

Monash Student Association (Clayton) Incorporated CONSTITUTION

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PART 2 – THE ASSOCIATION

2. Name

The name of the incorporated association is the “Monash Student Association Incorporated” (“the MSA”).

3. Purposes

The purposes of the MSA are:

- (1) to be the recognised means of communication between students and the academic and administrative authorities of the University;
- (2) to make representations on behalf of students to the community at large;
- (3) to publish such student newspapers, magazines and other publications as the MSA from time to time may determine;
- (4) to administer the funds of the MSA in accordance with this constitution, whether received from fees collected from students by the University or otherwise;
- (5) to make recommendations to the appropriate bodies of the University on the allocation of funds to the MSA;
- (6) to use the funds of the MSA for payment of any expenses incurred in furthering the purposes of the MSA;
- (7) to co-operate with, and affiliate to other persons and bodies in pursuit of its purposes;
- (8) to promote the right of all students to a free education;
- (9) to defend the principles of universal membership and the right of students to an autonomous and self-governing organisation;
- (10) to otherwise protect, promote and develop the interests and welfare of students;

- (11) to make representations on matters affecting students to any member or body of the University, and in particular to the Council, the Academic Board, the Vice-Chancellor and the General Manager; and
- (12) to be an accountable, representative and democratic body for students.

4. Powers

- (1) The MSA has:
 - (a) the legal capacity of an incorporated body; and
 - (b) the same powers as an individual, but only subject to this clause.
- (2) The MSA may only:
 - (a) exercise its powers; and
 - (b) use its income and assets;
for its purposes.
- (3) The MSA must not distribute any of its income or assets to members or students by way of profit.

5. Membership

- (1) The members of the MSA are the voting members of:
 - (a) the Monash Student Council,
 - (b) the Committees, and
 - (c) the governing bodies of the Divisions.
- (2) The Secretary must ensure that a register is kept in which are entered:
 - (a) the name of each member,
 - (b) the address for notices last notified by the member,
 - (c) the date of becoming a member, and
 - (d) in the case of former members, the date of ceasing to be a member.
- (3) Members must at all times comply with this constitution and the regulations.
- (4) Under section 14A of the Associations Act, this constitution is an enforceable contract between each member and the MSA.
- (5) Under section 15 of the Associations Act, members are not liable to contribute to the debts and liabilities of the MSA by reason only of their membership.
- (6) There are no entrance fees, subscriptions or other amounts to be paid by members of the MSA in their capacity as members.
- (7) The MSA may not discipline members of the MSA in their capacity as members.

PART 3 – THE DIVISIONS

6. Names

The MSA includes as Divisions within the association:

- (1) the Monash University International Students Service (“MUISS”),
- (2) the Mature-Age and Part-Time Students Association (“MAPS”), and
- (3) the Clubs & Societies Council (“C&SC”).

7. Status

The MSA recognises:

- (1) MUISS as the body within the MSA that represents international students;
- (2) MAPS as the body within the MSA that represents mature-age, part-time and distance-education students;
and
- (3) C&SC as the body within the MSA that represents clubs and societies.

8. Constitutions

- (1) The constitutions of the Divisions may only be amended by the Divisions.
- (2) The Divisions do not require the approval of the MSA to amend their constitutions.
- (3) Up-to-date copies of the constitutions of the Divisions must be included as schedules to this constitution
- (4) The schedules do not form part of this constitution.

- (5) The MSA must not amend:
 - (a) this Part;
 - (b) clause 49; or
 - (c) any other provision of this constitution or the regulations so as to directly affect the powers able to be exercised by a Division;without the approval of each Division affected by the amendment.
- (6) Divisions may only approve amendments to this Part by the same process required to amend their own constitutions.

PART 4 – STUDENT GENERAL MEETINGS AND REFERENDA

9. Convening

- (1) The MSC may by resolution convene a student general meeting.
- (2) The MSC must convene a student general meeting if petitioned by at least 1% of students.
- (3) The MSC must by resolution set the date, place and agenda of each student general meeting.

10. Time and Place

- (1) Student general meetings may only be held between 1.05 p.m. and 1:55 p.m. on an academic day at the Clayton Campus.
- (2) If a student general meeting has not finished by 1:55 p.m., any motion under debate must immediately be put to the vote. The meeting must then be declared closed.

11. Agenda

- (1) At least 3 days before the meeting the preliminary agenda for a student general meeting must be:
 - (a) posted on the MSA notice-board; and
 - (b) advertised throughout the Clayton Campus.
- (2) The final agenda must be:
 - (a) posted on the MSA notice-board at least one hour before the meeting; and
 - (b) distributed to students before the meeting.
- (3) No substantive motions may be added to the agenda later than one hour before the meeting.

12. Notice

- (1) At least 6 academic days' notice of the date, time and place of student general meetings must be given to students by:
 - (a) notice posted on the MSA notice-board;
 - (b) email to students, to the extent practicable; and
 - (c) advertisement throughout the Clayton Campus.
- (2) An urgent student general meeting may be held without the notice required by subclause (1) or a preliminary agenda in accordance with subclause 11(1), but may only make a binding decision if at least 2% of students vote in favour in accordance with paragraph 13(2)(a).

13. Quorum

- (1) There is no minimum quorum for student general meetings.
- (2) However, decisions of student general meetings are only binding for the purpose of clause 17:
 - (a) in the case of:
 - (i) urgent student general meetings under subclause 12(2),
 - (ii) removal from office under subparagraph 45(1)(g)(i), and
 - (iii) the passing of a special resolution under subclause 60(2),if at least 2% of students vote in favour; or
 - (b) in all other cases, if at least 1% of students vote in favour.

14. Chairing

- (1) The President is entitled to chair student general meetings.

- (2) If the President is not present, or does not wish to chair the meeting (or part of the meeting), the Deputy Chair is entitled to chair.
- (3) If neither the President nor the Deputy Chair is present, or if neither wishes to chair the meeting, the MSC must appoint a chair.
- (4) The chair has a deliberative vote, but does not have a casting vote.

