Constitution of the

Clubs & Societies Council

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

Victorian Incorporation Number A0036131Z
Australian Business Number 20 147 061 074

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Part 1 Preliminary

Division 1 The Clubs & Societies Council

1 Purposes

(1) C&S is the body within the MSA that represents clubs and societies.

Note: See subclause 8(3) of the constitution of the MSA.

(2) 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.

2 Members

(1) The voting members of C&S are the club presidents.

(2) The non-voting members of C&S are the C&S office-bearers and C&S office-bearers-elect, unless they are also a club president.

Division 2 This Constitution

3 Interpretation

(1) In this Constitution, unless the contrary intention appears, words and phrases have the same meaning as in the constitution of the MSA and, in addition—

(a) ***absolute majority*** means a majority of the voting members of a body, as distinct from a majority of the persons present and voting;

(b) ***academic day*** means a day that falls within the Semester 1 or Semester 2 teaching periods of the University, other than—

(i) a Saturday, Sunday or University holiday; or

(ii) a day during a non-teaching week, including the mid-semester break, the SWOTVAC period and exam weeks;

(c) ***academic week*** means a week that includes at least 1 academic day;

(d) ***AGM*** means an Annual General Meeting as defined in clause 28;

(e) ***appellant*** means a club or a person that has given a notice of appeal against the outcome of a misconduct hearing as defined in clause 80;

(f) ***C&S*** means the Clubs & Societies Council;

(g) ***C&S body*** means a body established by or under this Constitution and its schedules;

(h) ***C&S Manager*** means the most senior C&S staff member;

(i) ***C&S member*** means a member of C&S, as defined in clause 2;

(j) ***C&S office-bearer*** means an office-bearer of C&S, as defined in Division 2 of Part 2;

(k) ***C&S office-bearer-elect*** means an individual elected as C&S office-bearer who has not yet taken office but holds office as a C&S office-bearer-elect under clause 14;

(l) ***C&S staff member*** means a person employed by the MSA on a non-casual and non-sessional basis within the C&S office;

(m) ***club*** means a club, society, association or other group of students affiliated by C&S under clause 58;

(n) ***club constitution*** means—

(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;

(o) ***club office-bearer*** means the president, vice-president, secretary or treasurer of a club;

(p) ***club president*** means the president of a club or, if that office is vacant, the vice-president of that club;

(q) ***electoral tribunal*** means an electoral tribunal of C&S convened to hear appeals against the result of an election, as defined in Division 6 of Part 4;

(r) ***email notice*** means an electronic message sent from the sender's C&S, MSA or University email account;

(s) ***Executive*** means the Executive of C&S, as defined in Part 2;

(t) ***Executive meeting*** means a meeting of the members of the Executive as defined in Division 4 of Part 2;

(u) ***Executive member*** means a member of the Executive, as defined in Division 1 of Part 2;

(v) ***general meeting*** means a general meeting of C&S, as defined in Part 3;

(w) ***misconduct appeal hearing*** means an appeal hearing against the outcome of a misconduct hearing, held at a general meeting, as defined in Division 3 of Part 6;

(x) ***misconduct hearing*** means a hearing convened to consider whether a club has committed misconduct and, if so, whether any penalties are to be imposed, as defined in Division 2 of Part 6;

(y) ***MSA*** means Monash Student Association (Clayton) Incorporated (Reg. No. A0036131Z, ABN 20 147 061 074);

(z) ***MSA CEO*** means the MSA's most senior staff member;

(aa) ***MSA staff member*** means a person employed by the MSA on a non-casual and non-sessional basis;

(bb) ***MSC*** means Monash Student Council, the governing body of the MSA;

(cc) ***non-financially affiliated*** means ineligible to receive funding or financial assistance from C&S;

(dd) ***OGM*** means an Ordinary General Meeting as defined in clause 29;

(ee) ***representative*** means a person acting for or on behalf of a club;

(ff) ***Returning Officer*** means the person conducting elections or by-elections for C&S office-bearers as defined in Division 1 of Part 4;

(gg) ***SGM*** means a Special General Meeting as defined in clause 30;

(hh) ***student*** means—

(i) a student of the University who is currently enrolled in a course located at the Clayton campus; or

(ii) a person who—

(A) was an enrolled student of the University within the past 6 months; and

(B) has applied to become a graduate student of the University enrolled in a course located at the Clayton campus; and

(C) is eligible to make that application under the statutes and regulations of the University; or

(iii) an office-bearer of the MSA who has ceased to be enrolled;

(ii) ***University*** means Monash University (ABN 12 377 614 012).

(2) The headings, clause numbers, punctuation, notes and examples form part of this Constitution.

(3) The cover page, table of contents, header, footer and appendices do not form part of this Constitution.

(4) Where this Constitution includes at the foot of a provision an example of the operation of the provision—

(a) it is not exhaustive; and

(b) it may extend, but does not limit, the meaning of the provision.

(5) Unless the contrary intention appears, in this Constitution—

(a) words in the singular include the plural; and

(b) words in the plural include the singular.

(6) For the purposes of C&S, the enrolment of a person in a unit of study—

(a) begins on the day they enrol in the unit; and

(b) ends on the day results are released for that unit.

(7) For the purposes of C&S, the enrolment of a person in a course—

(a) begins on the day they accept an offer of enrolment into the course; and

(b) ends on the earlier of—

(i) if they choose to discontinue the course, the day they discontinue that course; or

(ii) if they are excluded from the course, the later of the day they are excluded or the day any appeals process is completed; or

(iii) otherwise, the 31 December after they are certified by the University as meeting the requirements of the course.

(8) For the purposes of C&S, a person does not cease to be a student only because they—

(a) take a period of intermission; or

(b) are suspended from a course; or

(c) are on exchange; or

(d) are not enrolled in any units of study; or

(e) are enrolled in one or more units of study at another institution.

(9) The Executive is responsible for the interpretation of this Constitution and its schedules.

4 Notices

(1) 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.

(2) Unless the contrary intention appears, any notices under this Constitution and its schedules required to be given to the Executive may only be given by notice to—

(a) the President; or

(b) the Secretary; or

(c) a C&S staff member; or

(d) where agreed by the Executive, another Executive member.

(3) Notices given to a club or Executive member must be sent to that body's or person's C&S email account.

(4) Notices given to a club are taken to have also been given to the relevant club president and their proxies.

(5) Notices given by email, text message or otherwise in writing by use of technology are taken to be given immediately after being sent.

(6) A member present at a meeting, whether personally or by proxy, is taken to have received notice of the meeting and the business for which it is convened.

5 Schedules

(1) Schedules to this Constitution form part of 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—

(a) the latter prevails; and

(b) the former is, to the extent of the inconsistency, without force or effect.

(4) The schedules to this Constitution are—

(a) the C&S Affiliation Regulations; and

(b) the C&S Complaints Policy; and

(c) the C&S Executive Meeting Standing Orders; and

(d) the C&S Expenditure Regulations; and

(e) the C&S Finance Regulations; and

(f) the C&S Grants Regulations; and

(g) the C&S IT Policy; and

(h) the C&S Off-Campus Event Regulations; and

(i) the MSA Marketing Policy; and

(j) the MSA Responsible Service of Alcohol Policy.

6 Alterations

(1) This Constitution may only be altered by a resolution at a general meeting, if—

(a) 14 days email notice of the proposed alterations is given to all C&S members; and

(b) at least three-quarters of the persons present and voting, whether personally or by proxy, vote in favour of the motion.

(2) Schedules to this Constitution may be added, altered or removed by—

(a) unless otherwise provided by the schedule, a resolution at an Executive meeting passed by an absolute majority; or

(b) a resolution at a general meeting, if—

(i) 14 days email notice of the proposed alteration is given to all C&S members; and

(ii) at least three-quarters of the persons present and voting, whether personally or by proxy, vote in favour of the motion.

(3) If a schedule to this Constitution is added, removed or has its name altered, subclause 5(4) and any other references are automatically altered to reflect the change.

(4) Alterations to this Constitution and its schedules must be—

(a) sent by email notice within 14 days to all C&S members; and

(b) noted in an appendix to this Constitution, including—

(i) the date on which the alteration was approved; and

(ii) the body that approved the alteration; and

(iii) the meeting at which the alteration was approved.

(5) Automatic alterations to this Constitution are not subject to subclauses (1) or (4).

