

**Monash Student Association (Clayton) Incorporated**

**Clubs & Societies Council**

**NOTICE OF PROPOSED AMENDMENTS TO CONSTITUTION**

Notice is given that at the Ordinary General Meeting to be held on Wednesday 25 March 2026 it is intended that the following amendments be proposed:

THAT the Clubs & Societies Council Constitution be amended as follows:

**ENTIRE CONSTITUTION** (as set out in tracked changes)

Update cross-references
ReNUMBER clauses in accordance with other changes
Minor grammatical changes

**PART 1. CONSTITUTION**

Rename to ‘Preliminary’
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**1 Interpretation**

Combine previous subclauses (1) and (2)
Insert definition of ‘club constitution’

**2 Schedules**

Replace provision providing that terms have the same definition in schedules with
Reordered schedules in alphabetical order
Clarified how standing orders interact

**4 Conflict of interest**

Move up from Part 3
Alter to apply to all C&S bodies in accordance with clause 30 of the constitution of the MSA
Alter to apply to all persons present at meetings of C&S bodies
Insert that conflicts do not apply to material personal interests that a person has in common with all or a substantial proportion of members of the MSA

**PART 2. COUNCIL**

Insert Division headings 1-2

**7 Office-bearers generally**

Insert 'generally' into clause heading

**8 Duties of office-bearers**

Alter to clarify the specific duties of each executive member is in addition to their general duties.
Insert new duties for the president to: <ul style="list-style-type: none"> <li>• “consult with C&amp;S staff members on and, monitor on behalf the of Executive, the day-to-day management of C&amp;S;”</li> <li>• “with the Treasurer, represent C&amp;S in MSA budget meetings, as appropriate;”</li> </ul>
Alter duty of President to monitor and review schedules to the constitution with relevant members of the executive in general, rather than specifically the Grants Regulations with the Treasurer.
Delete reference to “or their nominee” in duty of Vice-President to “preside as chair and Returning Officer at Inaugural General Meetings of clubs;”.
Delete duty of the Secretary to “ensure that an up-to-date register of clubs and club office-bearers is maintained;” <b>Note:</b> See changes to functions of the Executive in clause 15
Alter duties of Treasurer in accordance with changes to President’s duties at MSA budget meetings.
Insert sub-clause (4) “The Executive may establish additional portfolios with specific responsibilities to be divided between executive members and members of the Executive-elect.”

**PART 3. EXECUTIVE**

Insert Division headings 1-3

**15 Functions and powers**

Insert functions of the Executive to: <ul style="list-style-type: none"> <li>• “maintain an up-to-date register of— <ul style="list-style-type: none"> <li>(i) clubs; and</li> <li>(ii) club office-bearers;”</li> </ul> </li> <li>• “oversee the management of C&amp;S records and archives;”</li> </ul> <b>Note:</b> See changes to duties of Secretary in clause 8"
Alter functions of the executive to: <ul style="list-style-type: none"> <li>• ‘manage’ rather than ‘administer’ the C&amp;S budget</li> <li>• ‘monitor’ rather than ‘oversee’ the activities of clubs</li> <li>• ensure that clubs comply with the C&amp;S constitution in addition to their own constitutions</li> </ul>
Alter subclause (2) by replacing ‘deems’ with ‘believes may’
In accordance with long standing precedent and legal advice, insert as subclause (4) express powers for the executive: <ul style="list-style-type: none"> <li>• “to invalidate any meeting or election of a club that has not been conducted in accordance with the club’s constitution;”</li> <li>• “to convene a general meeting of a club.”</li> </ul>

Alter subclause (5) to clarify it is for the exclusive purposes of the constitution of the MSA

## **16 Delegation**

Insert subclause (2) to clarify that “Responsibilities and powers of the Executive may be delegated by a schedule to this constitution to any executive members or MSA staff members.”

## **18 Meetings generally**

Insert ‘generally’ into clause heading

Insert in subclause (1) a requirement the 6 executive meetings per semester to be ordinary meetings

Alter subclause (2) to require 5 days notice for ordinary meetings or 2 days notice for urgent meetings

Alter subclause (8) to clarify requirements for quorum

Alter paragraph (9)(b) to clarify it will only apply to Executive members who are on leave and not present

## **19 Leave of absence**

Alter subclause (1) to allow leave of absence to be from all duties rather than just executive meetings

Alter subclause (2) to require provisional approval of leave to be confirmed at the next executive meeting

## **PART 4. GENERAL MEETINGS**

### **21 Notice and agendas**

Alter by replacing ‘disseminate’ with ‘distribute’