15. Voting

- (1) Each student present at student general meeting is entitled to one vote.
- (2) Voting is by show of hands.
- (3) The declaration by the chair of the result of the vote as recorded in the minutes is conclusive evidence of that result.
- (4) If an equal number of votes are cast for and against a motion or amendment, the chair must declare the motion or amendment lost.

16. Student Referenda

- (1) Decisions of student referenda override decisions of student general meetings.
- (2) The MSC may by resolution passed by an absolute majority hold a student referendum.
- (3) The MSC must hold a student referendum if petitioned by at least 5% of students.
- (4) The MSC must by resolution set the dates, times and places of polling, and the question or questions to be put.
- (5) Each student is entitled to one vote.
- (6) Decisions of student referenda are only binding for the purpose of clause 17 (including removal from office under subparagraph 45(1)(g)(ii) and the passing of a special resolution under subclause 60(2)) if at least 5% of students vote in the referendum.
- (7) The MSC may make regulations for the conduct of student referenda.

17. Binding Decisions

- (1) All MSA bodies, and all office-bearers and members of MSA bodies must give effect so far as they are able to binding decisions of student general meetings and referenda.
- (2) Decisions of student general meetings are not binding if:
 - (a) a student referendum has been petitioned to change the decision; and
 - (b) that student referendum has not yet been decided.
- (3) Binding decisions of student general meetings remain binding until changed by a further binding decision of a student general meeting or referendum.
- (4) Binding decisions of student referenda remain binding until changed by a further binding decision of a student referendum.

PART 5 – MONASH STUDENT COUNCIL

18. Responsibility and Powers

- (1) The Monash Student Council (“the MSC”) is responsible for the management of the MSA, subject to clause 17.
- (2) The MSC may exercise all powers of the MSA on its behalf, subject to subclause (3).
- (3) The MSC must not exercise its powers so as to interfere with the proper exercise of the powers of a Division.
- (4) Without limiting subclauses (1) and (2), the MSC is responsible for:
 - (a) the governance of the MSA;
 - (b) all policy of the MSA (subject only to clause 17);
 - (c) strategic planning for the MSA;
 - (d) ensuring that all office-bearers carry out their duties and responsibilities;
 - (e) the acquisition and disposal of property for the purposes of the MSA;
 - (f) contracts with or on behalf of the MSA;
 - (g) the expenditure and investment of the funds of the MSA;
 - (h) setting the parameters for and adopting the budget of the MSA; and

- (i) borrowings by or on behalf of the MSA.
- (5) Nothing in clause 37 affects this clause. Paragraph 37(8)(d) is not affected by this clause.

19. Wholefoods Restaurant

The MSC must manage the Wholefoods Restaurant ('Wholefoods') in accordance with the following aims:

- (1) to provide only vegetarian and vegan food, using organic ingredients wherever possible;
- (2) to encourage voluntary student participation at all levels of operation of Wholefoods, in an atmosphere of mutual respect and co-operation;
- (3) to demonstrate that a collective operating with a consensus decision making process is a viable alternative to a hierarchical organisation;
- (4) to create an atmosphere that promotes social awareness and the possibilities for social change through encouraging the use of Wholefoods as a venue for student cultural, social and political activities;
- (5) to purchase produce from local suppliers and use alternative marketing systems, including other co-operatives wherever possible; and
- (6) to maintain a not-for-profit philosophy whereby Wholefoods aims to break even. This means covering all costs, including contributions to the MSA capital reserve fund and major equipment fund, and generating extra revenue to reinvest into Wholefoods or to offset less profitable years.

20. Membership

The members of the MSC are:

- (1) the President,
- (2) the Secretary,
- (3) the Treasurer,
- (4) the Education (Public Affairs) Officer,
- (5) the Education (Academic Affairs) Officer,
- (6) the Activities Chairperson,
- (7) the Welfare Officer,
- (8) the Environment and Social Justice Officer,
- (9) the Women's Officer,
- (10) the Female Queer Officer,
- (11) the Male Queer Officer,
- (12)-(14) the President of each Division, or their nominees (who must be a member of the governing body of that Division),
- (15)-(19) 5 members directly elected by and from students, and
- (20) 1 member directly elected by and from Indigenous Australian students.

21. Meetings

- (1) The MSC must meet at least 9 times each year between February and December.
- (2) Meetings of the MSC may be convened by the Secretary or any 5 members of the MSC.
- (3) Meetings of the MSC are to be chaired on the same basis as student general meetings, subject to subclauses (4) and (5).
- (4) Each member of the MSC present in person at the meeting has one vote, other than the chair.
- (5) The chair has a casting vote only.

PART 6 – EXECUTIVE

22. Responsibilities

- (1) The Executive is responsible on behalf of the MSC for:
 - (a) the day to day management of the MSA;
 - (b) the employment of staff by or on behalf of the MSA;
 - (c) all industrial, media and legal matters;
 - (d) monitoring the finances of the MSA;

- (e) authorising expenditure:
 - (i) on administrative items within limits set by resolution of the MSC;
 - (ii) where an expenditure decision was to have been made by another MSA body, but the relevant meeting was inquorate;
 - (iii) as delegated by the MSC;
 - (f) preparation of a budget for adoption by the MSC;
 - (g) the delivery of MSA services; and
 - (h) implementation of policy made by the MSC, particularly in relation to publications.
- (2) for the purposes of clause 49, the Executive is the Budget committee of the MSA.

23. Membership

- (1) The members of the Executive are:
 - (a) the President ;
 - (b) the Secretary;
 - (c) the Treasurer;
 - (d) one member elected by and from the members of the MSC referred to in subclause 20(12)-(14);
 - (e) one member elected by and from the members of the MSC referred to in subclause 20(15)-(19);
- (2) The MSC may by resolution passed by an absolute majority remove the members elected under paragraph (1)(d) and (e), and hold another election.

24. Meetings

- (1) Meetings of the Executive may be convened by the Secretary or any 3 members.
- (2) The chairing of, and voting at meetings of the Executive is to be on the same basis as for meetings of the MSC.