Division 3 Miscellaneous

7 Conflict of Interest

(1) A person who has a material personal interest in a matter, including holding office in a club, that is being considered at a meeting of a C&S body must disclose—

(a) the nature and extent of their interest; and

(b) the relation of their interest to the activities of C&S or the MSA—

to that meeting, which must be recorded in the minutes of the meeting at which the conflict of interest is disclosed.

(2) The person must—

(a) not be present while the matter is being considered at the meeting; and

(b) not vote on the matter.

(3) This clause does not apply to material personal interests that—

(a) exist only because the person—

(i) is a student; or

(ii) is a member of a club; or

(iii) belongs to a class of persons for whose benefit C&S or the MSA is established; or

(b) the person has in common with all or a substantial proportion of C&S members or the members of the MSA.

8 Validation

(1) Even if it is later found that a person who has acted as a member of a C&S body was not properly elected or appointed, the validity of—

(a) the acts of that person—

(i) as a C&S office-bearer; or

(ii) as a member of a C&S body; and

(b) decisions of meetings of C&S bodies in which that person has participated—

is not affected.

(2) Accidental omission to notify a C&S member or the non-receipt of a notice by any C&S member does not thereby invalidate—

(a) a general meeting, or

(b) a resolution of a general meeting.

Part 2 Executive

Division 1 Composition

9 Voting Members

(1) The C&S office-bearers are voting members of the Executive.

(2) Voting members of the Executive have the right to speak and vote at Executive meetings.

10 Non-voting Members

(1) The MSA CEO, C&S staff members, and each C&S office-bearer-elect are non-voting members of the Executive.

(2) Non-voting members of the Executive—

(a) have the right to speak at Executive meetings, except where a meeting proceeds in camera under subclause 24(1); but

(b) must not vote and are not counted towards quorum.

Division 2 C&S Office-bearers

11 Offices

(1) The offices of C&S are—

(a) the President; and

(b) the Vice-President; and

(c) the Secretary; and

(d) the Treasurer; and

(e) the General Representatives.

(2) There is 1 C&S office-bearer for each office, except for the office of the General Representatives, where there are 5 C&S office-bearers.

(3) A person may only hold 1 C&S office-bearer position at the same time.

(4) To be a C&S office-bearer, a person must either—

(a) be elected under Part 4; or

(b) be appointed under clause 16.

12 Duties

(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, in accordance with the C&S Grants Regulations; and

(c) evaluate and process annual club reaffiliation packs, in accordance with the C&S Affiliation Regulations; and

(d) staff the C&S office for at least 2 hours each week, excluding Executive meetings; and

(e) assist with C&S Orientation activities; and

(f) support the governance of clubs as appropriate; and

(g) actively participate in a handover with their incoming C&S office-bearer-elect counterpart; and

(h) perform any other duties, as the Executive may resolve.

(2) In addition to their general duties—

(a) the duties of the President are to—

(i) consult with C&S staff members on and monitor, on behalf of the Executive, the day-to-day management of C&S; and

(ii) attend MSC meetings and report outcomes to the Executive and C&S, as appropriate, or ensure their nominee, who must be a C&S office-bearer, does the same; and

(iii) submit reports to MSC on the activities of the Executive and C&S, as required; and

(iv) represent C&S, and act as its spokesperson, to the MSA, the University and other bodies, as appropriate; and

(v) with the Treasurer, represent C&S in MSA budget meetings, as appropriate; and

(vi) submit reports to Executive meetings, as appropriate; and

(vii) submit reports to the AGM and OGM; and

(viii) monitor and review schedules to this Constitution, in conjunction with relevant C&S office-bearers; and

(b) the duties of the Vice-President are to—

(i) assist the President in their duties; and

(ii) perform the duties of the President if the President is on an approved leave of absence, the President is unable to act or that office is vacant; and

(iii) preside as chair and returning officer at inaugural general meetings of clubs; and

(iv) provide support and guidance to newly affiliated clubs during their first 12 months of affiliation; and

(v) submit a report to the AGM; and

(c) the duties of the Secretary are to—

(i) prepare agendas and minutes, and give notice 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 reports to the AGM and OGM; 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

(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 reports to the AGM and OGM; and

(e) the duties of each General Representative are to assist other C&S office-bearers as required.

(3) The duties of the C&S office-bearers-elect are to—

(a) actively participate in a handover with their outgoing counterpart; and

(b) attend Executive meetings and general meetings; and

(c) become familiar with this Constitution and its schedules; and

(d) learn how to evaluate and process grant applications and reports in accordance with the C&S Grants Regulations; and

(e) learn how to evaluate and process annual club reaffiliation packs in accordance with 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 among C&S office-bearers and C&S office-bearers-elect.

13 Eligibility to Hold Office

(1) A person is eligible to be elected, be appointed or hold office as a C&S office-bearer if they are a student enrolled in at least 1 unit of study at a Victorian campus of the University, and—

(a) are a C&S office-bearer; or

(b) are a club office-bearer; or

(c) are a voting member of the committee of a club; or

(d) have commenced their appointment as a club president's proxy—

at the time of election or appointment, except as restricted in subclauses (2) and (3).

(2) A person is not eligible to be elected or be appointed as a C&S office-bearer if they are ineligible to be elected, be appointed, or hold office in any club, as a result of a penalty imposed under this Constitution.

Note: A current C&S office-bearer does not cease to hold office as a result of a penalty imposed under this Constitution.

(3) A person must not be elected, be appointed or hold office as a C&S office-bearer while being—

(a) the MSA CEO; or

(b) a C&S staff member; or

(c) an MSA staff member.

14 Term of Office

(1) A person elected as a C&S office-bearer at an AGM ordinarily holds office—

(a) as a C&S office-bearer-elect, for a term of 1 month, commencing on 1 October in the same year as the AGM and concluding on 31 October; and

(b) as a C&S office-bearer, 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) A person elected as a C&S office-bearer at an OGM or SGM ordinarily holds office—

(a) if the position is vacant, as a C&S office-bearer for a term commencing immediately after that general meeting and concluding on 31 October; or

(b) if the position to which they were elected is not yet vacant—

(i) as a C&S office-bearer-elect, for a term commencing immediately after that general meeting and concluding when the position becomes vacant; and

(ii) as a C&S office-bearer, for a term commencing when the position becomes vacant and concluding on 31 October.

15 Vacancies

(1) A C&S office-bearer ceases to hold office before the conclusion of their ordinary term if they—

(a) give a notice of resignation to C&S, which may specify the date of cessation; or

(b) take office for a different C&S office-bearer position in another office; or

(c) cease to be a student; or

(d) cease to be enrolled in at least 1 unit of study at a Victorian campus of the University; or

(e) are removed from office under subclause (2); or

(f) fail to attend 3 consecutive ordinary Executive meetings without a leave of absence; or

(g) become the MSA CEO, a C&S staff member, or an MSA staff member.

(2) A C&S office-bearer may only be removed from office by a resolution at a general meeting, if—

(a) 14 days email notice of the motion has been given to the office-bearer, the Executive and all C&S members; and

(b) they have been given a reasonable opportunity to speak to the motion; and

(c) at least three-quarters of the persons present and voting, whether personally or by proxy, vote in favour of the motion.

16 Filling Vacancies

(1) In the event that a C&S office-bearer ceases to hold office before 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—

(a) is eligible to hold office at the time of appointment; and

(b) has consented to the appointment.

(2) A person appointed to fill a vacancy as a C&S office-bearer ordinarily holds office for a term commencing at the time of appointment and concluding on the earlier of—

(a) the end of the next general meeting, other than the AGM or any other general meeting between the AGM and the following 31 October; or

(b) the following 31 October.

(3) Where the position of President, Vice-President, Secretary or Treasurer—

(a) becomes vacant; or

(b) remains vacant after an election—

the Executive may resolve to appoint a General Representative to exercise the powers and undertake the duties of the vacant position, from the day of the resolution to the end of the next general meeting, other than the AGM or any other general meeting between the AGM and the following 31 October.

17 Leave of Absence

(1) The Executive may grant a C&S office-bearer a leave of absence from their duties for a cumulative period not exceeding 6 weeks of their ordinary term of office.

(2) A prospective request for a leave of absence is provisionally granted upon request, subject to subclause (1) and approval at the next Executive meeting.

