



**The Australian National University Students'
Association Incorporated**

CONSTITUTION

Passed by the Annual General Meeting of the Association on 10 May 2011

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1. NAME

(1) The name of the Association is "The Australian National University Students' Association Incorporated".

2. DEFINITIONS

(1) In this Constitution, the Regulations and any Policy, unless the contrary intention appears:

Academic Week means any week of the calendar year that includes at least one (1) Teaching Day that falls during a Teaching Period of the Colleges.

Academic Year means the period between the first day of the first Teaching Period of the Colleges and the last day of the last Teaching Period of the Colleges in a calendar year.

Act means the *Associations Incorporation Act 1991 (ACT)*.

ACT means the Australian Capital Territory.

ANU means The Australian National University.

ANU Act means the *Australian National University Act 1991 (Commonwealth)*.

ANUSA or the Association means The Australian National University Students' Association Incorporated.

Club means a student group that is affiliated to the Association in accordance with the Constitution and the Clubs Regulations.

College means an ANU College established from time to time by the University Council, which, at the last amendment of this Constitution, included:

- (a) The ANU College of Arts and Social Sciences;
- (b) The ANU College of Asia and the Pacific;
- (c) The ANU College of Business and Economics;
- (d) The ANU College of Law, Governance and Policy;
- (e) The ANU College of Science and Medicine; and
- (f) The ANU College of Systems and Society.

Disability is to be understood according to the social model of disability, and includes physical disability, mental illness, dyslexia, being neurodivergent (e.g. Autism/ADHD), chronic pain, chronic illness, autoimmune disorders (e.g. lupus, alopecia), food allergies and a Student experiencing a Disability includes any Student recognised by the Disability Department as experiencing a Disability.

EDC means the Education Council established pursuant to section 15 ("Education Council").

Financial Year means the 12-month period beginning 1 December each year and ending 30 November in the following calendar year.

General Manager means the staff member responsible for overseeing the day-to-day management of the Association.

Governance Rule, of the University, means the *Governance Rule 2023* of the ANU.

Governance Statute, of the University, means the *Australian National University (Governance) Statute 2023*.

Indigenous Student has the meaning given by the Tjabal Indigenous Higher Education Centre.

International Student means a Student who is an overseas student under the *Higher Education Support Act 2003 (Commonwealth)*.

Officer means:

- (a) a Representative of the Association;
- (b) any other member elected to a position under this Constitution, the Regulations or Policy;
- (c) any person participating in decision making in a committee or Department established under this Constitution, for the purposes of that participation, or
- (d) any member stated to be an Officer in the Constitution, Regulations or Policy,

but does not include a University Council Member, in their capacity as such.

Postgraduate Student:

- (a) in relation to, or to an election for, the Postgraduate Student Member, has the meaning given by the Governance Statute of the ANU; and
- (b) for any other purpose means a person actively enrolled in a postgraduate program as defined by the University.

Postgraduate Student Member has the meaning given by the Governance Statute.

Regulations means Regulations made under this Constitution.

Representative of the Association or Representative means a person elected to a position set out in Schedule 1 to the Constitution.

Special Resolution means a resolution made under section 70 of the Act, and includes a motion to amend this Constitution in accordance with section 29 ("Alteration of the Constitution").

SRC means the Student Representative Council of the Association established pursuant to section 14 ("Student Representative Council").

Student means an Undergraduate Student or a Postgraduate Student.

Teaching Day means a normal working day in a Teaching Period.

Teaching Period means each of the four principal half-semester periods of study in Semester 1 and Semester 2 of the Academic Year (however described) as set by the University.

Undergraduate Student:

(a) in relation to, or in relation to the election for, the Undergraduate Student Member, has the meaning provided in the Governance Statute; and

(b) for any other purpose means a person actively enrolled in an undergraduate program as defined by the University.

Undergraduate Student Member has the meaning given by the Governance Statute.

University means The Australian National University.

University Council Member means the Postgraduate Student Member or the Undergraduate Student Member.

- (2) In this Constitution, Regulations and any Policy, a reference to an Act, Regulation, Rule or other instrument of the University, a Parliament or ANUSA (or to any provision of an instrument) shall be read as including a reference to any successor instrument or rule, however named.

3. INTERPRETATION

- (1) Subject to this section, the General Secretary interprets this Constitution, the Regulations and policies.
- (2) An interpretation of the General Secretary may only be overruled and another interpretation substituted:
- (a) by an at least 6/7 majority decision of the Executive carried at a meeting of the Executive; or
 - (b) as provided in subsection (6).
- (3) Subject to any previously recorded interpretations of the General Secretary and the Disputes Committee, during a meeting the person presiding at the meeting may interpret this Constitution, Regulations and policies.
- (4) A motion of dissent from an interpretation of this Constitution, the Regulations or policies by a person presiding at a meeting, moved during that meeting, may only be carried in accordance with the relevant Standing Orders.
- (5) In determining any matter referred to it under this Constitution, the Disputes Committee interprets this Constitution, the Regulations and policies for the purposes of that determination.
- (6) If, pursuant to subsection (5), the Disputes Committee varies an existing interpretation, or adopts a new interpretation of the Constitution, Regulations or policies, the Disputes Committee shall cause the changed or new interpretation to be published, including by providing a copy to the General Secretary.
- (7) Subject to subsection (8), the following Acts and provisions of Acts apply to this Constitution and the Regulations as if they were an instrument made under the Act:
- a the Electronic Transactions Act 2001 (ACT); and
 - b Chapters 1, 8 – 10, 13 – 17, 19.1 – 19.5 and the Dictionary of the Legislation Act 2001 (ACT).
- (8) In applying section 141 (Non-legislative context generally) of the *Legislation Act 2001 (ACT)* to the interpretation of a provision of this Constitution or the Regulations, the General Secretary may limit consideration of material other than the Constitution or Regulations to consideration of the resolution which introduced or amended that provision.

4. OBJECTS

- (1) The objects of the Association are:
- (a) to promote the welfare of, and further the interests of, Students;
 - (b) to work for quality and equity in higher education;
 - (c) to afford a recognised means of representation for Students within the University and the wider community;
 - (d) to foster student life by providing support and representation for Clubs; and
 - (e) to foster community, equity and diversity within the University.

5. MEMBERSHIP

- (1) The Association has one class of membership, being ordinary membership.
- (2) Subject to this section 5, any person who is a Student is an ordinary member of the Association.
- (3) A person, with immediate effect, may terminate their membership in the Association by writing to the General Secretary specifically stating that they do not wish to be a member of the Association.
- (4) The resignation takes effect when it is given to the General Secretary or, if a later time of effect is specified in the notice of resignation, at that later time.
- (5) A person who has resigned under this section may, by writing to the General Secretary, withdraw their resignation and their membership is restored accordingly.

5A. AFFILIATION OF CLUBS

- (1) Clubs, by affiliation with ANUSA, accept the rights and obligations applicable to them in this Constitution and the Regulations.
- (2) Clubs are not members of ANUSA.
- (3) Clubs are independent student groups affiliated with ANUSA for the purposes of this Constitution.