PART 7 – THE COMMITTEES

25. Women’s Affairs Collective

- (1) The Women’s Affairs Collective is responsible for:
 - (a) promoting and assisting in the development and maintenance of high quality services within the University that are responsive to the needs of women students;
 - (b) endeavouring to create greater opportunities for women students to fully participate in all aspects of the academic and non-academic life of the University;
 - (c) organising forums, educational and cultural events, guest speakers and debates on matters of interest to women students;
 - (d) initiating, reviewing and publishing research relating to issues of interest to women students;
 - (e) providing a forum for debating women’s issues on the Clayton Campus of the University;
 - (f) calling general meetings of women students whenever it thinks appropriate, or when requested to do so by a petition signed by 30 women students;
 - (g) considering, developing and proposing policies on matters and issues of interest or concern to women students;
 - (h) making recommendations to the MSC on ways in which it could better co-ordinate activities relevant to women students;
 - (i) managing areas, facilities and equipment provided by or through the MSA primarily for the use of women students;
 - (j) in co-operation with the other Committees, collecting, reviewing, compiling, publishing and disseminating information of interest to women students or relating to issues of concern or policies or services of concern to women students;
 - (k) co-operating with other people and bodies, both within and outside the University, as it thinks appropriate in order to carry out its responsibilities; and
 - (l) generally acting so as to promote equal opportunity and social justice for students, and to oppose all forms of unfair discrimination on the basis of a person’s gender, sexual preference, race ethnicity, language or culture, disability, socio-economic status, or religious, social or political beliefs.

- (2) The members of the Women's Affairs Collective are:
 - (a) the Women's Officer (Convenor);
 - (b) 5 members directly elected by and from women students only; and
 - (c) other non-voting members co-opted by the Collective.

26. Activities Advisory Committee

- (1) The Activities Advisory Committee is responsible for:
 - (a) organising major social events for the Clayton Campus, including during Orientation Week and Green Week;
 - (b) organising and running the Clayton Campus Games;
 - (c) organising and promoting concerts, barbecues, balls and union nights for students;
 - (d) liaising with the relevant committees of the Divisions in order to expand, develop and co-ordinate the range of cultural events and social activities for students; and
 - (e) making recommendations to the MSC on ways in which the MSA could better co-ordinate its activities relevant to cultural events and social activities for students.
- (2) The members of the Activities Advisory Committee are:
 - (a) the Activities Chairperson (Chair); and
 - (b) those student who attend the meeting.

27. Student Affairs Committee

- (1) The Student Affairs Committee is responsible for:
 - (a) informing and directing the Education and Welfare Departments, and for assisting the Education (Public Affairs) Officer and Welfare Officer in their work;
 - (b) initiating and co-ordinating education and welfare campaigns, particularly with regard to:
 - (i) access and equity of education for all students,
 - (ii) the universal right of all students to a quality, free education,
 - (iii) the social and economic welfare of students,
 - (iv) adequate student income support,
 - (v) quality student support services, and
 - (vi) equal opportunity;
 - (c) initiating research relating to educational and student welfare issues arising within and outside the University;
 - (d) considering, developing and recommending policies to the MSC on any matter concerning the educational, social and economic needs and issues of interest to students;
 - (e) considering issues relating to the quality of education, student rights, student welfare, safety on campus, equal opportunity and the needs of specific groups of students at the Clayton Campus;
 - (f) making funding available to the student body at Clayton Campus, in order to fund campaigns and projects upon successful application to the Committee;
 - (g) publicising the availability of funding for campaigns and projects to all students at the Clayton Campus at the beginning of the academic year;
 - (h) organising regular forums, guest speakers and debates on issues of interest to students at the Clayton Campus;
 - (i) raising awareness of student issues amongst students and staff at the Clayton Campus;
 - (j) liaising with, and making representations on behalf of students at the Clayton Campus to bodies outside the MSA;
 - (k) collecting, collating, publishing and disseminating information relating to student rights and welfare; and
 - (l) liaising with student groups of interest and other student organisations, both inside and outside the University.
- (2) The members of the Student Affairs Committee are:
 - (a) the Education (Public Affairs) Officer,

- (b) the Welfare Officer,
 - (c) 10 members directly elected by and from students,
 - (d) 1 member nominated by MUISS, and
 - (e) 1 member nominated by MAPS.
- (3) Meetings of the Student Affairs Committee are to be chaired by the Education (Public Affairs) Officer and the Welfare Officer on a rotating basis.

28. Academic Affairs Committee

- (1) The Academic Affairs Committee is responsible for:
- (a) discussing issues relating to Faculty policies;
 - (b) liaising with the Student Affairs Committee;
 - (c) providing a channel for education and welfare concerns;
 - (d) raising awareness of Faculty-specific and cross-Faculty issues amongst students and staff at the Clayton Campus;
 - (e) organising forums, guest speakers and debates on academic issues of interest to students and staff at the Clayton Campus;
 - (f) initiating research relating to academic issues within the University;
 - (g) making representation to the Student Affairs Committee on academic issues;
 - (h) initiating and co-ordinating campaigns, in consultation with the Student Affairs Committee, in relation to academic issues;
 - (i) advising the Student Affairs Committee on the establishment of or changes to existing courses;
 - (j) monitoring the teaching arrangements between Faculties
 - (k) monitoring the implementation of education policy in the University; and
 - (l) ensuring that access and equity issues are monitored throughout the Faculties.
- (2) The members of the Academic Affairs Committee are:
- (a) Education (Academic Affairs) Officer (Chair); and
 - (b) 1 student from each Faculty at the Clayton Campus, elected, appointed or nominated in accordance with the regulations.