(3) The Executive must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the C&S office-bearer to seek the leave in advance.

(4) Subject to subclauses (1) to (3), the Executive must not refuse to grant a C&S office-bearer a leave of absence if the request was made on reasonable grounds.

Division 3 Responsibilities

18 Functions and Powers

(1) The functions of the Executive are—

(a) to affiliate groups of students as clubs for the purposes of this Constitution; and

(b) to maintain an up-to-date register of—

(i) clubs, and

(ii) club office-bearers; and

(c) to disaffiliate clubs as provided for in this Constitution; and

(d) to manage the C&S budget, including grants; and

(e) to oversee the management of C&S records and archives; and

(f) to monitor and regulate the activities of clubs; and

(g) to ensure that clubs act in accordance with both their constitutions and this Constitution; and

(h) to consider any allegations of misconduct on the part of a club or a club's representatives and take any action as it determines appropriate, subject to this Constitution.

(2) The Executive has, and may exercise, subject to this Constitution, such powers as are reasonably necessary in order for—

(a) C&S to pursue its purposes, as listed in subclause 1(2); and

(b) the Executive to perform its functions, as listed in subclause (1).

(3) Without limiting any other provision, the Executive has express power—

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

(b) to convene a general meeting of a club; and

(c) to, at any time, appoint the returning officer for elections at a general meeting of a club; and

(d) if the committee of a club is unable to act—

(i) to appoint an interim committee of that club to hold office until the end of the next club general meeting; or

(ii) to exercise the powers of the committee of that club.

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

19 Delegation

(1) The Executive may by resolution passed by an absolute majority—

(a) establish committees and subcommittees with such membership and terms of reference as it determines appropriate; and

(b) delegate its responsibilities and powers as it determines 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 unless authorised to do so by the original delegation.

(4) The Executive must not delegate its powers—

(a) to accept an application for affiliation of a group of students as a club; or

(b) to direct a club to a misconduct hearing; or

(c) to impose any misconduct penalty on a club; or

(d) to add, alter or remove schedules under subclause 6(2); or

(e) to interpret this Constitution and its schedules under subclause 3(9).

Division 4 Meetings

20 Convening

(1) There must be at least 6 ordinary Executive meetings each semester.

(2) The person convening an Executive meeting must give at least—

(a) for ordinary Executive meetings, 3 days email notice; or

(b) for special Executive meetings, 24 hours notice by the fastest means practicable—

to all Executive members.

(3) The Secretary may convene an Executive meeting whenever they determine appropriate.

(4) The Secretary must convene an Executive meeting whenever they receive a written request, whether physically or electronically, to do so from—

(a) the President, or

(b) any 3 C&S office-bearers.

(5) If the Secretary is on an approved leave of absence, the Secretary is unable to act or that office is vacant, the President or any 3 C&S office-bearers may convene Executive meetings.

21 Chair

(1) 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 C&S office-bearers present—

has the right to preside as chair.

22 Voting

(1) Each C&S office-bearer present at an Executive meeting has a deliberative vote except for the chair.

(2) At an Executive meeting, the chair has a casting vote, but not a deliberative vote.

23 Quorum

(1) A quorum for an Executive meeting is the presence of a majority of C&S office-bearers holding office, at least 1 of whom must be the President, Vice-President, Secretary or Treasurer.

(2) C&S office-bearers who are unable to be present at an Executive meeting because—

(a) they must declare a conflict of interest; or

(b) they are on an approved leave of absence and not present—

are not counted in determining quorum or an absolute majority for Executive meetings.

(3) If a quorum is not present within 15 minutes after the scheduled start of an Executive meeting, the meeting must either—

(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.

24 Attendance

(1) Executive meetings may only proceed in camera by a resolution passed by an absolute majority and in accordance with subclause 29(5) of the constitution of the MSA.

(2) Voting by proxy at Executive meetings is not permitted.

(3) Executive meetings may be held partially or entirely by use of technology, provided each person participating is able to communicate clearly and simultaneously with every other such person.

25 Circular Motions

(1) The Executive may, between meetings, vote on a resolution by way of circular motion.

(2) A circular motion may only be sent by email to all C&S office-bearers by the President.

(3) The email must—

(a) specify the exact wording of the motion proposed; and

(b) state the process for voting, including when votes must be received by.

(4) C&S office-bearers may reply to the email voting in favour, voting against or abstaining from the motion.

(5) A circular motion is only taken to be a valid resolution of the Executive when—

(a) every C&S office-bearer, including the President but excluding C&S office-bearers who are unable to vote because—

(i) they declare a conflict of interest; or

(ii) they are on an approved leave of absence and have not voted—

votes in favour or abstains from the motion; and

(b) all votes are received within 72 hours of the motion being sent.

(6) After receiving the votes of all C&S office-bearers, or 72 hours after the motion is sent, whichever occurs first, the President must, as soon as practicable, inform all Executive members, by email, whether the circular motion was passed or otherwise.

(7) A resolution passed by circular motion takes effect from when the President emails the result of the circular motion to all Executive members.

(8) A list of all resolutions passed by circular motion must be tabled at the next meeting of the Executive.

(9) A motion must not be voted on by way of circular motion if it relates to a power the Executive must not delegate under subclause 19(4).

Part 3 General Meetings

26 Convening

(1) The Secretary or Executive must give—

(a) 14 days email notice of the date and time of a general meeting to all C&S members; and

(b) 48 hours email notice of the location of a general meeting to all C&S members.

(2) General meetings may only be held—

(a) on an academic day; and

(b) either on the Clayton campus of the University or by use of technology.

(3) A general meeting may be held partially or entirely by use of technology, provided each person participating is able to communicate clearly and simultaneously with every other such person.

27 Agenda

(1) A C&S member may request to have an item added to the agenda for a general meeting by giving email notice to the Secretary at least 72 hours before the scheduled start of the meeting, which the Secretary must then place on the agenda.

(2) Subject to this Part, subclauses 41(3), 57(1) and 80(1), the Executive may determine the date, time, place and agenda of any general meeting.

(3) The Secretary must distribute to all C&S members an agenda for a general meeting by email notice at least 48 hours before the scheduled start of the meeting.

28 Annual General Meetings

(1) The Executive must convene an AGM to be held in September each year.

(2) The business of an AGM may only include—

(a) reception of reports from the President, Vice-President, Secretary and Treasurer; and

(b) elections for all C&S office-bearers; and

(c) any other business of which notice has been given with the agenda.

29 Ordinary General Meetings

(1) The Executive must convene an OGM to be held during Semester 1 each year.

(2) The business of an OGM may only include—

(a) reception of reports from the President, Secretary and Treasurer; and

(b) if necessary, by-elections for 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 agenda.

30 Special General Meetings

(1) The Executive must convene an SGM to be held within 6 academic weeks, unless an OGM or an AGM will be held within the same period, if—

(a) at least 5 C&S members give email notice to the Executive requesting one; or

(b) a general meeting directs the Executive to convene one; or

(c) an electoral tribunal directs the Executive to convene one; or

(d) the office of the President, Vice-President, Secretary or Treasurer—

(i) is vacated before the conclusion of an ordinary term and before the AGM; or

(ii) remains vacant after an election—

to conduct a by-election for the vacant positions.

(2) The Executive must convene an SGM to be held within 6 academic weeks, unless an OGM will be held within the same period, if the Executive receives a notice of appeal against the results of a misconduct hearing.

(3) The Executive may convene an SGM for any reason.

(4) The business of an SGM may only include—

(a) if necessary, by-elections for C&S office-bearers; and

(b) if necessary, consideration of any misconduct appeal hearings; and

(c) any other business of which notice has been given with the agenda.

31 Attendance

(1) Attendance at general meetings is limited to—

(a) C&S office-bearers and C&S office-bearers-elect; and

(b) C&S staff members and MSA staff members; and

(c) the club president, club president's proxy or a club office-bearer of each club; and

(d) for the duration of the elections or by-elections, the Returning Officer and candidates who submitted a prior nomination for an election; and

(e) for the duration of a misconduct appeal hearing where the appellant is a club, representatives of the appellant; and

(f) for the duration of a misconduct appeal hearing where the appellant is a person, the appellant and other representatives of the appellant's club; and

(g) any other person permitted by invitation of the chair, unless otherwise resolved by the meeting.