6. FEE, SUBSCRIPTIONS, ETC.

- (1) There is no fee for membership of the Association.

7. DISCIPLINING MEMBERS

- (1) There are no provisions in this Constitution for the disciplining of ordinary members, other than those which relate to the disciplining of Officers of the Association.
- (2) Notwithstanding section 7(1), an ordinary member may have their membership revoked either:
 - (a) in accordance with the Election Regulations; or
 - (b) by a decision of the Disputes Committee, provided due process is followed pursuant to section 50 of the Act.

- (3) For the purposes of section 7(2)(b), only the SRC or the Executive of the Association may refer an ordinary member to the Disputes Committee for removal in accordance with that section.

(3A) In determining any dispute between members or between a member and the Association, or in making disciplinary decisions under this Constitution, the Association must comply with the rules of natural justice and the requirements of the Act. (**Note:** See sections 50, 65B and 65C of the Act)

8. AFFILIATION TO A NATIONAL ORGANISATION

- (1) For the Association to affiliate to a national organisation, or for the Association to disaffiliate from such an organisation, a proposition calling for the Association to take such action must be carried at a Referendum (as those terms are defined in the Election Regulations).

9. REPRESENTATIVES

The Executive

- (1) The Association has an Executive consisting of:
 - (a) the President of the Association;
 - (b) the Vice President of the Association;
 - (c) the Treasurer of the Association;
 - (d) the General Secretary of the Association;
 - (e) the Clubs Officer of the Association;
 - (f) the Welfare Officer of the Association; and
 - (g) the Education Officer of the Association.
- (2) The Executive is to function in accordance with section 10 ("The Executive").

Departments of the Association

- (3) There are to be the following Departments of the Association:
 - (a) Women's Department;
 - (b) Queer* Department;
 - (c) Environment Department;

- (d) Indigenous Department;
- (e) International Students' Department;
- (f) Disabilities Department; and
- (g) Bla(c)k, Indigenous and People of Colour Department.

(4) The Departments are to function in accordance with section 11 ("Departments of the Association").

College Representatives

- (5) There are to be four (4) College Representatives from each College as follows:
 - (a) two (2) of the College Representatives will be Undergraduate Student College Coursework Representatives;
 - (b) one (1) of the College Representatives will be a Postgraduate Student College Coursework Representative; and
 - (c) one (1) of the College Representatives will be a Postgraduate Student College Higher Degree by Research (HDR) Representative.
- (6) College Representatives are required to sit on College-designated boards or committees of the College or school(s) which they represent.
- (7) When appropriate, the President must consult with the relevant College Representatives on issues specifically related to the individual Colleges, and before appointing members to committees dealing specifically with such issues.

General Representatives

- (8) There are to be fourteen (14) General Representatives of the Association.
- (9) In addition to their other functions under this Constitution, General Representatives provide general assistance to the Association as further described by the SRC or Executive.

Academic Representatives

- (10) There are to be three (3) Academic Representatives as follows:
 - (a) a HDR Officer, who is a Postgraduate Student undertaking a higher degree by research.
 - (b) a Postgraduate Coursework Officer, who is a Postgraduate Student undertaking a postgraduate coursework program.
 - (c) an Undergraduate Coursework Officer, who is an Undergraduate Student.
- (10A) The HDR Officer and the Postgraduate Coursework Officer are jointly responsible for the Postgraduate and Research Network.

Parents and Carers Officer

- (11) The Parents and Carers Officer must, subject to the Constitution, Regulations and Policies of the Association:
 - (a) represent parents and carers to the University with regards to issues of education, welfare and student experience;
 - (b) provide a voice for parents and carers within ANUSA;
 - (c) convene the Parents and Carers Committee; and
 - (d) organise events for families, parents and carers.

Electing Representatives

- (12) Representatives are to be elected in accordance with the Election Regulations.

Vacancies

- (13) The position of a Representative of the Association becomes vacant if they:
 - (a) cease to be a Student;
 - (b) cease to be a member of the Association;
 - (c) cease otherwise to be qualified to hold that Representative position;
 - (d) resign their position in writing to the General Secretary;
 - (e) take up another office listed in Schedule 1;

- (f) in the case of a College Representative, cease to be enrolled in the College that they represent;
 - (g) become bankrupt or personally insolvent; or
 - (h) are disqualified from office pursuant to any relevant section of the Act.
- (14) Upon a member becoming a Representative, and for as long as that member holds a Representative position, the General Manager is entitled to seek and obtain information from the University concerning the member's enrolment status as a Student. If the General Manager is satisfied that a member is ineligible to be, or to continue to be, a Representative:
- (a) the General Manager must inform the General Secretary of the Representative's ineligibility; and
 - (b) the General Secretary must declare any Representative position held by that member to be vacant in accordance with section 9(13)(a).

Removal from Office

- (15) A Representative of the Association may only be removed from office if:
- (a) they have wilfully acted in a fashion contrary to the Constitution, the Regulations or a Policy of the Association; or
 - (b) they have manifestly failed to fulfil their obligations under the Constitution and Regulations.
- (16) A Representative of the Association, other than a Department Officer, must be removed from office if:
- (a) a resolution is carried by a two-thirds majority of those present and voting at a meeting of the SRC or a General Meeting of the Association calling for their removal under section 9(15); and
 - (b) the Disputes Committee accepts that the Representative has acted in the fashion alleged by that resolution.
- (17) A Department Officer must be removed from office if:
- (a) a resolution is carried by a two-thirds majority of those present and voting at a meeting of the relevant Department calling for their removal; and
 - (b) the Disputes Committee accepts that the Department Officer has acted in the fashion alleged by that resolution.
- If a Department Officer is deemed under section 16(6) ("Meeting Attendance") to have manifestly failed to fulfil their obligations under the Constitution and Regulations, the General Secretary must notify the relevant Department. The Department may, at its discretion, choose to debate a motion calling for the Department Officer's removal in accordance with section 9(17)(a).
- (18) If the SRC or a General Meeting passes a resolution pursuant to section 9(16), or a Department passes a resolution pursuant to section 9(17), the General Secretary must, within five (5) Teaching Days:
- (a) notify the Representative of the resolution and the ground on which it was based; and (b) notify the Disputes Committee.
- (19) The Disputes Committee must provide an opportunity for the Representative to make oral representations, and/or submit to the committee written representations at a meeting of the Disputes Committee to be held no earlier than ten (10) Teaching Days and no later than twenty-one (21) Teaching Days after the Disputes Committee is notified under section 9(18).
- (20) For the avoidance of doubt, sections 9(15)-(19) ("Removal from Office") do not limit the operation of section 16 of this Constitution.
- (21) The Association must maintain Regulations providing for the filling of casual vacancies in any of the positions specified in Schedule 1. The General Secretary must notify the SRC of any casual vacancies filled in line with these Regulations.