29. Queer Committee

- (1) The Queer Committee is responsible for:
- (a) actively increasing visibility, awareness and acceptance of the presence of students of all sexualities and genders on campus;
 - (b) encouraging freedom of expression of all sexualities and genders at all levels of the University without fear of harassment or discrimination;
 - (c) discouraging homophobic attitudes, violence and expression on campus;
 - (d) providing support to all students having difficulty with issues of sexuality or gender;
 - (e) providing access to support services available in the wider community to students seeking sexuality or gender related information or referral;
 - (f) providing a safe and discreet non-heterosexual space or environment in which to generate self-esteem, awareness and acceptance of non-heterosexual students on campus;
 - (g) working with the Queer Collective and other relevant groups on campus to address issues relating to sexuality and gender;
 - (h) providing non-heterosexual students with awareness of safe-sex practices and the prevention of STDs, and distributing information on sexual health issues;
 - (i) networking with other non-heterosexual organisations and communities outside the University; and
 - (j) staffing a telephone support and referral service.
- (2) The members of the Queer Committee are:
- (a) the Queer Officers (Co-Chairs);
 - (b) 6 students elected by and from the members of Queer Collective.

30. Environment and Social Justice Collective

- (1) The Environment and Social Justice Collective is responsible for:
 - (a) initiating research relating to environmental issues arising within and outside the University;
 - (b) developing policy on environment-related issues;
 - (c) providing students with a forum for the discussion of issues relating to the environment;
 - (d) collecting, collating, publishing and disseminating information relating to environmental issues;
 - (e) raising awareness of environmental issues amongst students, staff and the broader community;
 - (f) facilitating, initiating, and coordinating environmental campaigns within and outside the University;
 - (g) directing expenditure of the Environment Department budget (subject to the MSC and the Executive);
 - (h) liaising with relevant University committees and departments, environment organizations and student bodies within and outside the University;
 - (i) making recommendations to the MSC on ways in which the MS could improve environmental practice.
- (2) The members of the Environment and Social Justice Collective are:
 - (a) the Environment and Social Justice Officer; and
 - (b) all students who have attended at least 3 past meetings of the Collective in the last 12 months and who wish to be members.
- (3) The Environment and Social Justice Collective must meet at least 10 times each year.
- (4) The quorum for meetings of the Environment and Social Justice Collective is the presence in person of the Environment and Social Justice Officer and 4 other members.

PART 8 – BODIES GENERALLY**31. Powers**

- (1) Each MSA body may:
 - (a) establish committees or subcommittees with such membership and terms of reference as it thinks appropriate; and
 - (b) delegate its responsibilities and powers as it thinks appropriate; subject to subclause (3).
- (2) A body to which or person to whom a responsibility or power is delegated may not delegate that responsibility or power further, unless the resolution under which the responsibility or power is delegated (or a subsequent resolution) specifically empowers that body or person to do so.
- (3) Despite paragraph (1)(b), the MSC may not delegate its powers:
 - (a) to make regulations under subclause 58(1); or
 - (b) to interpret this constitution and the regulations under subclause 63(4).

32. Quorum

The quorum for meetings of each MSA body is the presence in person of half or more of the voting members at the time, unless some other quorum is specified by this constitution or the regulations.

33. Meetings

- (1) The MSC must make regulations for the convening and conduct of meetings of MSA bodies, except the Divisions.
- (2) The Divisions must make regulations for the convening and conduct of their meetings.
- (3) Members of MSA bodies may exercise their votes by proxy, unless this constitution, the regulations or the resolution establishing the body specifies that votes on that body must be exercised in person. Appointments of proxies must be in writing, signed by the member, and addressed to the chair of the meeting. The regulations or the resolution establishing a body may also limit how, when and the number of proxies that may be exercised.
- (4) Meetings of MSA bodies may only proceed in camera if:
 - (a) the business to be considered relates to a confidential personal, staffing or legal matter;
 - (b) the body passes a resolution to do so by an absolute majority; and

- (c) the meeting is reopened to non-members as soon as the in camera business has been considered.
- (5) Subject to this constitution and the regulations, MSA bodies may:
 - (a) meet, adjourn and conduct their meetings as they think appropriate; and
 - (b) decide any question by simple majority of votes cast.
- (6) Vacancies in the membership of MSA bodies do not prevent them from meeting, so long as a quorum is present.
- (7) Each Committee must meet at least 8 times per year.

34. Affiliated Bodies

- (1) The MSC may by resolution accept the affiliation of any body that represents a group of students of the University.
- (2) The MSC accepts the affiliation of:
 - (a) the Queer Collective,
- (3) Without limiting subclause 18(2), the MSC may provide funding for affiliated bodies.
- (4) The MSC may by resolution passed by an absolute majority disaffiliate any affiliated body, subject to subclause (5).
- (5) The MSC will continue to accept the affiliation of the Queer Collective while the MSC is satisfied that the Queer Collective properly represents self-identified non-heterosexual students.
- (6) The MSC may make regulations for the purposes of this clause.
- (7) Affiliated bodies are not MSA bodies for the purposes of this constitution.

PART 9 – OFFICE-BEARERS AND MEMBERS OF MSA BODIES

35. Office-Bearers

- (1) The following office-bearers must be directly elected by and from students:
 - (a) the President,
 - (b) the Secretary,
 - (c) the Treasurer
 - (d) the Education (Public Affairs) Officer,
 - (e) the Education (Academic Affairs) Officer,
 - (f) the Activities Chairperson,
 - (g) the Welfare Officer,
 - (h) the Environment and Social Justice Officer, and
 - (i) the Editors of *Lot's Wife*.
- (2) The Women's Officer must be directly elected by and from women students.
- (3) (a) The Female Queer Officer must be directly elected from female self-identified non-heterosexual students.
 - (b) The Male Queer Officer must be directly elected from male self-identified non-heterosexual students.
 - (c) The Queer Officers must be directly elected by all students.
- (4) The MSC may by regulation establish other office-bearer positions to be directly or otherwise elected by students.
- (5) The MSC may only pay a salary to office-bearers directly elected by students (which includes the Women's Officer). This subclause does not prevent the MSC from paying salaries to staff.
- (6) The MSC may by resolution:
 - (a) grant leave of absence to any office-bearer who is paid a salary for a period of not more than 3 months;
 - (b) elect a member of the MSA to hold the position for that period, subject to subclause (8); and
 - (c) pay a salary to the office-bearer so elected.
- (7) Only members of the MSC directly elected by students (which includes the Women's Officer) are eligible to be elected to hold the positions of President, Secretary and Treasurer under paragraph (7)(b).
- (8) If the University makes provision for the President, Secretary and Treasurer to be enrolled students of the University by virtue of holding those positions and without being required to undertake studies but subject to

the statutes and regulations of the University, the President, Secretary and Treasurer must be enrolled students of the University.