(2) A club must not be represented by more than 1 person at any general meeting, except where the club is the appellant at a misconduct appeal hearing.

(3) A person who is participating in their capacity as a club president or a club president's proxy must indicate which clubs they are representing at that meeting.

32 Chair

(1) 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, a C&S office-bearer nominated by the President by email notice to the Secretary; or

(d) otherwise, a person elected by and from the persons present and voting—

has the right to preside as chair, except during a C&S office-bearer election or misconduct appeal hearing.

33 Voting

(1) At a general meeting, each voting C&S member has a deliberative vote, except for the chair.

(2) At a general meeting, the chair has a casting vote, but not a deliberative vote.

(3) A C&S member must not cast more than 1 vote on any question to be determined at a general meeting, notwithstanding the fact that they are representing multiple clubs.

(4) At a general meeting, C&S office-bearers do not have a deliberative vote unless they are voting in their capacity as a club president or club president's proxy.

34 Quorum

(1) A quorum for a general meeting is the presence of one-third of voting C&S members, whether personally or by proxy.

(2) If a quorum is not present within 30 minutes after the scheduled start of a general meeting, the meeting must either—

(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 1 academic week and at most 2 academic weeks later, specified by the chair at the time of adjournment.

35 Decisions of General Meetings Prevail

(1) When a resolution of the Executive is inconsistent with a resolution of a general meeting—

(a) the latter prevails; and

(b) the former is, to the extent of the inconsistency, without force or effect.

(2) Subject to the notice requirements for agenda items, a general meeting may reconsider any resolution of the Executive.

(3) Where a general meeting reconsiders a resolution of the Executive, it may resolve to—

(a) affirm; or

(b) revoke; or

(c) amend—

that resolution of the Executive.

36 Proxies

(1) A C&S office-bearer must not appoint any person as their proxy for general meetings, unless that C&S office-bearer does so in their capacity as a club president.

(2) A club president may only appoint a person or persons as their proxy for general meetings if those persons are—

(a) students enrolled in at least 1 unit of study at a Victorian campus of the University; and

(b) ordinary members 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 notice of the proxy appointment through a form approved by the Secretary or the Executive.

(4) A proxy appointment form 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, student numbers and student email addresses of the persons being appointed proxy, in order of priority; and

(d) the date on which the appointment ceases.

(5) A proxy appointment commences 72 hours after the proxy appointment form is submitted to the Secretary or the Executive.

(6) Where a person is the president of more than 1 club, they may appoint separate proxies for each club.

(7) In the absence of a valid proxy appointment form, an automatic proxy exists between a club president and in order of priority, the relevant—

(a) club vice-president, and

(b) club secretary, and

(c) club treasurer.

(8) 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 form is taken to be that club president's proxy for that general meeting.

(9) A club president's proxy is taken to be a voting C&S member for the duration of a general meeting if that club president—

(a) is absent from that general meeting; or

(b) is presiding as chair; 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.

(10) A club president may withdraw a proxy appointment at any time, by giving email notice of withdrawal to the Executive.

37 Maintaining Order

(1) A person present at a general meeting must not—

(a) act in breach of—

(i) this Constitution or its schedules; or

(ii) the constitution of the MSA; or

(iii) the Statutes, Regulations or other rules of the University; or

(iv) the fiduciary or statutory duties owed to their club's members; or

(b) engage in conduct that is—

(i) racist, sexist, queerphobic, transphobic, ableist or militaristic; or

(ii) otherwise unbecoming a member of C&S; or

(iii) prejudicial to the interests of C&S; or

(c) disseminate any campaign material or material intended or reasonably likely to influence the voting intention of any person.

(2) Where the chair determines a person has breached subclause (1), the chair may issue the person an oral warning.

(3) If a person has been issued with 3 oral warnings under subclause (2), the chair must direct them to leave the general meeting, and the club that they were representing must no longer be represented at the general meeting.

(4) A direction by the chair made under subclause (3) may be overruled by resolution of the general meeting.

(5) If a direction is overruled, the person who was subject to that direction is taken to have been issued only 2 oral warnings.

Part 4 Elections

Division 1 Returning Officer

38 Appointment

(1) C&S office-bearer elections must be conducted by a Returning Officer who must—

(a) ordinarily, be the Secretary at the time notice is given of the general meeting at which the election is to be held; or

(b) otherwise if, at least 14 days before the general meeting at which the election is to be held, the Executive resolves otherwise by an absolute majority or the Secretary self-disqualifies, be a C&S office-bearer or club office-bearer at the time of appointment.

(2) If the Returning Officer—

(a) is not present at the general meeting; or

(b) is unable to act—

the general meeting may by resolution appoint a new Returning Officer if at least three-quarters of the persons present and voting, whether personally or by proxy, vote in favour of the motion.

39 Duties

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

(a) is responsible for the proper conduct of the election in accordance with this Constitution; and

(b) must preside as chair over the general meeting at which the election takes place, for the duration of the election.

(2) The Returning Officer must not—

(a) be a candidate; or

(b) endorse a candidate; or

(c) vote—

in an election over which they preside.

Division 2 Convening

40 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 SGM if the general meeting is held before the AGM, an election has not already been held to fill the position and—

(a) the person most recently elected to that position—

(i) has ceased to hold office before the conclusion of their ordinary term; or

(ii) will cease to hold office before that meeting or within 28 days of the date of that meeting; or

(b) the position was left vacant after the previous election.

41 Notice

(1) The Returning Officer must give 14 days email notice of an election to all C&S members.

(2) A notice of election must specify—

(a) the positions to be filled at the election, and

(b) the ordinary term of office for each position to be elected, and

(c) the duties of each office in which positions are to be elected, and

(d) the nomination process, and

(e) the methods, determined by the Returning Officer, in which policy documents may be submitted.

(3) The Returning Officer must, 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 agenda for the general meeting at which the election will take place.

(4) Elections for each office with positions to be elected must be held in the order listed in subclause 11(1).

Division 3 Nominations

42 Prior Nominations

(1) A prior 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, student number, student email address, the body which they are being nominated from, and the position held within that body; and

Note: A person can nominate from either a club or the Executive.

(c) state all clubs of which the nominee is a committee member, and the position held in each club; and

(d) include the consent of the nominee; and

(e) be endorsed by 2 other club office-bearers from different clubs and include the signature, full name, student number, student email address, club and position held within the club of each endorser; and

Note: One endorser may be from the same club as the nominee is nominating from.

(f) be delivered to the Returning Officer at least 72 hours before the scheduled start of the general meeting at which the election is to be held.

(2) A candidate who submits a prior nomination may submit a policy document of up to 500 words in length to the Returning Officer, in the method specified in the notice of election, at least 72 hours before the scheduled start of the general meeting at which the election is to be held.

(3) The Returning Officer must review the policy document before its use in the election and ensure untrue, misleading, deceptive, defamatory or discriminatory statements are not published.

43 Nominations from the Floor

(1) A nomination received from the floor at a general meeting must—

(a) be orally endorsed by representatives of 2 different clubs who must state their name, the club which they are representing, and the position held within that club; and

Note: One endorser may be from the same club as the nominee is nominating from.

(b) be orally accepted by the nominee who must—

(i) state their name, the body which they are being nominated from, and the position held within that body; and

Note: A person can nominate from either a club or the Executive.

(ii) state all clubs of which they are a committee member, and the position held in each club.

44 Verification

(1) The Returning Officer must verify the validity of nominations, including those of the nominees and endorsers.

(2) A person may be nominated for more than 1 position if each position is in a different office.

(3) 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 the nomination is submitted.

(4) A nomination is valid even if a club office-bearer who endorsed the nomination ceases to be eligible to do so after the nomination is submitted.

45 Withdrawal

(1) A candidate for a C&S office-bearer election may withdraw their nomination at any time before the declaration of the result.

(2) 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 to a position in another office; or

(c) is nominated from a club, and another candidate nominated from the same club has already been declared elected at the same general meeting.

Note: Nomination from a club refers to the club, if any, declared by the nominee under either paragraph 42(1)(b) or subparagraph 43(1)(b)(i).

(3) If a nomination is withdrawn, the Returning Officer—

(a) must proceed as if that candidate had never nominated; and

(b) may modify ballot-papers as necessary or appropriate.