10. THE EXECUTIVE

- (1) The Executive:
- (a) manages the affairs of the Association and is the committee of management of the Association;
 - (b) oversees employees of the Association; and
 - (c) oversees the implementation of the Policies of the Association.
- (1A) The Executive, subject to the Act, this Constitution, the Regulations and any resolution of a general meeting:
- (a) has power to perform all acts and do all things necessary or desirable for the proper management of the affairs of the Association;
 - (b) may exercise all the functions that may be exercised by the Association.
- (1B) The Executive is collectively responsible for the strategic leadership of ANUSA and is required (in addition to obligations on individual officers under section 22A) to:

- (a) act in the best interests of the Association at all times;
 - (b) act with care, diligence and honesty to advance the best interests of the Association;
 - (c) deal with any conflicts of interests in accordance with the Act, the Constitution, the Regulations and generally accepted governance standards for the governance of charitable organisations;
 - (d) subject to appropriate confidentiality and protection of personal information, maintain transparency in its decision making and actions;
 - (e) maintain appropriate confidentiality of confidential or personal information obtained in their role ensuring that such information is not used for personal gain or for the political or other gain of any person, party or entity; and
 - (f) has a collective responsibility to ensure accountability, constitutionality and the proper operation of the Association, its officers, committees and departments.
- (2) For the Executive to direct a member of the Executive to execute their duties in a particular fashion, a majority decision of the Executive is required.
 - (3) Where possible, the Executive shall reach decisions through consensus. In the event that consensus cannot be reached, decisions shall be made by the majority of the Executive present and voting. In the event of a tie, such a vote shall be decided by the majority out of the President, Vice President, and Treasurer.
 - (4) Each member of the Executive must, at every SRC meeting, report to the meeting on their activities as a member of the Executive.
 - (5A) If the Executive makes a decision outside its regular meetings, the decision must be recorded in the minutes of the next regular meeting of the Executive.
 - (5) A member of the Executive may, by written communication and with the consent of the person receiving the delegation, delegate one or more of their functions to another member of the Executive for the period specified in the written communication, so long as the delegation does not represent a substantial ongoing delegation of responsibilities of the delegating officer.
 - (6) A delegation under section 10(5) may be revoked at any time by a subsequent decision of the delegating officer communicated in writing, or by a decision of the Executive.
 - (7A) Members of the Executive must perform the functions specific to their role as described in this section 10 and may not use their role to carry out functions not relevant to their position.
 - (7B) The President may issue role descriptions applicable to individual Executive members, not inconsistent with this Constitution and Regulations, further describing the performance of the roles assigned to each member under this section 10.
 - (7C) The Executive may provide general direction, role descriptions and oversight to the work of Representatives and Officers who are not members of the Executive.

President

- (8) The President must, subject to the Constitution, the Regulations and Policy of the Association:
 - (a) represent Students on relevant bodies, including committees of the University, or after consultation with the SRC, appoint members of the Association to such bodies;
 - (b) be the spokesperson of the Association on matters of concern to members of the Association;
 - (c) make every effort to inform members of the Association of issues relevant to their welfare, and of decisions made or actions undertaken by the Association on their behalf;
 - (d) be available to Students to provide advice and advocacy;
 - (e) make a report of the activities of the Association to the Annual General Meeting of the Association;
 - (f) take such other action as they consider necessary in the interests of members of the Association;
 - (g) represent the views of the Association to the media and any other external body;
 - (h) be primarily responsible for the Association's employees and ensuring the effectiveness and productivity of the Executive, subject to the overall direction of the Executive;
 - (i) consult any relevant Department Officer when making appointments to various University committees;
 - (j) consult with the EDC before appointing a student to any College board or committee; and
 - (k) liaise with the University Council Student Members and the University Council.

Vice President

- (9) The Vice President must, subject to the Constitution, the Regulations and Policy of the Association:
 - (a) together with the President, represent Students on other bodies, including committees of the University;
 - (b) be available to Students to provide advice and advocacy;
 - (c) liaise with students and relevant organisations about educational access issues;

- (d) assist the President in researching education issues;
- (e) assist with the development and implementation of the policies of the Association;
- (f) assist with campaigns organised by the Association alongside other Officers of the Association; and
- (g) maintain a comprehensive knowledge of the workings of the Association in order to substitute for the President should the need arise.

Treasurer

(10) The Treasurer must, subject to the Constitution, the Regulations and Policy of the Association:

- (a) oversee the financial affairs of the Association;
- (b) arrange for the books and accounts of the Association to be audited and presented in accordance with section 22 ("Finance");
- (c) prepare and present such reports as are required under this Constitution;
- (d) be responsible for assisting Representatives of the Association in organising the finances of the Association for which they have responsibility; and
- (e) be responsible for obtaining sponsorship of the Association and its activities, and for maintaining relations with those sponsors.

General Secretary

(11) The General Secretary must, subject to the Constitution, the Regulations and Policy of the Association:

- (a) convene and chair meetings of the Association as required under this Constitution;
- (b) ensure that minutes of meetings of the Executive, the Student Representative Council, General Meetings and other meetings of the Association, including a basic summary of discussion, are recorded, signed by the presiding officer and retained;
- (c) prepare, authorise and release all notices of the Association;
- (d) pursuant to the section 3 ("Interpretation"), have the power to interpret the Constitution, Regulations and Policy of the Association; and
- (e) be responsible for informing Officers of the Association about their responsibilities under this Constitution.

Clubs Officer

(12) The Clubs Officer must, subject to the Constitution, the Regulations and Policy of the Association:

- (a) supervise the Orientation Week and Bush Week activities of the Association;
- (b) facilitate other social activities on campus;
- (c) liaise with the relevant organisations regarding social issues;
- (d) provide leadership, governance and policy direction to the student clubs;
- (e) Support the leadership and administration of clubs according to the Clubs Regulations;
- (f) report to SRC on club affairs;
- (g) consult with clubs and create opportunities for clubs to advocate for their interests;
- (h) advocate for the interests of Clubs at all levels;
- (i) liaise with the ANUSA staff members with respect to the administration of funding and affiliation of clubs; and
- (j) fulfil other duties according to the Clubs Regulations.

Education Officer

(13) The Education Officer must, subject to the Constitution, the Regulations and Policy of the Association:

- (a) oversee the implementation of the higher education and related policy of the Association;
- (b) organise such campaigns and actions as the SRC and Executive deem appropriate to give effect to the Constitution, Regulations and Policy of the Association;
- (c) collate information on higher education issues which affect the Association and its members;
- (d) convene the Association's Education Committee in accordance with section 19 ("Education Committee");
- (e) on behalf of the Association, liaise with national and local bodies on relevant campaigns relating to higher education;
- (f) alongside the Welfare Officer, prepare submissions on behalf of the Association to Government inquiries and reviews on higher education matters;
- (g) petition the university administration and government on higher education issues; and
- (h) engage the Association in activism relevant and pertaining to issues faced by students in higher education.