- (9) If the University does not make the provision referred to in subclause (9), the words “other than the President, Secretary and Treasurer in paragraph 45(1)(b) and subparagraph 63(1)(r)(iii) do not apply.

36. Sharing of Positions

- (1) Any number of students may stand for and hold the position of Editor of *Lot's Wife*.
- (2) 2 students may stand for and hold any other officer position, except President, Secretary, Treasurer and Queer Officers.
- (3) 2 students may stand for and hold the Indigenous position on the MSC.
- (4) The MSC may make regulations specifying the conditions under which positions may be shared.

37. Direction and Responsibilities

- (1) The President:
 - (a) is subject to the direction of the MSC;
 - (b) is the official spokesperson for the MSA;
 - (c) is responsible to the MSC for the day-to-day management of the MSA, including:
 - (i) staff, and
 - (ii) publication of all public documents, except *Lot's Wife*; and
 - (d) has other responsibilities as determined by the MSC.
- (2) The Education (Public Affairs) Officer is subject to the direction of the Student Affairs Committee and the MSC, and is responsible for:
 - (a) initiating research relating to educational issues;
 - (b) raising awareness of educational issues amongst students, staff and the broader community;
 - (c) collecting, collating, publishing and disseminating information relating to education policy;
 - (d) organising regular forums, guest speakers and debates on matters of educational policy interest to students;
 - (e) considering, developing and recommending education policies to the MSC;
 - (f) developing and implementing strategies for increasing public support of the education policies of the MSA;
 - (g) initiating and co-ordinating education campaigns;
 - (h) considering issues relating to education policy;
 - (i) attending all education policy meetings as requested;
 - (j) encouraging student participation in the Education Department of the MSA; and
 - (k) in co-operation with other officer-bearers, implementing campaigns, initiatives and research.
- (3) The Education (Academic Affairs) Officer is subject to the direction of the Academic Affairs Committee and the MSC, and is responsible for:
 - (a) initiating research relating to academic affairs;
 - (b) raising awareness of academic issues amongst students, staff and the broader community;
 - (c) collecting, collating, publishing and disseminating information relating to academic affairs;
 - (d) organising regular forums, guest speakers and debates on academic issues of interest to students;
 - (e) considering, developing and recommending academic policies to the MSC;
 - (f) developing and implementing strategies for increasing public support of the academic policies of the MSA;
 - (g) initiating and co-ordinating academic campaigns;
 - (h) considering issues relating to academic policy;
 - (i) attending all academic policy meetings as requested;
 - (j) encouraging student participation in the education department; and
 - (k) in co-operation with other officer-bearers, implementing campaigns, initiatives and research.
- (4) The Secretary:
 - (a) is subject to the direction of the MSC;

- (b) is responsible on behalf of the MSC for ensuring that the MSA keeps proper records, including minutes of all meetings;
- (c) is responsible for:
- (i) liaising with, monitoring the activities of and recording information relating to all student service provider at the Clayton Campus to ensure quality services are provided to students;
 - (ii) after consulting with and as directed by the President, providing accurate and useful information about the MSA and its services and policies to student, the University and outside bodies; and
 - (iii) official promotion of Student General Meetings, referenda and MSA elections; and
- (d) has the other responsibilities specified in this constitution.
- (5) The Treasurer is subject to the direction of the MSC, and is responsible on behalf of the MSC for:
- (a) the day-to-day management of the funds of the MSA;
 - (b) ensuring that the MSA keeps proper financial records, including true and fair accounts;
 - (c) ensuring that the MSA establishes and maintains effective financial management systems;
 - (d) providing monthly financial reports to the executive and the MSC; and
 - (e) ensuring that the accounts of the MSA are audited in accordance with clause 53.
- (6) The Activities Chairperson is subject to the direction of, and has the responsibilities determined by the MSC.
- (7) The Welfare Officer is subject to the direction of the Student Affairs Committee and the MSC, and is responsible for:
- (a) initiating research relating to welfare issues;
 - (b) raising awareness of welfare issues amongst students, staff and the broader community;
 - (c) collecting, collating, publishing and disseminating information relating to welfare policy;
 - (d) organising regular forums, guest speakers, and debates on matters of welfare policy interest to students;
 - (e) considering, developing and recommending welfare policies to the MSC;
 - (f) developing and implementing strategies for increasing public support of the welfare policies of the MSA;
 - (g) initiating and co-ordinating welfare campaigns;
 - (h) considering issues relating to welfare policy;
 - (i) attending all welfare policy meetings as requested;
 - (j) encouraging student participation in the Welfare Department of the MSA; and
 - (k) in co-operation with other officer-bearers, implementing campaigns, initiatives and research.
- (8) The Editors of *Lot's Wife*:
- (a) are responsible for editing, producing and distributing *Lot's Wife* regularly throughout the academic year;
 - (b) may be directed by the MSC to include material in *Lot's Wife*;
 - (c) may be directed by the Executive not to include material in *Lot's Wife* that is considers potentially defamatory; and
 - (d) are not otherwise subject to the direction of any MSA body in relation to the content of *Lot's Wife*.
- (9) The Women's Officer is subject to the direction of, and has the responsibilities determined by the Women's Affairs Collective.
- (10) The Queer Officers are subject to the direction of, and have the responsibilities determined by the Queer Committee.
- (11) The Environment and Social Justice Officer is subject to the direction of, and has the responsibilities determined by the Environment and Social Justice Collective.
- (12) The MSC may by regulation specify additional direction and responsibilities for office-bearers.
- (13) If there is a vacancy in the position of President, or the President is otherwise unable to act, the Deputy Chair must act as President.
- (14) The Treasurer is Deputy Chair, unless the MSC by a two-thirds absolute majority appoints another directly elected office-bearer as Deputy Chair.