### **25 Conduct of general meetings**

Alter subclause (12) to clarify requirements for quorum

Insert subclause (13) to clarify proxies are counted towards quorum

## **PART 5. ELECTIONS**

Insert Division headings 1-8

### **29 Appointment**

Rename clause heading “Returning Officer” to “Appointment” under new Division 2

### **30 Neutrality**

Insert clause heading “Neutrality” for provisions previously under subclause 29(3)

### **31 Duties**

Insert clause heading “Duties” and move down:

- duties pertaining to the correctness of nominations to new Division 4 Nominations, under clause heading 33 Nominations generally

- any requirements for ballot papers to new Division 5 Voting, under clause heading 38 Ballots generally
- provisions relating to declaring results to new Division 7 Results, under clause heading 44 Declaration of results
- duty to submit election materials to new Division 7 Results under clause heading 45 Election records

### **32 Notice generally**

Insert 'generally' into clause heading

Alter subclause (2)(f) to include “determined by the Returning Officer”

### **33 Nominations generally**

Insert clause heading “Nominations generally”.

### **34 Prior nominations**

Insert clause heading “Disqualification by Returning Officer” for provisions previously under subclause 31(5)

### **35 Nominations from the floor**

Insert clause heading “Nominations from the floor” for provisions previously under subclause 31(5)

Move previous 31(6) to new Division 4 Nominations, under clause heading 33 Nominations generally; and

### **36 Disqualification by Returning Officer**

Insert clause heading “Disqualification by Returning Officer” for provisions previously under subclause 31(7)

### **37 Candidate presentations**

All rules pertaining to candidate presentations moved here, with the following rewrite/insertions -  
 37(1)(b)(i) determine the “maximum” speaking time, which must be at least 2 minutes; and  
 37(1)(b)(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—

### **38 Ballots generally**

Insert 'generally' into clause heading

### **39 Withdrawal**

Insert clause heading “Withdrawal” for provisions previously under subclause 32(4)

**40 Distribution of ballot-papers**

Insert clause heading “Distribution of ballot-papers” for provisions previously under subclause 32(6)

**41 Unopposed candidates generally**

Insert ‘generally’ into clause heading

**42 Multiple candidates from the same club**

Insert clause heading “Multiple candidates from the same club” for provisions previously under subclause 33(4)

**44 Declaration of Results**

Insert clause heading “Declaration of Results”

**45 Election Records**

Insert clause heading “Election records”

Insert subclause (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.

**46 Election Report**

Insert clause heading “Election report”

Insert subclause (1) and (2) —

- (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.

**47 Appeal panels generally**

Insert ‘generally’ into clause heading

Insert “or their nominee” to amend rule that the MSA Executive Officer or their nominee may attend and speak at election appeal panels.

## 48 Conduct

Insert rules about how the appeal panel must be conducted –

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

Insert clause heading “Decision” for provisions previously under subclause 35(5)

Insert subclause (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.

## PART 6. CLUBS

Insert Division headings 1-3

## 51 Constitutions generally

Insert ‘generally’ into clause heading

In accordance with long standing precedent and legal advice, insert subclause (2)(g) “The Clubs & Societies Executive has power to convene a general meeting of the club”; and

Insert subclause (2)(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

Insert subclause 2(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”.

## 53 Distribution of assets

Insert clause heading “Distribution of assets” for provisions previously under subclause 41(2)

Insert “or winding up” in subclause (1)

## 54 Maintaining external registrations

Insert clause heading “Maintaining external registrations” for provisions previously under subclause 41(4)

**PART 7. MISCONDUCT**

Alter clauses to set out that notices of appeal can be given to the “Executive” (rather than the President specifically).

**55 Misconduct by Clubs**

Insert “or its Schedules” in subclause (1)(b)(i)-(ii) when referring to the club’s constitution and this (C&S) constitution and remove previous note on this.

Insert ‘or statutory’ duties owed to the club members

Alter subclause (2) that Schedules to this constitution may “prescribe penalties for specific breaches of this constitution or the schedule itself”

Alter subclause (5) to set out that a club can appeal a prescribed penalty notice “other than for a reprimand”.

Alter subclause (6) to enable the Executive to “(b) impose an alternative penalty of any combination of paragraphs 56(8)(a)-(d) which may be further appealed; or”

Insert subclause (7) “Where a club appeals an alternative penalty under paragraph (6)(b), the C&S Executive must convene a misconduct hearing.”

**56 Misconduct by Clubs**

Alter subclause (11) to set out that a club can appeal a penalty notice “other than for a reprimand”.