> <p>(d) the Executive Member has in common with all or a substantial proportion of the members of C&S.</p> <p>Add 'A request for leave of absence is provisionally granted upon request, subject to any resolutions of the Executive'.</p>		
--	---	--	--

	<p>Alter rule to read that for a Circular Resolution to be considered valid, every Executive member (with the exception of the President and executive members who declare a conflict of interest or are on an approved leave of absence) votes in favour or abstains from the resolution.</p> <p>Add additional rule that a resolution cannot be voted on by way of circular resolution when it proposes—</p> <p>‘(a) to recognise a club, society, association or a group of students as a club’</p> <p>Amend Part 4:</p> <p>Alter the time for a C&S Member to request to have an item added to the agenda for a General Meeting from ‘3.00pm’ to ‘23:59’</p> <p>Replace the word ‘resolve’ to ‘adopt’ Standing Orders for the conduct of General Meetings</p> <p>Add additional rule that the business of an AGM must include—</p> <p>‘(c) any other business of which notice has been given with the final agenda; and</p> <p>(d) a forum for general discussion’.</p> <p>Add the business of an OGM must include—</p> <p>‘(a) reception of reports from the President and Treasurer; and</p> <p>(b) if necessary, by-elections of C&S Office-Bearers; and</p> <p>(c) if necessary, consideration of any Misconduct Appeal Hearings; and</p> <p>(d) any other business of which notice has been given with the final agenda; and</p> <p>(e) a forum for general discussion’.</p> <p>Alter rule that an EGM must be convened if at least 5 ‘C&S Members’ instead of ‘Presidents’ request one, and add additional instance ‘or an election appeal panel directs the Executive to convene one’.</p> <p>Add the business of an EGM must include—</p> <p>‘(a) if necessary, by-elections of C&S Office-Bearers; and</p> <p>(b) if necessary, consideration of any Misconduct Appeal Hearings; and</p> <p>(c) any other business of which notice has been given with the final agenda’.</p>		
--	---	--	--

	<p>Add that a General Meeting may be held 'on the Clayton campus of the University or by means of technology'</p> <p>Add that attendance at General meetings must be limited to—</p> <p>'(a) C&S Office-Bearers; and</p> <p>(b) C&S and MSA Staff members; and</p> <p>(c) either the club president, president's proxy or an officer-bearer of each club; and</p> <p>(d) candidates who submitted a prior nomination for an election, for the duration of the elections or by-elections; and</p> <p>(e) any other person permitted by declaration of the chair, unless otherwise resolved by a majority of attendants present'.</p> <p>Add that the Executive may resolve that a general meeting be held 'partially' or entirely by 'means of technology'.</p> <p>Add additional provision for who 'may' preside as chair at a general meeting— 'otherwise, a person elected by and from the attendants present'.</p> <p>Add 'C&S Office-Bearers do not have a deliberative vote unless a C&S Office-Bearer is voting in their capacity as a club president or club president's proxy'</p> <p>Adjust quorum as not being achieved from '20' minutes after the scheduled start to '30' minutes</p> <p>Add additional instance that a club president proxy is deemed to be a C&S member for the duration of a general meeting if that club president 'is presiding as chair'.</p> <p>Insert new heading for 'Warnings' and include all existing relevant clauses about warnings at a general meeting in this section.</p> <p>Amend Part 5:</p> <p>Add additional instance 'remains vacant after an election' to set out when an EGM must be convened by the Executive and the time frame to hold a by-election for a President, Vice President, Secretary or Treasurer vacancy.</p> <p>Alter rules about who shall be Returning Officer—</p> <p>'(1) C&S Office-Bearer elections must be conducted by a Returning Officer who must—</p> <p>(a) be the Secretary; or</p> <p>(b) if the Executive resolves otherwise by an absolute majority or the Secretary self-</p>		
--	--	--	--

	<p>disqualifies, be a C&S Office-Bearer or club office-bearer appointed at least 14 days prior to the date of the general meeting at which the election is to be held—</p> <p>at the time of appointment.</p> <p>(2) If the Returning Officer—</p> <p>(a) is not present at the general meeting; or</p> <p>(b) is unable to fulfil their duties—</p> <p>the general meeting may appoint a new Returning Officer if at least three-quarters of attendants vote in favour of the decision’.</p> <p>Add additional rule ‘in order of nomination’ when presiding over an election and ‘provide candidates, in order of nomination an opportunity to give a brief speech and answer questions from the floor’.</p> <p>Add the discretionary power of the Returning Officer to determine the speaking time ‘and the maximum number of questions that each candidate may be asked by C&S Members, which must be at least 2 minutes and 2 questions respectively’</p> <p>Replace ‘written notice’ and ‘oral notice’ with ‘inform’ and ‘as soon as practicable’ for candidates.</p> <p>Replace ‘public notice’ with ‘written notice’ to ‘all clubs’ instead of ‘C&S members’ to notify election results ‘as soon as practicable’.</p> <p>Lengthen the time period for the MSA Executive Officer to retain election materials from ‘6’ months to ‘12’ months.</p> <p>Shorten the time period for the Returning Officer to submit an election report to the Executive and ‘MSA Executive Officer’ from ‘1 month’ to ‘14 days’.</p> <p>Add that a person shall be eligible to be nominated as a candidate for election if they are eligible to be elected ‘at the time of the election’.</p> <p>Lengthen the time period for a candidate to submit a policy document to the Returning Officer from ‘3.00pm’ to ‘23:59’ four academic days prior to the scheduled start of the General Meeting.</p> <p>Clarify that a ballot for a C&S Office Bearer election shall be a secret ballot using optional preferential proportional ‘representation’ instead of optional preferential proportional voting.</p>		
--	---	--	--