46 Unopposed Candidates

(1) If the number of prior nominations for an office is fewer than or equal to the number of positions to be filled in that office, the Returning Officer must—

(a) declare the candidates, if any, elected unopposed, except as required by subclause (3); and

(b) if required, call for nominations from the floor, to fill the remaining positions in the office.

(2) If the number of nominations from the floor is fewer than or equal to the remaining number of positions to be filled in the office—

(a) the Returning Officer must declare the new candidates elected unopposed, except as required by subclause (3); and

(b) any remaining positions must be left vacant.

(3) If multiple candidates nominated from the same club are to be declared elected unopposed simultaneously—

(a) the meeting 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 is elected, after which the nominations of the other candidates nominated from that club must be withdrawn by the Returning Officer.

Division 4 Ballots

47 Preparation

(1) If the number of nominations for an office is greater than the remaining number of positions to be filled in that office, the Returning Officer must—

(a) determine whether an election is to be held by physical or electronic ballot; and

(b) 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

(c) initial or otherwise authenticate each ballot-paper and keep records of how many ballot-papers are issued, and to whom.

(2) The order in which candidates are listed on ballot-papers—

(a) for electronic ballot-papers, where practicable, must be in a rotating random order; or

(b) otherwise, must be in the order of nomination.

48 Candidate Presentations

(1) Candidates may, in order of nomination, give a brief speech and answer questions from the floor before a ballot is taken.

(2) The Returning Officer must determine—

(a) the maximum speaking time, which must be at least 2 minutes; and

(b) the maximum number of questions that each candidate may be asked by C&S members, which must be at least 2 questions.

(3) The maximum speaking time and number of questions for each candidate must be the same for all candidates for a given office.

(4) Candidate presentations must not include content that is untrue, misleading, deceptive, defamatory or discriminatory.

49 Distribution of Ballot-papers

(1) After candidate presentations, each person present and eligible to vote—

(a) must be supplied 1 ballot-paper by the Returning Officer; and

(b) where candidates are listed on the ballot-paper, may indicate their vote on the ballot-paper by placing the number ‘1’ against the name of the candidate of their first preference and consecutive higher numbers against the names of as many other candidates of lower preference as they wish; and

(c) where candidates are not listed on the ballot-paper, may indicate their vote by writing the names of 1 or more candidates, with only 1 on each line, from top to bottom, in order of preference; and

(d) may only lodge the ballot-paper as instructed by the Returning Officer.

(2) Ballot-papers must be completed and lodged by secret ballot.

50 Counting of Votes

(1) Each candidate may appoint 1 C&S member as a scrutineer.

(2) Votes must be counted by the Returning Officer, with assistance from C&S staff members if required, in the presence of any scrutineers appointed by candidates.

(3) 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.

(4) Votes must be counted using the optional preferential proportional representation method of election.

(5) Subject to subclause (4), the Returning Officer must determine the method for the counting of votes and quota formula, provided—

(a) the counting method is determined before the ballot; and

(b) the same counting method and quota formula is used for each office to be elected at a general meeting.

(6) Ties must be determined by lot.

Division 5 Results

51 Declaration

(1) The Returning Officer must as soon as practicable—

(a) declare the election results; and

(b) inform each candidate of the election results; and

(c) notify all C&S members of the election results by email notice.

52 Election Records

(1) The Returning Officer must submit all election materials to the C&S Manager, who must retain them for a period of at least 12 months.

(2) The C&S Manager must, on request and as soon as practicable, make election materials available for inspection by—

(a) candidates or their scrutineers; and

(b) the Returning Officer; and

(c) C&S members; and

(d) Executive members; and

(e) the MSA CEO; and

(f) any electoral tribunal.

53 Election Report

(1) The Returning Officer must submit a written report, within 14 days of the declaration of results, to—

(a) the Executive; and

(b) the C&S Manager; and

(c) the MSA CEO.

(2) The written report must contain—

(a) details of the nominations received for all positions, including any withdrawals; and

(b) reasons for any withdrawals of candidates; and

(c) results for any elections conducted, including vote counts; and

(d) any rulings or decisions made by the Returning Officer when exercising their powers under this Constitution.

Division 6 Electoral Tribunal

54 Appeals

(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 email notice of appeal to the C&S Manager within 14 days of the declaration of the election results.

55 Convening

(1) The C&S Manager must convene an electoral tribunal within 14 days of receipt of a notice of appeal.

(2) The electoral tribunal must consist of—

(a) a member of the MSC, nominated by the president of the MSA; and

(b) an MSA staff member with supervisory responsibilities whose portfolio does not include C&S, nominated by the MSA CEO; and

(c) a person employed by the University on a non-casual and non-sessional basis, agreed on by the other members of the electoral tribunal; and

(d) the C&S Manager, or their nominee, who may speak but not vote.

56 Procedure

(1) The C&S manager, on behalf of the electoral tribunal, must call for written submissions from—

(a) the Returning Officer, and

(b) the club office-bearers appealing the result, and

(c) each candidate.

(2) The electoral tribunal—

(a) may regulate its own proceedings; but

(b) must conduct its meetings in camera.

(3) A quorum for a meeting of the electoral tribunal is the presence of 2 voting members of the electoral tribunal.

57 Decision

(1) The electoral tribunal, in considering the notice of appeal, may resolve—

(a) to set aside any of the elections at the general meeting and direct the Executive to convene an SGM for a new election; or

(b) that no further action is warranted.

(2) The electoral tribunal must give notice of its decision to—

(a) the club office-bearers appealing the result; and

(b) each candidate; and

(c) the Returning Officer; and

(d) the Executive; and

(e) the C&S Manager; and

(f) the MSA CEO.

(3) The decision of the electoral tribunal is final and binding on all parties, C&S and the MSA.

Part 5 Clubs

Division 1 Affiliation

58 Affiliation

(1) A club, society, association or other group of students may only have an application for affiliation accepted by the Executive and be affiliated by C&S if—

(a) its constitution complies with Division 2; and

(b) it holds a successful inaugural general meeting; and

(c) it meets any other requirements under the C&S Affiliation Regulations.

(2) Clubs must maintain their affiliation with C&S in accordance with the C&S Affiliation Regulations.

(3) The Executive may assign each club a category in accordance with the C&S Affiliation Regulations.

59 Legal Structure

(1) Affiliated clubs must be structured as either—

(a) an unincorporated association; or

(b) an incorporated association under the Victorian *Associations Incorporation Reform Act 2012*; or

(c) in the case of non-financially affiliated clubs, another structure approved by the Executive.

(2) Clubs must be registered as charities with the *Australian Charities and Not-for-profits Commission* unless the club is—

(a) ineligible for registration; or

(b) designated by the Executive as a Political club; or

(c) refused registration.

Division 2 Constitutions

60 Constitutions Generally

(1) Each club constitution must provide—

(a) the club's name;

(b) the club's purposes, the predominant one of which must be to advance the education of the students of the University;

(c) that the provisions of the club constitution must be construed subject to this Constitution;

(d) that, unless the contrary intention appears, all words and expressions in the club constitution have the same meaning as they have in this Constitution;

(e) that where the club constitution is inconsistent with this Constitution—

(i) the latter prevails; and

(ii) the former is, to the extent of the inconsistency, without force or effect;

(f) that where a club constitution is inconsistent with any of the requirements of this Constitution, provisions that would give effect to that requirement—

(i) are taken to be inserted into that club constitution; and

(ii) apply despite any provisions in the club constitution to the contrary.

(g) that the Executive is responsible for the interpretation of the club constitution and its schedules;

(h) that the club is not-for-profit;

(i) a procedure to facilitate the proper management of conflicts of interest;

(j) that 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 Executive, other charities including international charities—

provided that only those funds raised and goods collected for donation are given to the charity;

(k) that in the club constitution or its 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.