Welfare Officer

(14) The Welfare Officer must, subject to the Constitution, the Regulations and policies of the Association:

- (a) oversee the implementation of welfare and related policy of the Association;
- (b) liaise with the President on relevant student welfare issues;
- (c) provide general advocacy on welfare issues for students;

- (d) on behalf of the Association, liaise with national and local bodies on relevant welfare campaigns;
- (e) alongside the Education Officer, prepare submissions on behalf of the Association to Government inquiries and reviews on welfare matters; and
- (f) collate information on welfare issues which affect students and the Association.

11. DEPARTMENTS OF THE ASSOCIATION

- (1) The Departments of the Association are to be governed by their individual Constitutions and Regulations. A copy of each Department's Constitution will be held by the General Secretary.
- (2) The Constitution of each Department must include clauses covering the following areas:
 - (a) membership;
 - (b) quorum;
 - (c) the role of the relevant Department Officer;
 - (d) procedures for changing the constitution;
 - (e) notice requirements;
 - (f) frequency of meetings;
 - (g) annual general meetings;
 - (h) the election or appointment of trustees;
 - (i) provisions governing the expenditure of money;
 - (j) provisions for the removal of the relevant Department Officer and vacancy of office; and
 - (k) dissolution procedures

and must not be inconsistent with the Constitution or Regulations of the Association. Any part of the Constitution of a Department which is inconsistent shall be invalid, but only to the extent of the inconsistency.
- (3) The Women's Officer, Queer* Officer, Environment Officer, Indigenous Officer, International Students' Officer, Disabilities Officer, and Bla(c)k, Indigenous and People of Colour Officer are responsible for the management of the affairs of their respective Department.
- (4) Department Officers are to be elected in accordance with the Election Regulations.
- (5) Each Department Officer must:
 - (a) submit a report to each SRC meeting detailing recent activities of the Department, together with the income and expenditure of the Department to date;
 - (b) submit a written report of their Department's income and expenditure to the Treasurer at the end of each Financial Year; and
 - (c) submit to the General Secretary changes to their Department's constitution with seven (7) Teaching Days of the change occurring.
- (6) Each year the Association must give each Department an amount of no less than \$5,000 for use in respect of the activities of the Department. Each Department will be audited each Financial Year as part of the independent audit of the Association.
- (7) In the event that a Department is dissolved pursuant to this Constitution, the excess of assets, property, funds or money remaining after all debts and liabilities are paid shall not be distributed amongst the Association's members, but shall be given or transferred to the Association.

12. UNIVERSITY COUNCIL MEMBERS

- (1) The General Secretary must invite the University Council Members to attend meetings of the SRC.
- (2) A University Council Member may not be elected or removed from their position otherwise than in accordance with the ANU Act and any relevant statutes, rules and orders of the University.
- (3) The Association may adopt Regulations, not inconsistent with the Governance Statute and Governance Rule which apply to an election of a University Council Member in an election conducted by ANUSA.

13. GENERAL MEETINGS

- (1) General Meetings of the Association are open to all members. All members are entitled to vote at General Meetings.
- (2) General Meetings of the Association may be convened at the discretion of the General Secretary, but the General Secretary must convene at least one (1) Ordinary General Meeting of the Association during each Teaching Period, except that Teaching Period in which the Annual General Meeting is held.
- (3) A General Meeting of the Association may, subject to this Constitution and the Regulations:
 - (a) pass a resolution that determines the Policy of the Association with respect to any matter within the Objects of the Association;

- (b) pass a resolution that directs the Executive as to how it should act to give effect to the Policy of the Association;
- (c) by a resolution carried by not less than a two-thirds majority of those present and voting, make Regulations, or amend or repeal Regulations;
- (d) notwithstanding section 13(3)(c), any changes to Regulations related to the election of ANU Council members, pursuant to section 12, must be ratified by ANU Council prior to taking effect
- (e) pass a resolution recommending the dismissal of a Representative pursuant to sections 9(11) to 9(15);
- (f) by resolution carried by not less than a two-thirds majority of those present and voting, dismiss any Officer of the Association, other than a Representative of the Association, provided that at least eighty (80) members of the Association are present;
- (g) pass a resolution approving the budget or provisional budget of the Association, subject to section 22 ("Finance");
- (h) pass any other resolution permitted under this Constitution or the Regulations; and
- (i) receive at each of its meetings a report detailing recent activities and expenditure from:
 - (i) the SRC; and
 - (ii) the EDC.

Entrenchment of Motions

- (4) If any motion put to a General Meeting is voted on by eighty (80) or more members of the Association and is carried by a 2/3rds majority vote, and includes a clear intent to entrench the motion by an explicit reference to this section of the Constitution in the text of the motion, then:
 - (a) that motion overrides any motion passed by the SRC or the EDC which is inconsistent with it; and
 - (b) that motion may not be overridden by:
 - (i) any subsequent motion of the SRC or the EDC; or
 - (ii) a motion at a subsequent General Meeting, unless a similarly entrenched motion overruling it is carried in accordance with this section.
- (5) Any resolution carried by a General Meeting that is not entrenched under section 13(4) that purports to:
 - (a) determine the Policy of the Association; or
 - (b) direct the Executive as to how it should act to give effect to the Policy of the Association, is subordinate to any future resolution carried by a simple majority of the SRC.
- (6) Any resolution carried by a General Meeting that is not entrenched under section 13(4) that purports to:
 - (a) enact, amend or repeal Regulations;
 - (b) amend this Constitution; or (c) dissolve the Association,
 may be overturned by a resolution carried by a two-thirds majority of those present and voting at a meeting of the SRC, if that resolution is carried within ten (10) Teaching Days of the General Meeting at which the original resolution was carried.

Notice of General Meetings, etc.

- (7) Subject to section 13(9), whoever convenes a General Meeting of the Association must give at least ten (10) Teaching Days' notice of the time, date and venue of such a meeting, and at least three (3) Teaching Days' notice of the agenda of such a meeting, by prominently displaying these details:
 - (a) on the front door of the Association offices; and
 - (b) on the website of the Association.
- (8) When the nature of the business proposed to be dealt with at a General Meeting requires a Special Resolution, whoever convenes such a General Meeting must give at least twenty-one (21) days' notice of the time, date and venue of such a meeting, and at least three (3) Teaching Days' notice of the agenda of such a meeting, by prominently displaying these details:
 - (a) on the front door of the Association offices; and
 - (b) on the website of the Association.

Special Resolutions are subject to the requirements set out in section 29 ("Alteration of the Constitution").
- (9) Any General Meeting of the Association that is convened without satisfying the notice requirements is to be regarded as unconstitutional, and any resolution passed at the meeting has no effect.
- (10) Whoever convenes a General Meeting of the Association in accordance with this Constitution must give an opportunity at that meeting for:
 - (a) any motion to be put to the meeting that was submitted by an ordinary member of the Association to the General Secretary at least seven (7) Teaching Days before the date of the meeting; and
 - (b) ordinary members of the Association to ask questions, and place motions on notice for the next General Meeting of the Association.