Constitution of the Clubs & Societies Council

	<p>Remove the requirement to determine the candidate order by lot (witnessed by 1 Executive Member and 1 Staff Member) with insertion of new rules—</p> <p>‘(2) The Returning Officer must determine whether an election will be held by physical or digital ballot and ensure that the voting method or platform is included in the final agenda.</p> <p>(3) The order in which candidates—</p> <p>(a) are listed on digital ballot papers must, where practicable, be in a rotating random order; or</p> <p>(b) otherwise, must be in the order of nomination’.</p> <p>Lengthen time for a candidate to voluntarily withdraw their nomination from ‘prior to the issuing of ballot papers’ to ‘the declaration of the result’.</p> <p>Amend rules to handle a withdrawn nomination—</p> <p>‘If a candidate withdraws their nomination, the Returning Officer—</p> <p>(a) must proceed with the ballot as if that student had never nominated; and</p> <p>(b) may modify ballot-papers as necessary or appropriate’.</p> <p>Add ‘from the floor’ to ensure all further nominations are received.</p> <p>Add ‘Votes must be counted using the Meek method with a Droop quota’</p> <p>Delete rule 5.75 and subrules. Add that the appeal panel must consist of an MSA ‘staff member with supervisory responsibilities’ and ‘nominated by the MSA Executive Officer’.</p> <p>Replace ‘call for a new election’ with ‘direct the Executive to convene an EGM’.</p> <p>Reword ‘The appeal panel’s decision shall be final’ with ‘The decision of the appeal panel is final and binding on all parties’.</p> <p>Amend Part 7:</p> <p>Add Note: ‘Schedules and regulations form part of the constitutions of clubs, C&S and the MSA’.</p> <p>Remove ‘it commits an act of misconduct prescribed in a schedule to this constitution’ as an instance where a club is guilty of misconduct and replace with—</p> <p>(2) Schedules to this constitution may—</p>		
--	---	--	--

	<p>(a) prescribe additional acts of misconduct; or</p> <p>(b) prescribe penalties for acts of misconduct.</p> <p>Add that where a prescribed penalty notice ceases to have any force or effect, the Executive may resolve to 'take no further action' or 'conduct a misconduct hearing'.</p> <p>Add that 'an absolute majority' of the Executive is required to direct a club 'to attend' a misconduct hearing.</p> <p>Add that a misconduct hearing must be held 'on the Clayton Campus or, in exceptional circumstances, by means of technology'.</p> <p>Add 'If, at the scheduled start of a misconduct hearing, a quorum is not achieved, the hearing may—</p> <p>(a) wait for no longer than 15 minutes to reach quorum; or</p> <p>(b) 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</p> <p>(c) 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'.</p> <p>Alter rule for imposing demotion penalty by the Executive at a misconduct hearing that the specified period of time is 'not exceeding 24 academic weeks, or in exceptional circumstances, 48 academic weeks' and removing 'indefinitely'.</p> <p>Alter rule for imposing demotion penalty by the Council at an appeal hearing that the specified period of time is 'not exceeding 24 academic weeks, or in exceptional circumstances, 48 academic weeks' and removing 'indefinitely'.</p> <p>Alter rule to include the 'Australian Charities and Not-for-profits Commission and Registrar of incorporated associations' when the Executive must take steps to cancel the club's registration with external bodies.</p> <p>Alter rule to include the 'Australian Charities and Not-for-profits Commission and Registrar of incorporated associations' as options where a club may request by signed notice not to cancel that club's registration(s) with external bodies.</p> <p>Alter rule to include the 'Australian Charities and Not-for-profits Commission and Registrar of incorporated associations' so that when a</p>		
--	--	--	--

Constitution of the Clubs & Societies Council

Date	Description	Approving Body	Meeting
	club wishes to remain registered with external bodies, they must amend and update the club's name to exclude the terms "Monash", "University", "Uni" and "MSA".		