61 Club Memberships

(1) Each club constitution must provide—

(a) that the annual membership fee for the club, if any, must be set by the club committee and include differential pricing in accordance with the C&S Affiliation Regulations;

(b) that a person's membership of the club—

(i) begins on payment of the membership fee, or if there is no fee, from registration for membership; and

(ii) unless renewed, ends on 19 March of the following year, or when the person ceases to be eligible, whichever occurs earlier;

(c) a procedure to facilitate the rejection of a membership of a person, if—

(i) at least 7 days notice of a motion of rejection has been given to the person, club committee members and the Executive, within 20 academic days of the person becoming a member of the club; and

(ii) the person has been given a reasonable opportunity to respond in writing to the motion; and

(iii) the club committee resolves to reject the membership of that person by an absolute majority;

(d) that rejection of membership may be appealed to the Executive;

(e) that ordinary membership of a club must be open to all students who support the purposes of the club;

(f) that ordinary members of the club are eligible to vote if—

(i) they have been an ordinary member of the club for at least 7 days; and

(ii) their membership rights are not suspended for any reason; and

(iii) they are 16 years or older;

(g) that an ordinary member of the club who is eligible to vote has the right—

(i) to receive notice of club general meetings; and

(ii) to submit items of business for consideration at a club general meeting; and

(iii) to attend, be heard and vote at club general meetings; and

(iv) to have access to the minutes of club general meetings, club committee meetings and other club documents in accordance with the club constitution; and

(v) on request to the club secretary, to inspect the register of club members;

(h) that all persons ineligible for ordinary membership of the club who subscribe to the purposes may be associate members;

(i) that ordinary members who are not entitled to vote and associate members of the club have all the rights of ordinary members, except they are not eligible to—

(i) vote; or

(ii) be elected to the club committee; or

(iii) be appointed to the club committee; or

(iv) be a club committee member;

(j) that for former members, the club must—

(i) retain only the name of the person, their student number and the date they ceased to be a member; and

(ii) remove all other information about the person from the register of club members;

(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 3 digits of each member's student number;

(l) that a club general meeting may by resolution confer honorary life membership on a person who has made a substantial contribution to the club if at least three-quarters of the ordinary members present and voting, whether personally or by proxy, vote in favour of the motion;

(m) that honorary life members of the club who are—

(i) eligible for ordinary membership have all the rights of ordinary members; and

(ii) ineligible for ordinary membership have all the rights of associate members.

62 Discipline and Grievance

(1) Each club constitution must provide—

(a) a disciplinary procedure for—

(i) reprimanding; or

(ii) limiting the attendance at specified events, excluding club general meetings, for a period not exceeding 12 academic weeks; or

(iii) suspending the membership rights, including the right to be elected, be appointed or hold office as club committee member, for a period not exceeding 12 academic weeks; or

(iv) expulsion—

of a member by a disciplinary subcommittee;

(b) that notice of the decisions of a disciplinary subcommittee must be given to the Executive;

(c) that decisions of a disciplinary subcommittee are stayed until—

(i) if an appeal against the decision of a disciplinary subcommittee is submitted, the completion of the appeal procedure; and

(ii) otherwise, the end of the period for appeals to be submitted;

(d) an appeal procedure against the decision of a disciplinary subcommittee, which may only be upheld by resolution at a club special general meeting if—

(i) the appeal is submitted within 48 hours of the member being given notice of the subcommittee's decision; and

(ii) at least 14 days notice of the motion has been given to the person, all members of the club and the Executive; and

(iii) the person has been given a reasonable opportunity to speak to the motion; and

(iv) at least three-quarters of the ordinary members present and voting, whether personally or by proxy, vote in favour of the motion;

(e) a procedure for handling grievances between—

(i) members, or

(ii) members and the club committee, or

(iii) members and the club.

63 Club General Meetings

(1) Each club constitution must provide—

(a) the timing of the club annual general meeting and club ordinary general meeting;

(b) that club general meetings must be held—

(i) on the Clayton campus of the University or by use of technology; and

(ii) on an academic day; and

(iii) with at least 14 days notice—

unless otherwise approved by the Executive;

(c) that club general meetings may be convened by—

(i) in any case, either the club committee or the Executive; or

(ii) if the club committee is unable to make a decision, the club secretary;

(d) that the club committee must convene a club special general meeting within 15 academic days when a request to do so is made by at least—

(i) 10 ordinary members who are eligible to vote; or

(ii) 10% of the number of the ordinary members who are eligible to vote up to a maximum of 50—

whichever is greater;

(e) that where the club committee fails to convene a club special general meeting within 15 academic days of receiving a valid request to do so, the Executive must convene a club special general meeting within 6 academic weeks of the initial request;

(f) that the quorum for a club general meeting is the presence, whether personally or by proxy, of—

(i) 10 ordinary members who are eligible to vote; or

(ii) 10% of the ordinary members who are eligible to vote up to a maximum of 50—

whichever is greater;

(g) that the quorum for an adjourned club general meeting is the presence, whether personally or by proxy, of 10 ordinary members who are eligible to vote;

(h) that ordinary members who are eligible to vote may appoint a proxy for club general meetings, except where the meeting is held partially or entirely by use of technology;

(i) that at a club general meeting—

(i) each ordinary member may proxy for no more than 1 other ordinary member; and

(ii) proxies are taken to be present and are counted towards quorum;

(j) that the club committee must ensure that minutes are taken and kept of each club general meeting;

(k) that the Executive may, at any time, appoint the returning officer for elections at a club general meeting.

64 Committee Structure

(1) Each club constitution must provide—

(a) that the business of the club must be managed by or under the direction of a club committee;

(b) that the club committee may exercise all the powers of the club except those powers that the club constitution or this Constitution require to be exercised by a club general meeting;

(c) that if the club committee is unable to act, the Executive may—

(i) appoint an interim club committee to hold office until the end of the next club general meeting; or

(ii) exercise the powers of the club committee;

(d) the composition of the club committee, consisting of at least 5 voting positions including the club office-bearers and at least 1 other position;

(e) the duties of each position on the club committee;

(f) that the club committee members must undertake their role honestly, in good faith and in the best interests of the club, and other requirements in accordance with their fiduciary duties;

(g) that the annual election for at least the club office-bearers must be held at the club annual general meeting, unless otherwise approved by the Executive;

(h) the method of election of the club committee;

(i) that a member is eligible to be elected, be appointed or hold office as a club committee member if the member—

(i) is an ordinary member who is eligible to vote; and

(ii) is enrolled in at least 1 unit of study at a Victorian campus of the University; and

(iii) is at least 18 years old; and

(iv) is not ineligible to be elected, be appointed, or hold office in any club, as a result of a penalty imposed under this Constitution;

(j) that a club committee member holds office until the positions of the club committee are declared vacant at a specified time, unless they—

(i) resign; or

(ii) cease to be eligible to hold office; or

(iii) have their membership rights suspended; or

(iv) are removed from office;

(k) that a member of the club committee may only be removed from office by resolution at a club general meeting if—

(i) at least 14 days notice of a motion has been given to the club committee member, the members of the club and the Executive; and

(ii) the club committee member has been given a reasonable opportunity to speak to the motion; and

(iii) at least three-quarters of the ordinary members present and voting, whether personally or by proxy, at a club general meeting vote in favour of the motion;

(l) that if a committee member fails to attend 3 consecutive ordinary club committee meetings without a leave of absence, as approved by the club committee, they are taken to have resigned;

(m) that the club committee may appoint any person to fill a vacancy on the club committee, until the end of the next club general meeting, if that person would be eligible to be elected at the time of appointment;

(n) that if the office of the position of a club office-bearer is—

(i) vacated before the conclusion of an ordinary term; or

(ii) vacant after an election—

a club special general meeting must be held within 6 academic weeks to conduct a by-election for the vacant positions, unless a club ordinary general meeting or a club annual general meeting will be held within the same period or otherwise approved by the Executive.

65 Committee Meetings

(1) Each club constitution must provide—

(a) that there must be at least 4 ordinary club committee meetings in each semester;

(b) the notice requirements for club committee meetings;

(c) that club committee meetings may be convened by—

(i) the club secretary; or

(ii) in the case of special meetings, either the club president or 3 club committee members;

(d) that the quorum for a club committee meeting is the presence of a majority of the club committee members holding office, at least 1 of whom must be a club office-bearer;

(e) that club committee members who are unable to be present at a club committee meeting because—

(i) they must declare a conflict of interest; or

(ii) they are on an approved leave of absence and not present—

are not counted in determining quorum or an absolute majority for club committee meetings;

(f) that the club secretary and club committee must ensure that minutes are taken and kept of each club committee meeting.

66 Finances

(1) Each club constitution must provide—

(a) that subject to any restrictions imposed by a general meeting of the club, the club committee may approve expenditure on behalf of the club;

(b) that only the club office-bearers may be signatories to any bank accounts held in the club's name.