38. Duties

Office-bearers and members of MSA bodies owe the MSA duties:

- (1) to act honestly and in good faith;
 - (2) not to make improper use of their position or of information obtained in their position;
 - (3) to exercise reasonable care and diligence;
 - (4) not to behave in a racist, sexist, homophobic or militaristic manner;
- as office-bearers and members of MSA bodies.

39. Indemnity

The MSA indemnifies office-bearers and members of MSA bodies against any liability incurred by them in that capacity, unless the liability arises out of conduct involving a breach of their duties to the MSA.

PART 10 – ELECTIONS

40. Application

- (1) In this constitution, “MSA election” means an election for an MSA body, subject to subclause (2).
- (2) This Part, other than subclause 41(2) and clause 46, does not apply to the Divisions.
- (3) The Divisions must provide in their constitutions or by regulation for the matters the subject of this Part.

41. Conduct

- (1) The MSC must make regulations for the conduct of MSA elections.
- (2) All MSA elections must be conducted by secret ballot using the optional preferential proportional representation method of election.
- (3) Office-bearers and members of the MSC and Committees directly elected by students must be elected at the annual elections.
- (4) The annual elections must be held over at least 4 academic days.
- (5) The regulations made under subclause (1) must include the following regulations:
 - (a) No paper may be used for publicity in the election, except paper supplied by the returning officer under paragraph (b).
 - (b) The returning officer must make paper available to all candidates at its cost price to MSA as follows:
 - (i) for individual candidates (not standing as part of a group of candidates) – 1,000 A4 sheets and 100 A3 posters;
 - (ii) for groups of candidates standing for Activities Chairperson or Editors of *Lot's Wife* – 3,000 A4 sheets and 150 A3 posters; and
 - (iii) for all other groups of candidates – 1,500 A4 sheets and 100 A3 posters for the first candidates, and a further 300 A4 sheets and 20 A3 posters for each additional candidate, up to a maximum of 6,000 A4 sheets and 400 A3 posters.
 - (c) The returning officer must ensure that (within reasonable cost) the paper supplied under paragraph (b) is marked so that it can be identified as paper supplied by the returning officer under paragraph (b).
 - (d) The paper supplied by the returning officer under paragraph (b) must not be used to promote any candidate or group of candidates, except those candidates to whom it is supplied. This paragraph does not prevent candidates from including information about the direction of preferences to, or endorsement of, other candidates or groups of candidates.
 - (e) Badges are prohibited.

42. Eligibility to Stand and Vote

- (1) All students may stand in MSA elections, except for:
 - (a) students who are full-time staff of the MSA or the University; and
 - (b) office-bearers who have ceased to be enrolled students of the University, and to whom the definition of “student” in subparagraph 63(1)(r)(ii) does not apply.
- (2) All students may vote in MSA elections.
- (3) Subclauses (1) and (2) do not prevent this constitution or the regulations from limiting the eligibility to stand and vote in particular elections to a specified group or groups of students.
 - (a) The regulations made under subclause (1) must provide that:

- (i) In all MSA elections where multiple positions are to be elected in the same ballot at least half of the candidates elected must be women, provided sufficient women candidates have nominated;
- (ii) If the filling of a vacancy in one of a number of positions to which paragraph (a) applied at the time of the original election by a man would result in less than half of those positions being held by women, the vacancy must be filled by a woman, provided a woman candidate nominates; and
- (iii) For the purposes of the regulations made pursuant to paragraphs (a) and (b), in calculating half of a number, fractions must be rounded down.

43. Eligibility to Hold Positions

- (1) A person may stand for but not hold more than one office-bearer position.
- (2) A person may stand for but not hold more than one voting position on the same MSA body.
- (3) A person may stand for, but not hold more than 2 separate positions as an office-bearer or member of the MSC or Committees.
- (4) A person who holds the position of Editor of *Lot's Wife* may not hold a voting position on any MSC body.

44. Term of Office

- (1) Office-bearers elected at the annual elections hold office from the following 1 December to 31 December of the next year, subject to subclause 46(1).
- (2) Other members of MSA bodies elected at the annual elections hold those positions from the following 1 January to 31 December, subject to subclause 46(1).
- (3) In the case of office-bearers elected at the annual elections, until the following 1 January:
 - (a) Their position is termed “[insert name of position to which office-bearer has been elected]-Elect”; and
 - (b) The voting and other rights and powers of the position may only be exercised by their immediate predecessor in office; but
 - (c) The MSC may pay the office-bearer a salary in accordance with subclause 36(5).

45. Vacancies

- (1) The position of an office-bearer or member of an MSA body becomes vacant if the person holding the position:
 - (a) delivers a signed resignation to the Secretary (or, in the case of the Secretary, to the President);
 - (b) except in the case of office-bearers other than the President, Secretary and Treasurer, ceases to be a student;
 - (c) becomes a full-time member of the staff of the MSA or the University;
 - (d) does not vote in favour of a special resolution in accordance with subclause 60(9) and the binding decision of a student general meeting or referendum;
 - (e) in the case of members of the MSC, the Executive and the Committees directly elected by students (including office-bearers), is removed by a resolution passed by an absolute majority of the members of that body on the ground that:
 - (i) the member has without prior leave of the body failed on 3 consecutive occasions to attend within 45 minutes of the time specified for the commencement of a meeting of the body; or
 - (ii) the member has been certified by a registered medical practitioner to be incapable of carrying out the responsibilities of the position because of injury or illness;
 - (f) is removed by a resolution passed by a four-fifths absolute majority of the MSC on the ground that they have breached their duties to the MSA under clause 38, provided that the office-bearer or member of an MSA body has been given:
 - (i) particulars in writing of what it is alleged they have done or failed to do in breach of their duties under clause 38, at least 1 week before the meeting at which the motion to remove them is to be considered; and
 - (ii) a reasonable opportunity to make written submissions to, attend and be heard at that meeting
 - (g) is removed by binding decision of:
 - (i) a student general meeting in accordance with paragraph 13(2)(a), or
 - (ii) a student referendum in accordance with subclause 16(6); or

- (h) dies.
- (3) The position of a person nominated or appointed to an MSA body becomes vacant if the person or body making the nomination or appointment withdraws it.
- (4) Vacancies must be filled within 30 academic days:
 - (a) in the case of office-bearer positions directly elected by students – by a by-election being held, subject to subclause (5);
 - (b) in the case of other elected positions – in accordance with the regulations; or
 - (c) in the case of positions that are not elected – by another nomination or appointment being made.
- (5) If a vacancy occurs within 3 months before the annual elections, the MSC may appoint a person to fill the vacancy.
- (6) Persons filling vacancies hold those positions for the remainder of the term of office, subject to this clause.