- (11) Whoever convenes a General Meeting of the Association in accordance with this Constitution may determine the order of business on the agenda.
- (12) The quorum for a General Meeting of the Association is forty (40) members of the Association present in person.
- (13) Despite section 13(12), the Association may maintain Regulations allowing specified business to be dealt with by an inquorate General Meeting after thirty (30) minutes have lapsed, provided that proper notice of the meeting has been given.

Annual General Meetings

- (14) The Annual General Meeting ("AGM") of the Association shall be convened by the General Secretary within six (6) months after the end of each Financial Year, being no later than 30 May.
- (15) At each AGM:
 - (a) the President's report on the activities of the Association since the previous AGM;
 - (b) the Treasurer's Report on the financial position of the Association at the end of the previous Financial Year;
 - (c) the duly audited Annual Financial Statements; and
 - (d) such other reports as the SRC determines, shall be presented for approval by members.
- (16) The duly audited Annual Financial Statements presented under section 13(16)(c) must be published on the Association's website no later than ten (10) Teaching Days before the AGM. All other documents presented under section 13(16) must be circulated together with the agenda in accordance with section 13(8).

Special General Meetings

- (17) The General Secretary must convene a Special General Meeting of the Association within seven (7) Teaching Days of being presented with a petition signed by at least eighty (80) members of the Association calling for such a meeting, or a resolution passed by a simple majority of the SRC calling for such a meeting.
- (18) Whoever convenes a Special General Meeting of the Association in accordance with this Constitution must give at least five (5) Teaching Days' notice of the time, date, place and agenda of such a meeting by prominently displaying these details:
 - (a) on the front door of the Association offices; and
 - (b) on the website of the Association.
- (19) Whoever convenes a Special General Meeting of the Association in accordance with this Constitution must discuss only those matters specified in the request to the General Secretary, and they must be dealt with in the order set out in that request.

13A. MEETINGS, ACCESSIBILITY AND USE OF TECHNOLOGY

- (1) A meeting held under this Constitution or the Regulations may be held by technological means even if the participants are not physically present together provided that, subject to 13A(2):
 - (a) the participants are able to hear each other during the proceedings; or
 - (b) the participants are able to hear and see each other during the proceedings.
- (2) Convenors of meetings shall ensure that a person who is hearing or sight impaired is able to effectively participate if entitled to attend the meeting, however that meeting is held.
- (3) A person attending a meeting using technological means is deemed to be present at the meeting, including for the purposes of quorum, where the meeting has been so organised.
- (4) Where voting is required at a meeting, whether in person or by technological means, the chair of the meeting shall ensure that the vote is transparent.

14. STUDENT REPRESENTATIVE COUNCIL

- (1) The Student Representative Council (SRC) has the functions set out in this Constitution and shall consist of:
 - (a) the Executive;
 - (b) the General Representatives;
 - (c) the Academic Representatives;
 - (d) The Parents and Carers Officer; and
 - (e) the Department Officers.

- (2) Meetings of the SRC may be convened at the discretion of the General Secretary, or at the discretion of a member of the SRC appointed by the General Secretary for that purpose, but must be convened:
 - (a) at least once in each calendar month of the Academic Year, except where there are less than seven (7) Teaching Days in that calendar month; and
 - (b) within seven (7) Teaching Days of the General Secretary being presented with a petition signed by at least half of the current General Representatives to the SRC calling for such a meeting.
- (3) The SRC may, subject to this Constitution and the Regulations:
 - (a) pass resolutions that determine the Policy of the Association subject to section 13(4) and 13(5) ("General Meetings");
 - (b) pass resolutions electing members of the Association as Officers and to committees established by the SRC to assist it in carrying out its work (notwithstanding that any committee created by the SRC remains subordinate to the SRC at all times, and may have their functions changed or terminated by the SRC at any time);
 - (c) receive minutes from the EDC;
 - (d) by a resolution carried by not less than a two-thirds majority of those present and voting, overturn an original resolution of a General Meeting purporting to make, amend or repeal Regulations (if such a resolution is carried within ten (10) Teaching Days of the original resolution), subject to section 13(4) ("General Meetings");
 - (e) by a resolution carried by not less than a two-thirds majority of those present and voting, overturn an original resolution of a General Meeting purporting to amend this Constitution (if such a resolution is carried within ten (10) Teaching Days of the original resolution), subject to section 13(4) ("General Meetings");
 - (f) by a resolution carried by not less than two-thirds majority of those present and voting overturn an original resolution of a General Meeting purporting to dissolve the Association (if such a resolution is carried within ten (10) Teaching Days of the original resolution), subject to section 13(4) ("General Meetings");
 - (g) receive at each of its meetings a report from each member of the Executive;
 - (h) receive at each of its meetings a report detailing recent activities and expenditure from each Department, the Education Committee, and the Parents and Carers Officer.
 - (i) by a resolution carried by not less than a simple majority of those present and voting, reject a report of an officer, if the SRC is dissatisfied with the report
 - (j) by a resolution carried by not less than a simple majority of those present and voting, respond to an unsatisfactory report by calling for the convening of a Special General Meeting of the Association to discuss the report, or a meeting of the relevant Department of the Association to discuss the report; and
 - (k) by a resolution carried by not less than a two-thirds majority of those present and voting, appoint a member of the Association to the Disputes Committee in accordance with the requirements set out under section 20(9) ("Disputes Committee").

Notice of SRC Meetings, etc.

- (4) Whoever convenes a meeting of the SRC must:
 - (a) give at least ten (10) Teaching Days' notice of the time, date and venue of such a meeting;
 - (b) give at least one (1) Teaching Days' notice of the agenda of such a meeting; and
 - (c) include on the agenda any motion proposed by an ordinary member of the Association and submitted to them at least five (5) Teaching Days before the date of the meeting.
- (5) Notice must be given by:
 - (a) prominently displaying the details required on the front door of the Association offices; and
 - (b) attempting to convey the details required to each member of the relevant committee directly through a means agreed to between that Representative and the General Secretary.

Quorum for the SRC

- (6) The quorum for meetings of the SRC is half of the current total of the membership of the SRC, rounded up to the nearest whole person.
- (7) If a Representative on the SRC:
 - (a) has a direct or indirect material personal interest in a matter; and
 - (b) is present at a meeting of the SRC at which that matter is considered,

that Representative shall disclose the nature and extent of the interest to the meeting, may not otherwise speak to the matter and must not be present while the matter is considered or vote on the matter.

Note: For avoidance of doubt, sections 65 and 65A of the Act and section 22A of this Constitution apply in addition to this provision.

- (8) A disclosure of material personal interest made under section 14(7) shall be recorded in the minutes of the meeting.
- (9) Unless this Constitution provides otherwise, a resolution of the SRC may be carried by a simple majority of those present and voting.
- (10) Except for discussion of agenda items that include confidential information, any ordinary member of the Association may be present at a meeting of the SRC, and may speak and put or second motions.