67 Use of Technology

(1) Each club constitution must provide—

(a) that meetings of club bodies may be held partially or entirely by use of technology that allows each person participating to be able to communicate clearly and simultaneously with every other such person;

(b) that a person is considered to have attended a meeting of a club body if they were able to clearly and simultaneously communicate with each person present by the use of technology.

68 Alterations

(1) Each club constitution must provide—

(a) that it may only be altered by resolution at a club general meeting if—

(i) the Executive has first approved the proposed alterations; and

(ii) at least 14 days notice of the motion is given to all club members; and

(iii) at least three-quarters of the ordinary members present and voting at a club general meeting, whether personally or by proxy, vote in favour of the motion;

(b) that the club may only amalgamate or otherwise change its structure by the same procedure required to alter the club constitution.

69 Unincorporated Clubs

(1) Each club constitution of an unincorporated club must provide—

(a) that all club assets are the property of the MSA;

(b) that on disaffiliation all club assets must be transferred to the control of C&S.

70 Incorporated Clubs

(1) Each club constitution of an incorporated club must provide—

(a) that if the club is disaffiliated, unless otherwise determined by the Executive and despite anything to the contrary in the club constitution—

(i) the C&S office-bearers become members of the club; and

(ii) all other members of the club cease to be members; and

(iii) the club must be wound up voluntarily by special resolution;

(b) that on disaffiliation, all club assets become the property of MSA and must be transferred to the control of C&S.

(2) For incorporated clubs, where a requirement under this Constitution is inconsistent with any applicable requirements under the Victorian *Associations Incorporation Reform Act 2012*—

(a) the latter prevails; and

(b) the former is, to the extent of the inconsistency, without force or effect.

71 Optional Provisions

(1) Despite any other provision of this Division, the constitution of a club—

(a) may 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 their term of office;

(b) may restrict eligibility to vote to, in addition to any other requirements, ordinary members of the club who have been an ordinary member of the club for—

(i) at least 14 days; or

(ii) at least 21 days;

(c) may hold annual elections for the club office-bearers and any other positions outside a club general meeting;

(d) may provide an alternative arrangement for the distribution of club assets upon disaffiliation;

(e) designated by the Executive as an Academic club may restrict ordinary membership to students—

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

(ii) enrolled in specified courses of study at the University;

(f) designated by the Executive as a Halls of Residence club may restrict ordinary membership to students who are residents of the hall;

(g) where, in addition to at least 5 voting positions, it has non-voting positions on a club committee, they may be open to any member of the club, including associate members.

72 Non-financially Affiliated Clubs

(1) Despite any other provision of this Division and subject to any conditions and restrictions under the C&S Affiliation Regulations, the club constitution of a non-financially affiliated club may—

(a) extend eligibility for ordinary membership to persons enrolled in specified courses of study at the University, irrespective of campus;

(b) extend eligibility to hold, or be elected to, any ordinary position on the club committee, except the club office-bearers, to persons enrolled in specified courses of study at the University, irrespective of campus.

(2) The Executive may waive any of the requirements of this Division if the club is non-financially affiliated, except for requirements under clause 60 and subclause 70(2).

72A Transitional Provisions

(1) Despite any provision of this Constitution to the contrary, in interpreting the constitution of a club that was last altered before 1 January 2027, this Division, excluding this clause, is taken to read as altered on 7 August 2026.

(2) This clause and references to it in the table of contents are automatically deleted on—

(a) 31 December 2027; or

(b) another date determined by resolution of the Executive passed by an absolute majority—

whichever is later.

Division 3 Disaffiliation

73 Process

(1) A club is disaffiliated if—

(a) it receives a penalty of disaffiliation for misconduct under Part 6; or

(b) the club disaffiliates by resolution at a club general meeting if—

(i) the Executive has approved the motion; and

(ii) at least 14 days notice of the motion has been given to the members of the club; and

(iii) at least three-quarters of the ordinary club members present and voting, whether personally or by proxy, vote in favour of the motion; or

(c) it is wound up in accordance with its club constitution.

(2) When a club is disaffiliated—

(a) except as required by clause 74, its assets become the property of the MSA and must be transferred to the control of C&S; and

(b) any bank accounts held in its name must be closed by, or on behalf of, the Executive; and

(c) 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

(d) 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.

(3) Despite paragraph (2)(b), the Executive may allow a disaffiliated club that was non-financially affiliated to retain its bank accounts.

(4) Despite paragraph (2)(c), the Executive may allow a disaffiliated club not to cancel that club's registrations with—

(a) the *Australian Taxation Office*;

(b) the *Australian Charities and Not-for-profits Commission*;

(c) the Victorian *Registrar of Incorporated Associations*.

(5) 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—

unless otherwise approved by the Executive, that club's name must be altered to exclude the terms "Monash", "University", "Uni" and "MSA" and the altered name must be updated on that club's registrations and accounts.

74 Distribution of Assets

(1) Where, in order of priority—

(a) a club constitution; 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 are to be distributed to bodies or persons other than the MSA, such distribution arrangements must, where practicable, be honoured by the Executive.

(2) Where a request is made for a reasonable alternative distribution of some or all of a disaffiliated club's assets, the Executive may accept or reject the request.

(3) Where a distribution of assets does not occur, C&S—

(a) in the case of any money held in the name of the club, must hold the money for a period of 5 years;

(b) in the case of other assets, may dispose of them by a method determined by the Executive.

Examples: The Executive may dispose of the assets by sale, donation, use by C&S, transfer to another club, recycling or general waste.

(4) Where a new club with purposes that are, in the opinion of the Executive, substantially similar to the purposes of a disaffiliated club is affiliated within 5 years of the disaffiliation, the money from the disaffiliated club must be transferred to the new club.

Part 6 Misconduct

Division 1 Penalties

75 Misconduct by Clubs

(1) A club is guilty of misconduct if—

(a) it fails to maintain its affiliation in accordance with the C&S Affiliation Regulations; or

(b) it, or at least 1 of its representatives, acts in breach of—

(i) the relevant club constitution or its schedules; or

(ii) this Constitution or its schedules; or

(iii) the constitution of the MSA; 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 or militaristic; or

(ii) otherwise unbecoming a member of C&S; 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) Penalties imposed on a club for misconduct may only include any combination of—

(a) reprimanding the club;

(b) directing the club to apologise for its behaviour, in a method determined by the Executive;

(c) directing 1 or more of the club's representatives to undertake training as determined by the Executive;

(d) directing the club to submit confirmed minutes of committee meetings for a specified period;

(e) directing the club to repay the cost of any property damage that has occurred due to the misconduct;

(f) restricting the club's eligibility to hold specified types of events for a specified period;

(g) removing 1 or more of the club's representatives' eligibility to be elected, be appointed or hold office in any club, for a specified period or indefinitely;

(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;

(j) altering the club's affiliation status, for a specified period not exceeding 24 academic weeks;

(k) disaffiliating the club.

(3) The Executive may, whenever it resolves that it is appropriate to do so, make a written report to the president of the MSA in relation to the conduct, including any act or omission, of any person or club the Executive reasonably believes may be in breach of—

(a) a club constitution; or

(b) this Constitution; or

(c) the constitution of the MSA; or

(d) the Statutes, Regulations or other rules of the University.

76 Prescribed Penalties

(1) Schedules to this Constitution may prescribe penalties for specific breaches of this Constitution or the schedule itself.

(2) Where a specific breach has an associated prescribed penalty, the prescribed penalty must be imposed on an offending club by the Executive.

(3) Where the Executive imposes a prescribed penalty on a club, the President or chair of the Executive meeting must give email notice to the club, stating—

(a) the prescribed penalty; and

(b) the act of misconduct for which it was imposed; and

(c) other than for a reprimand, how the club may object to the penalty.

(4) If, within 10 academic days of a prescribed penalty notice, other than for a reprimand, being given to a club, that club gives email notice to the Executive stating that it objects to the prescribed penalty notice, the prescribed penalty ceases to have any force or effect.

(5) If a club objects to a prescribed penalty notice, the Executive must resolve to—

(a) take no further action; or

(b) impose an alternative penalty of any combination of paragraphs 75(2)(a) to 75(2)(d), which, except for a reprimand, may be objected to in the same manner as a prescribed penalty notice; or

(c) direct the club to attend a misconduct hearing under subclause 77(1).