46. Validation

Even if it is later found that a person who has acted as an office-bearer or member of an MSA body was not properly elected, the validity of:

- (1) the acts of that person as an office-bearer or member of an MSA body, and
 - (2) decisions of meetings of MSA bodies in which that person has participated,
- is not affected.

PART 11 – FINANCIAL AND LEGAL

47. Sources of Funds

The funds of the MSA may be derived from:

- (1) amenities fees collected from students by the University; and
- (2) any other sources approved by the MSC.

48. Financial Year

The financial year of the MSA is from 1 January to 31 December.

49. Budget

- (1) The MSA may only spend money in accordance with a budget allocated to an MSA body.
- (2) Each MSA body may by resolution expend money from any budget allocated to that body by the MSC.
- (3) The MSC may only adopt a budget if:
 - (a) it has considered a draft budget prepared by the Budget Committee;
 - (b) it is satisfied that the Budget Committee has considered the draft budgets for each Committee and Division submitted by those bodies; and
 - (c) the budgets of the Divisions:
 - (i) are not less than the amount provided in the last financial year for staff salaries, occupancy, light and power, telephone, affiliation fees and election expenses, unless otherwise agreed by that Division; and
 - (ii) for all other costs, are neither 10% less nor more than the last financial year, unless approved by resolution of the MSC passed by an absolute majority.
- (4) Before the Executive prepares the draft budget, the Divisions may jointly or separately make recommendations about the draft budget to the Executive. The Executive must consider the recommendations and respond in writing.
- (5) Before the MSC adopts the budget, the Divisions may jointly or separately make recommendations about the budget to the MSC.
- (6) Once the budget for a Division has been adopted by the MSC:
 - (a) it may not be changed by the MSC without the approval of that Division;
 - (b) the funds allocated are to be treated as funds standing to the account of that Division; and
 - (c) the Division may expend the funds allocated within the approved budget as it thinks appropriate.
- (7) Divisions and affiliated bodies may carry forward any unexpended funds standing to their account or which they were entitled to receive from one financial year to the next.

50. Management of Funds

- (1) The MSC is responsible for the management of the funds of the MSA.
- (2) The MSC must ensure that true and fair accounts of the MSA are kept.
- (3) All money received by or on behalf of the MSA must be deposited immediately into a bank account in the name of the MSA.

51. Cheques

- (1) All cheques must be signed by 2 signatories nominated by the MSC by regulation or resolution, subject to subclause (3).
- (2) The MSC may nominate a list of individuals or positions to be signatories for the purpose of subclause (1), subject to subclause (3).
- (3) For the purposes of subclauses (1) and (2), at least 2 of the signatories must be:
 - (a) in the case of cheques drawn on the account of a Division – members of the governing body of that Division; and
 - (b) in all other cases – office-bearers.
- (4) Signatories must not sign cheques until the payee and amount have been written in.

52. Audit

- (1) The MSC must appoint a suitably qualified accountant as auditor of the MSA.
- (2) The auditor must audit the accounts of the MSA (including the Divisions):
 - (a) for submission to the annual general meeting in accordance with subclause 59(2);
 - (b) not more than 7 months after the last audit under paragraph (a) was conducted; and
 - (c) whenever requested by the President or the Secretary.
- (3) All members of the MSA and the Divisions must promptly provide any records, information or explanation requested by the auditor.

53. Records

- (1) The MSC must provide for the safe keeping of the records of the MSA.
- (2) The MSC must by regulation determine:
 - (a) whether members and students are entitled to inspect some or all of the records of the MSA; and
 - (b) if so, on what conditions.
- (3) Despite subclause (2), the MSC must ensure that up-to-date copies of this constitution and the regulations are available for inspection by students at all times when the MSA office is open.

54. Public Officer

- (1) The President is the public officer of the MSA for the purposes of the Associations Act.
- (2) If a vacancy occurs in the position of President, the MSC must appoint a member of the MSC to be the public officer until the vacancy is filled.
- (3) Under section 28 of the Associations Act, the public officer is required to notify the Registrar of Incorporated Associations within 14 days after appointment.
- (4) The effect of section 42 of the Associations Act is that the person last notified to the Registrar remains the public officer until a new person is notified.

55. Common Seal

- (1) The common seal of the MSA may only be used if authorised by resolution of the MSC.
- (2) The use of the common seal must be witnessed by the signatures of 2 members of the MSC nominated by the MSC by regulation or resolution.
- (3) The MSC may nominate a list of individuals or positions to be signatories for the purposes of subclause (2).
- (4) The MSC must provide for the safe keeping of the common seal.

56. Minutes

The MSC must ensure that minutes to be kept of all student general meetings and meetings of MSA bodies.

57. Publications

- (1) The President is the publisher of all material published by the MSA, except *Lot's Wife*.
- (2) The Editors of *Lot's Wife* are the publishers of *Lot's Wife*.
- (3) The MSA must not publish any material that is racist, sexist, homophobic or militaristic.

58. Regulations

- (1) The MSC may by resolution passed by an absolute majority make regulations to give effect to this constitution.
- (2) New regulations must promptly be published on the MSA notice-board for at least 10 academic days, but the accidental failure to comply with this provision does not affect the validity of the regulations.