15. EDUCATION COUNCIL

- (1) There is established an Education Council (EDC) that must, subject to the Constitution, the Regulations and Policies of the Association, analyse academic issues of relevance to the Colleges and University, and formulate methods to ensure that the academic interests of students and categories of students within the Colleges and University are protected.
- (2) The EDC is comprised of:

Schedule A

- (a) the President, Vice President, Education Officer, and General Secretary of the Association;
 - (b) The Academic Representatives;
 - (c) four (4) College Representatives from each College elected in accordance with the Election Regulations; and
 - (d) such Students representing classes or departments within the Colleges as the EDC may choose to co-opt, who for the avoidance of doubt are Representatives of the Association.
- (3) Meetings of the EDC may be convened at the discretion of the General Secretary, or at the discretion of a member of the EDC appointed by the General Secretary for that purpose, but must be convened:
 - (a) at least once in each calendar month of the Academic Year, except where there are less than seven (7) Teaching Days in that calendar month; and
 - (b) within seven (7) Teaching Days of the General Secretary being presented with a petition requesting such a meeting which has been signed by at least five (5) of those students elected to College Representative positions at the annual elections of the Association.
- (4) The EDC, subject to this Constitution and the Regulations, may make recommendations to the SRC for Policy of the Association in relation to matters of higher education within the ANU and its constituent Colleges, subject to section 13(4) ("General Meetings").

Notice of EDC Meetings, etc.

- (5) Whoever convenes a meeting of the EDC must:
 - (a) give at least five (5) Teaching Days' notice of the time, date and venue of such a meeting;
 - (b) give at least one (1) Teaching Day of notice of the agenda of such a meeting; and
 - (c) include on the agenda any motion proposed by an ordinary member of the Association and submitted to them at least three (3) Teaching Days before the date of the meeting.
- (6) Notice must be given by:
 - (a) prominently displaying the details required on the front door of the Association offices; and
 - (b) attempting to convey the details required to each member of the relevant committee directly through a means agreed to between that Representative and the General Secretary.
- (7) The quorum for EDC is a third of the current total of Schedule A of the membership of the EDC, rounded up to the nearest whole person.
- (8) Unless this Constitution provides otherwise, a resolution of the EDC may be carried by a simple majority of those present and voting.
- (9) Except for discussion of agenda items that include confidential information, any member of the Association may be present at a meeting of the EDC, and may speak and put or second motions.
- (10) If an individual holds more than one position on the EDC, they have the voting entitlement of only one (1) position, and may not appoint a nominee to exercise the voting entitlement of any other position that they hold.

16. MEETING ATTENDANCE

- (1) For the avoidance of doubt, this section 16 does not apply to a University Council Member, who cannot be compelled to attend meetings of the Association.
- (2) Subject to section 22A(7), all Representatives are required to attend General Meetings.
- (3) Subject to section 22A(7), all Representatives listed in section 14(1) are required to attend meetings of the SRC.
- (4) Subject to section 22A(7), all Representatives listed in section 15(2) are required to attend meetings of the EDC.

- (5) If a Representative cannot attend a meeting as required under section 16(2), 16(3) or 16(4), the Representative must submit their apologies in writing to the General Secretary at least twenty-four (24) hours before the meeting.
- (6) Despite section 16(5), the General Secretary may, at their discretion:
 - (a) accept apologies received less than twenty-four (24) hours before the meeting; or
 - (b) accept apologies received after the meeting, if they deem that exceptional circumstances warrant the exercise of such discretion.
- (7) In exercising the discretion of section 16(6), the General Secretary should consider relevant circumstances, such as but not limited to:
 - (a) instances of personal emergency;
 - (b) consistent poor communication of meeting times;
 - (c) section 22A(7); and
 - (d) insufficient notice of meetings.
- (8) The General Secretary must take reasonable steps to notify Representatives of the attendance requirements under this section 16:
 - (a) before the first meeting of the SRC for the Academic Year; and
 - (b) after each absence by a Representative that is counted under section 16(15), noting the number of instances of recorded non-attendance.
- (9) If:
 - (a) a Representative submits their apologies in accordance with section 16(5); or
 - (b) the General Secretary exercises their discretion to accept apologies received in accordance with section 16(6), the Representative's absence is not to be counted as a failure to attend a meeting.
- (10) A failure to attend a meeting includes attending a meeting for less than one hour if that meeting is longer than one hour in duration.
- (11) If the General Secretary:
 - (a) refuses to accept apologies received in accordance with section 16(5); or
 - (b) refuses to exercise their discretion to accept apologies received in accordance with section 16(6),the Representative may refer the decision of the General Secretary to the Disputes Committee for reconsideration.
- (12) In reviewing a decision of the General Secretary referred to it under section 16(11), the Disputes Committee must consider:
 - (a) whether the Representative satisfied the requirements of section 16(5); or
 - (b) whether, in the circumstances, the General Secretary should have exercised their discretion to accept apologies under section 16(6).
- (13) In reviewing a decision of the General Secretary referred to it under section 16(11), the Disputes Committee must:
 - (a) affirm the decision of the General Secretary; or
 - (b) overturn the decision of the General Secretary and determine that a meeting missed by the Representative is not to be counted for the purposes of section 16(15).
- (14) The General Secretary must take reasonable steps to notify Representatives of the attendance requirements under this section 16:
 - (a) before the first meeting of the SRC for the Academic Year; and
 - (b) after each absence by a Representative that is counted under section 16(6).
- (15) A Representative who fails to attend any three (3) total of General, SRC or EDC meetings that section 16 of this Constitution requires them to attend, is deemed to have manifestly failed to fulfil their obligations under the Constitution and Regulations and the General Secretary must notify them in writing of this outcome.
- (16) Any Representative who has been deemed to have manifestly failed to fulfil their obligations in accordance with section 16(15) is automatically removed from office, unless they refer their removal to the Disputes Committee within five (5) teaching days of receiving notification from the General Secretary under subsection 15.
- (17) In considering the referral under section 16(16), the Disputes Committee may choose to revisit relevant rulings of the General Secretary in accordance with section 16(12).
- (18) If the Disputes Committee upholds all instances of failure to attend of the Representative, the Disputes Committee must confirm the removal of the Representative from office.

17. CLUB REGULATIONS

- (1) The Clubs Regulations shall provide for the proper operation of Clubs, their governance and affiliation with the Association and such other matters as are necessary or convenient in relation to Clubs.

18. COMMITTEES OF THE ASSOCIATION

- (1) In addition to the committees provided for in subsection (2), committees may be created by Regulation.
- (2) There shall be:
 - (a) an Education Committee;
 - (b) a Disputes Committee;
 - (c) an Academic Management Committee;
 - (d) a Parents and Carers Committee; and
 - (e) a Postgraduate and Research Network.
- (3) Subject to provisions in this Constitution, Regulations must be made for all committees governing their operation, functions and any other matters necessary or convenient in relation to committees.