(6) Where a club objects to an alternative penalty under paragraph (5)(b), the Executive must convene a misconduct hearing.

Division 2 Misconduct Hearings

77 Convening

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

(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 of the University or, where this is not practicable, partially or entirely by use of technology.

(3) The Executive must give at least 14 days email notice of a misconduct hearing, including the time, date and location of the hearing, to—

(a) the club that is the subject of the hearing; and

(b) any representatives of the club whom the Executive reasonably believes could face the penalty listed in paragraph 75(2)(g).

78 Procedure

(1) At a misconduct hearing, the Executive acts 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 77(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.

(2) 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.

(3) Subject to subclause (1), a misconduct hearing must be conducted in accordance with clauses 21 to 24.

79 Outcome

(1) If, after deliberating during a misconduct hearing, the Executive resolves that a club is guilty of misconduct, the Executive may resolve to impose a penalty on the club.

(2) Where the Executive resolves to impose a penalty on a club, either the President or chair of the misconduct hearing must give email notice of the penalty to the club, including—

(a) the penalty imposed; and

(b) the duration of the penalty; and

(c) the reasons for the imposition of the penalty on the club; and

(d) how the club may appeal the penalty.

(3) Where a penalty removes a person's eligibility to be elected, be appointed, or hold office in any club, the President must give email notice of the ineligibility to the person, including—

(a) the ineligibility imposed; and

(b) the duration of the ineligibility; and

(c) the reasons for the ineligibility, to that person;

(d) how the person may appeal the penalty.

80 Appeals

(1) If within 10 academic days of being given—

(a) a penalty notice, other than for a reprimand, a club gives email notice of appeal to the Executive, stating objection to the penalty; or

(b) an ineligibility notice, a person gives email notice of appeal to the Executive, stating objection to the ineligibility—

the appeal must, subject to subclause 81(2) and other notice requirements, be heard at the next OGM or SGM.

(2) A notice of appeal operates as a stay of that penalty, unless the Executive, after having received the written concurrence of the president of the MSA, resolves otherwise.

Division 3 Misconduct Appeal Hearings

81 Convening

(1) A misconduct appeal hearing must be held at an OGM or SGM within 6 academic weeks of the Executive receiving a notice of appeal against the results of a misconduct hearing.

(2) The Executive must give at least 14 days email notice of a misconduct appeal hearing to the appellant and any representatives of the club whom the Executive reasonably believes could face the penalty listed in paragraph 75(2)(g), stating the general meeting at which the appeal will be heard.

82 Procedure

(1) Subject to this clause, a misconduct appeal hearing must be conducted in the manner determined by the general meeting during which the appeal is heard.

(2) At a misconduct appeal hearing, the general meeting 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.

(3) At a general meeting where a misconduct appeal is heard, a person elected by and from the persons present and voting, who must—

(a) not be a C&S office-bearer; and

(b) if the appellant is a person, not be the appellant or a representative of the appellant's club; and

(c) if the appellant is a club, not be a member of the club—

has the right to preside as chair for the duration of the misconduct appeal hearing.

(4) At a misconduct appeal hearing—

(a) each C&S office-bearer; and

(b) if the appellant is a person, the appellant and any representatives of the appellant's club; and

(c) if the appellant is a club, the appellant's representatives—

must not be present while the general meeting deliberates and votes on the appeal.

(5) A misconduct appeal hearing must proceed as a fresh hearing.

(6) 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 the general meeting, after having considered all the relevant circumstances, is satisfied that such representation is necessary in order to ensure fairness.

83 Outcome

(1) If, after deliberating during the misconduct appeal hearing, the general meeting resolves that—

(a) an appellant club is guilty of misconduct, it may resolve to impose a penalty on the appellant; or

(b) the club of an appellant person is guilty of misconduct, it may resolve to remove the appellant's eligibility to be elected, be appointed, or hold office in any club, for a specified period or indefinitely.

(2) If, after deliberating during a misconduct appeal hearing, the general meeting does not resolve that an appellant club is guilty of misconduct, the Executive must take such steps as it determines necessary to restore the appellant club to a state which, in the opinion of the Executive, is substantially the same as the state in which the appellant club would have been, had the appellant club not been found guilty at a misconduct hearing.

(3) The decision of the general meeting is final and binding on the appellant, C&S and the MSA.

Appendix 1 Authority

Resolution of the Annual General Meeting of the Clubs & Societies Council held on 29 August 2006.

"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	Adopted 2006 Constitution & Schedules	Council	3/2006
22 January 2007	Altered *Affiliation Regulations* & *Finance Regulations*	Executive	2/2007
19 March 2007	Altered *Affiliation Regulations*	Executive	8/2007
8 May 2007	Altered Constitution	Council	2/2007
21 August 2007	Altered Constitution	Council	3/2007
4 October 2007	Altered Finance Regulations	Executive	30/2007
27 March 2008	Altered Affiliation Regulations	Executive	07/2008
19 February 2009	Altered Affiliation Regulations	Executive	02/2009
18 March 2009	Altered Constitution	Council	01/2009
23 February 2010	Altered *Affiliation Regulations*	Executive	2/2010
4 August 2011	Altered *Affiliation Regulations*	Executive	14/2011
6 October 2011	Adopted Electronic Register (Tills) Procedures Policy	Council	3/2011
13 September 2012	Altered Constitution	Council	2/2012
13 March 2013	Altered *Affiliation Regulations*	Executive	4/2013
13 March 2013	Altered *Finance Regulations*	Executive	4/2013
19 August 2013	Altered *Affiliation Regulations*	Executive	21/2013
19 August 2013	Altered Constitution	Council	3/2013
30 January 2014	Altered *Finance Regulations*	Executive	1/2014
30 January 2014	Altered *Grants Regulations*	Executive	1/2014
5 February 2015	Altered *Affiliation Regulations*	Executive	1/2015
5 February 2015	Altered *Grants Regulations*	Executive	1/2015
5 February 2015	Altered *Finance Regulations*	Executive	1/2015
16 February 2016	Altered *Affiliation Regulations*	Executive	2/2016
20 October 2016	Altered Constitution	Council	3/2016
25 January 2018	Altered *Finance Regulations*	Executive	1/2018

Date	Description	Approving Body	Meeting
4 September 2018	Altered Constitution	Council	3/2018
14 February 2019	Altered *Finance Regulations*	Executive	3/2019
19 February 2019	Altered Affiliation Regulations	Executive	4/2019
5 September 2019	Altered Constitution	Council	2/2019
6 March 2020	Altered *Affiliation Regulations*	Executive	6/2020
2 June 2020	Altered Constitution	Council	1/2020
7 August 2020	Altered *Finance Regulations*	Executive	14/2020
10 February 2021	Altered *Affiliation Regulations*	Executive	2/2021
12 May 2021	Altered Constitution	Council	1/2021
1 September 2021	Altered Constitution	Council	2/2021
27 October 2021	Altered *Affiliation Regulations*	Executive	22/2021
7 February 2022	Altered *Affiliation Regulations*	Executive	2/2022
7 September 2022	Altered Constitution	Council	2/2022
6 September 2023	Altered Constitution	Council	3/2023
4 December 2023	Altered *Grants Regulations*	Executive	30/2023
16 February 2024	Altered *Affiliation Regulations*	Executive	4/2024
18 March 2024	Altered *Finance Regulations*	Executive	9/2024
27 August 2024	Altered *Affiliation Regulations*	Executive	26/2024
6 August 2025	Revoked *Electronic Register (Tills) Procedures Policy*	Executive	24/2025
10 September 2025	Adopted *Expenditure Regulations*	Executive	27/2025
8 September 2025 & 15 September 2025	Altered Constitution	Council	2/2025
18 December 2025	Adopted *C&S Executive Meeting Standing Orders*	Executive	35/2025
3 March 2026	Adopted *Off-Campus Event Regulations*	Executive	2/2026
25 March 2026	Altered Constitution	Council	1/2026
26 May 2026	Altered *C&S Executive Meeting Standing Orders*	Executive	15/2026
17 June 2026	Altered *Finance Regulations*	Executive	16/2026

Date	Description	Approving Body	Meeting
17 July 2026	Altered *Finance Regulations*	Executive	17/2026
7 August 2026	Altered Constitution	Council	2/2026
14 September 2026	Altered Constitution	Council	3/2026