59. Annual General Meeting

- (1) An annual general meeting of the members of the MSA must be held each year in March or April.
- (2) The ordinary business of the annual general meeting is to consider the audited financial statements submitted to members in accordance with subsection 30(3) of the Associations Act, paragraph 53(2)(a) and subclause (3), containing details of:
 - (a) the income and expenditure of the MSA during its last financial year,
 - (b) the assets and liabilities of the MSA at the end of its last financial year,
 - (c) the mortgages, charges and securities of any description affecting any of the property of the MSA at the end of its last financial year, and
 - (d) the same details in respect of each trust of which the MSA was trustee during any part of the last financial year.
- (3) The audited financial statements must be approved by the MSC before being submitted to the annual general meeting in accordance with subclause (2).
- (4) The only other business that may be considered at the annual general meeting is a special resolution in accordance with clause 60.
- (5) The audited financial statements must be published in *Lot's Wife* as soon as practicable after being submitted to the annual general meeting.

60. General Meetings of Members

- (1) Except for the annual general meeting, general meetings of the members of the MSA may only be held for the purpose of passing special resolutions.
- (2) Special resolutions may only be put to general meetings of members if authorised by a binding decision of:
 - (a) a student general meeting in accordance with paragraph 13(2)(a), or
 - (b) a student referendum in accordance with subclause 16(6).
- (3) The MSC must convene general meetings of members when required.
- (4) At least 21 days' notice of general meetings of members must be given to each member of the MSA.
- (5) Notice of special resolutions must be given in accordance with paragraph 63(1)(q).
- (6) The quorum for a general meeting of members is the presence in person of at least one member of the MSA.
- (7) Members are not entitled to vote by proxy at general meetings of members.
- (8) The procedure at general meetings of members is the same as for meetings of the MSC, subject to this clause.
- (9) When a special resolution is put to the vote at a general meeting of members, all members of the MSA present must vote in favour, as required by clause 17.
- (10) If any member of the MSA votes against a special resolution contrary to subclause (9) and clause 17, the position held by that person becomes vacant in accordance with paragraph 45(1)(d).

61. Amendment of Constitution

- (1) For the purposes of the Associations Act, clauses 3 and 4 of this constitution are the statement of purposes of the MSA, and the other clauses are its rules.
- (2) Under section 22 of the Associations Act, this constitution may only be amended by special resolution.
- (3) Under subsection 22(4) of the Associations Act, an amendment does not take effect until it is notified to the Registrar of Incorporated Associations.

62. Winding Up

- (1) The MSA may be wound up voluntarily by special resolution in accordance with section 32 of the Associations Act.
- (2) If the MSA is wound up (whether voluntarily or by a court), its surplus assets must not be distributed to any member.
- (3) Instead the surplus assets must be given to the University to hold on trust to be given to an association of students of the University that:
 - (a) has similar purposes to those of the MSA;
 - (b) is not less representative of students of the University than the MSA;
 - (c) requires at least two-thirds of the voting members of its governing body to be directly elected by students of the University; and
 - (d) also prohibits the distribution of profit to its members.

63. Interpretation

- (1) In this constitution, unless the contrary intention appears:
 - (a) “absolute majority” means a majority of the votes of all members of the body at the time, whether present at the meeting and voting or not;
 - (b) “academic day” means a day on which undergraduate lectures are scheduled to be held at the Clayton Campus of the University by a majority of faculties holding undergraduate lectures at that campus;
 - (c) “the Associations Act” means the Victorian Associations Incorporation Act 1981;
 - (d) “Committee” means a committee of the MSA established under Part 7;
 - (e) “C&SC” is defined in subclause 6(3);
 - (f) “Division” means a division of the MSA established under Part 3;
 - (g) “MAPS” is defined in subclause 6(2);
 - (h) “MSA” is defined in clause 2;
 - (i) “MSA body” means a body established by or under this constitution, and includes the Divisions;
 - (j) “MSA notice-board” means a notice-board or notice-boards designated by the MSC by regulation as such;
 - (k) “MSC” is defined in subclause 18(1);
 - (l) “MUISS” is defined in subclause 6(1)
 - (m) “office-bearer” means an office-bearer of the MSA under clause 35;
 - (n) “President” in the case of a Division means the senior office-bearer of that Division, by whatever title called;
 - (o) “the regulations” means the regulations of the MSA, made under clause 58;
 - (p) “Queer Officers” means the Female Queer Officer and the Male Queer Officer;
 - (q) “special resolution” means a resolution at a general meeting of the members of the MSA under clause 60, where:
 - i. at least 21 days’ notice of the proposed resolution has been given to each member;
 - ii. the notice specifies that it intended that the resolution be proposed as a special resolution; and
 - iii. three-quarters of the members who are present and who vote, vote in favour;
 in accordance with section 29 of the Associations Act;
 - (r) “student” means:
 - i. a currently enrolled student of the University who has paid an amenities fee for the Clayton Campus;
 - ii. a person who:
 - (A) was an enrolled student of the University within the past 6 months;
 - (B) has applied to become a graduate student of the University;

- (C) is eligible to make that application under the statutes and regulations of the University; and
 (D) will pay an amenities fee for the Clayton Campus on enrolment; or
 (iii) an office-bearer other than the President, Secretary or Treasurer who has ceased to be enrolled;
 and
 (s) “the University” means Monash University.
- (2) The headings form part of this constitution.
 (3) Words and expressions used in this constitution have the same meaning as in the statutes and regulations of the University unless otherwise defined.
 (4) The MSC is responsible for the interpretation of this constitution and the regulations.
 (5) The model rules prescribed under section 54 of the Associations Act do not apply to the MSA.

64. Transitional

- (1) Until a regulation is made for the purposes of paragraph 63(1)(j), “MSA notice-board” means the notice-board outside the MSA office in the Union Building.
 (2) (a) Subclause (1) and this paragraph are deleted on the making of a regulation for the purposes of paragraph 63(1)(j).
 (b) This paragraph, the heading to this clause and the reference to it in clause 1 are deleted on the deletion of all of subclauses (1) - (2).

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... the President	...14(1)& (2), 20, 23(1), 35(7)-(9), 36(2), 37(1), 45(1), 54, 57(1), 63(1)(r)(iii)
... the Secretary	... 5(2), 23(1), 35(7)-(9), 36(2), 37(4), 45(1), 63(1)(r)(iii)
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