19. EDUCATION COMMITTEE

- (1) The Education Committee shall promote awareness on campus of education issues, and facilitate action and discussion on issues of particular concern to the education sector as it relates to the ANU.
- (2) All members of the Association may enrol in the Education Committee, by writing to the Education Officer. Any member of the Education Committee can also resign by writing to the Education Officer.
- (3) The Education Officer must:
 - (a) manage the administrative affairs of the Committee;
 - (b) create the Committee with not less than three (3) additional students to help manage the Committee;
 - (c) seek to recruit to active participation in the Education Committee, Students who are undertaking undergraduate or postgraduate coursework degrees, Students who are undertaking an honours program, and Students who are undertaking higher degree research
 - (d) convene a meeting of the Education Committee at least twice in every Teaching Period;
 - (e) convene the Education Committee within seven (7) Teaching Days of being presented with a petition signed by twenty-five (25) members of the Association; and
 - (f) provide notice for convening the Education Committee of no less than three (3) Teaching Days. Notice should be posted on the front door of the Association offices, on the website of the Association.
- (4) Subject to the Constitution, the Regulations and Policies of the Association, policy proposals of the Committee must be determined by meetings of the Committee, at which all members of the Committee may vote.
- (5) The Education Committee may establish sub-committees reporting to the Education Committee, to specifically address issues of concern to Undergraduate Students, Postgraduate Students undertaking coursework, and Postgraduate Students under higher degree research.
- (6) The Education Officer is bound to present policy proposals from the Committee to the Executive or the next meeting of the SRC, whichever is first, which may then choose to ratify or reject the proposed policy.
- (7) Each year the Association must give the Education Committee a budget allocation amounting to not less than \$1,000 for that year for use in respect of the activities of the Education Committee.

20. DISPUTES COMMITTEE

- (1) There is to be a Disputes Committee, which must operate under the provisions set out in the Constitution and any Regulations governing its operation.
- (2) Members of the Disputes Committee are Officers of the Association for the purposes of the Constitution and Regulations.

Operation

- (3) The Disputes Committee is established to consider the validity of resolutions calling for the dismissal of Representatives of the Association, and to consider allegations of breaches of this Constitution and the Regulations, and such other matters as are provided for in this Constitution, the Regulations or the Policy of the Association.
- (4) The Disputes Committee must undertake a thorough investigation into any matter referred to it under the Constitution, the Regulations or any Policy.

- (5) If a resolution calling for the dismissal of a Representative of the Association is referred to the Disputes Committee as set out in this Constitution, that Representative of the Association will only be dismissed if a simple majority of those members of the Disputes Committee present and voting believe that the burden of proof required under that section for a Representative to be dismissed has been satisfied.
- (6) If an allegation of a breach of this Constitution or the Regulations is referred to the Disputes Committee as set out in this Constitution, such a breach will only be established if a simple majority of those members of the Disputes Committee present and voting reasonably believe that the requirements of the section(s) in dispute have been breached.
- (7) The Disputes Committee may, by a simple majority of those present and voting, impose a fine, revoke membership rights or impose such other penalty as is prescribed by the Regulations upon a member or former member of the Association in accordance with the Constitution and Regulations.
- (8) Despite section 26 ("Freedom of Information"), in the course of their investigations a member of the Disputes Committee may view any document in the possession of the Association which is relevant to those investigations, including a ballot (whether paper or electronic).

Election and Tenure

- (9) The Disputes Committee must consist of not more than five (5) members of the Association.
- (10) No member of the Association who is a Representative of the Association or a University Council Member may be appointed to the Disputes Committee.
- (11) The appointment of members of the Association to the Disputes Committee is to be made by a two-thirds majority of those present and voting at a meeting of the first SRC of the second Teaching Period of each Academic Year. No such appointment shall be valid unless one quarter of the total votes available to the current membership of the SRC are cast in favour of the appointment.
- (12) The members of the Disputes Committee must from time to time elect one of their number as Chair of the Committee.
- (13) Members of the Disputes Committee hold tenure until:
 - (a) they cease to be a member of the Association;
 - (b) they resign, in writing, to the General Secretary of the Association;
 - (c) they are removed by a resolution carried by a two-thirds majority of those present and voting at a General Meeting, subject to the requirements under section 13(3)(e) ("General Meetings");
 - (d) they are elected to, appointed to, or nominate for any position listed in Schedule 1 of this Constitution or a position of University Council Member; or
 - (e) a new Disputes Committee is elected at the first SRC meeting of the second Teaching Period of each Academic Year.
- (14) A member of the Disputes Committee dismissed pursuant to section 20(13)(c) is entitled to consider any matter referred to the Committee before their removal, even where that matter is heard after their removal, and any member appointed to fill a vacancy created under section 20(13)(c) must not be involved in the consideration of any such matter.
- (15) Any member of the Disputes Committee who has a real or perceived conflict of interest in any matter referred to the Committee must not take part in the Committee's consideration of that matter.
- (16) All decisions of the Disputes Committee must:
 - (a) be published;
 - (b) set out the reasons for the Disputes Committee's decision; and
 - (c) be retained by the Association for a period of five (5) years.

21. NOT USED

22. FINANCE

- (1) Expenditure of the Association's funds is governed by the Finance Regulations and all Officers must comply with those Regulations.

Budget

- (2) The budget of the Association must be presented by the Treasurer to the first General Meeting held in the first Teaching Period of the Academic Year.
- (3) The provisional budget of the Association for the next Financial Year must be presented by the Treasurer, or the incoming Treasurer as the Treasurer sees fit, at a General Meeting held in the fourth Teaching Period of the Academic Year.
- (4) The budget or provisional Budget may only be amended by:
 - (a) a simple majority of those present and voting at a General Meeting; or
 - (b) a simple majority of those present and voting at a meeting of the SRC, but by no more than one per cent (1%) of the Annual Budget of expected expenses in any calendar month.

Audited Statements

- (5) The Treasurer shall prepare an Annual Report and Annual Financial Statement and Balance Sheet for audit and presentation to the AGM. The Treasurer shall ensure that the audit is completed at least ten (10) Teaching Days before the AGM. In accordance with the Act, the Public Officer shall lodge the annual return of the Association within six (6) months of the end of each Financial Year.

Other Financial Provisions

- (6) The funds of the Association may be derived annually from The Australian National University, in addition to any external income which may be obtained. The Treasurer is responsible for making the annual funding submission to the relevant Finance Committee of the University.
- (7) The income and property of the Association are to be applied in promotion of the Objects of the Association.
- (8) The Association must not distribute any income, profit or gains to its members in any form including cash, property or otherwise, unless it is reasonable payment for services rendered to the Association.
- (9) Subject to Sections 13, 22(8) and 22(20), the General Meeting may make regulations for the proper and reasonable remuneration of Officers of the Association for services rendered to the Association. Such remuneration may include a stipend or honoraria and other benefits.
- (10) No money is to be drawn from the Association's bank accounts, except by a cheque or order, including Internet order, signed by two of the President, the Treasurer and the Vice President, or by a debit/credit card pursuant to sections 22(15) to 22(19).
- (11) The Association may make Regulations allowing Departments, other bodies, or projects to administer their own Budgets.
- (12) The Association must not enter into any bank liabilities, guarantees or indemnities incurring contingent liabilities, other than in the normal course of business.
- (13) The Association must maintain adequate insurance cover as may reasonably be appropriate on items not covered by policies undertaken through the University.

Association Books

- (14) Subject to the provisions of the Act, the Regulations and the provisions of this Constitution, the General Manager shall keep in their custody or under their control all records, books and other documents relating to the Association.
- (15) The records, books and other documents of the Association shall be open to inspection by the members in the office of the Association at any reasonable hour, subject to the limitations contained in section 26 ("Freedom of Information").

Credit/Debit Card

- (16) The Executive may approve the issuing of a debit/credit card to one or more of the President, Vice- President or Treasurer (the "cardholders") to enable payment of ANUSA expenses and liabilities where payment by cheque or money order is impractical.
- (17) All purchases must have formal approval by two of either the President, Vice President or Treasurer beforehand.
- (18) The debit/credit card cannot be used for the following under any circumstances;
 - (a) the purchase of firearms, fireworks, pornography or tobacco products;
 - (b) cash advances, over-the-counter cash withdrawals, ATM transactions or the purchase of bank cheques, travellers' cheques or foreign currency;
 - (c) personal expenditure; or
 - (d) the payment of fines, payroll, reimbursement or grants.
- (19) If the Executive approve the issuing of a debit card rather than credit card, the account linked to the debit card must never have a balance of over \$1,000 for a period of time more than 2 business days.
- (20) Cardholders must collect tax receipts and send them to the Finance Officer within one (1) week of payment being made.

Members Benefits

- (21) The assets and income of the Association shall be applied solely in furtherance of the Objects of the Association, and no portion shall be distributed directly or indirectly to the members of the organisation, except as bona fide compensation for services rendered or reasonable expenses incurred on behalf of the organisation in accordance with any relevant Regulations.

22A.DUTIES OF OFFICERS

- (1) An Officer must act with care and due diligence in the exercise of their functions and duties. (Reference: Section 66A of the Act)

- (2) An Officer must act in good faith in the best interests of the Association and for a proper purpose in discharge of their duties. (Reference: Section 66B of the Act)
- (3) An Officer must not improperly use the Officer's position to gain advantage for the Officer or another person or to cause detriment to the Association. (Reference: Section 66C of the Act)
- (4) An Officer must not use information gained in that role to gain advantage for that person or another person or to cause detriment to the Association. (Reference: Section 66D of the Act)
- (5) An Officer must disclose the nature and extent of any material personal interest of the Officer in any matter arising before a meeting in which the Officer has a vote, and the disclosure must be recorded in the minutes of the meeting. (Reference: Section 65 of the Act)
- (6) Disclosures of material personal interests must be reported at the next General Meeting of the Association. (Reference: Section 65(1) of the Act)
- (7) An Officer who has a material personal interest in a matter before a meeting in which the Officer has a vote must not be present while the matter is considered or vote on the matter. (Reference: Section 65A of the Act)
- (8) For the avoidance of doubt, in this section, Officer has the meaning defined in this Constitution.
- (9) For avoidance of doubt, section 22(5) to section 22(7) do not relieve an Officer of the duty to disclose and appropriately deal with a conflict of interest that does not constitute a material personal interest.

23. AUDITOR

- (1) Each year the Executive must engage a professional, qualified accountant, not being a member of the Association, to carry out an audit of the books and accounts of the Association for the previous Financial Year.

24. PUBLIC OFFICER

- (1) Unless the SRC declares otherwise, the General Manager shall be the Public Officer of the Association.
- (2) The Public Officer is an Officer of the Association for the purposes of the Constitution and Regulations.

Duties

- (3) The Public Officer shall, within fourteen (14) days of their appointment, notify the relevant authority in writing of the appointment and supply their full name and address. The Public Officer shall also supply any and all documents required by the relevant authority and perform any other duties as required by the Act and any other relevant legislation.

Vacancy

- (4) The office of Public Officer becomes vacant if the person holding that office:
 - (a) dies;
 - (b) becomes an insolvent under administration as defined in the *Corporations Act 2001* (Cth);
 - (c) becomes of unsound mind;
 - (d) resigns their office by writing to the President; or
 - (e) ceases to be resident in the ACT.
- (5) If the office of Public Officer becomes vacant, the SRC shall appoint another person to fill the vacancy within fourteen (14) days of the vacancy arising.

25. INDEMNITY

- (1) All members and employees of the Association shall be and are hereby indemnified by the Association against losses or expenses incurred by them in or about the discharge of their respective duties, except, in compliance with the Companies Code, against any liability that by law would otherwise attach to them in respect of any negligence, default, breach of duty or breach of trust of which they may be liable in relation to the Association.
- (2) Members shall not be liable for the payment of the debts and liabilities of the Association or the costs, charges and expenses associated with the winding up of the Association.

26. ACCESS TO DOCUMENTS

- (1) For the purposes of clarity, neither the provisions nor the principles of ACT or Commonwealth freedom of information legislation, have any application to this section.
- (2) This provision is subject to section 35A of the Associations Incorporation Act 1991 (ACT).
- (3) The ANUSA Executive may, in relation to an application for release of information, exercise the powers of the committee under section 35A of the Associations Incorporation Act 1991, unless otherwise decided by the SRC.

- (4) In interpreting and applying this section, the General Secretary shall take into account the importance of democratic accountability of the Association to its membership, as well as the need to protect sensitive information set out in sub-section (5).

Documents which can be requested

- (5) A member of the Association may, at any reasonable time, access any document in the possession of the Association, with the exception of documents which:
- (a) contain personal information, except where that personal information relates:
 - i to the member making the request; or
 - ii to a person who has given written consent for the particular personal information subject of the request to be accessed by the person making the request;
 - (b) contain confidential information of ANUSA which the General Secretary is reasonably satisfied, if accessed, may result in harm to ANUSA's legal, commercial or financial interests;
 - (c) are subject to legal professional privilege;
 - (d) contain confidential information communicated to ANUSA
 - (e) have been received from the University which the University has also declared to be confidential;
 - (f) drafts of documents, where a final version of the document exists;
 - (g) are paper or electronic ballots; or
 - (h) contain information revealing the electoral roll for the position of Disabilities Officer.

Access to documents

- (6) The General Secretary will have discretion to determine the manner in which a document can be accessed.
- (7) The General Secretary has discretion to refuse access to any document or portion of a document that contains information protected by sub-section (5).
- (8) Notwithstanding anything in this section, the General Secretary may refuse access under this section if the General Secretary believes that, because of the breadth of the request, compliance with it would place an unreasonable cost on the Association, in which case the General Secretary should ask the person making the request:
- (a) to reduce the scope of the request (whether in relation to time period, scope or otherwise) so that costs of compliance are not excessive; or
 - (b) to instead submit questions to ANUSA in relation to the information that the persons is seeking, which may be replied to by way of a written statement from ANUSA.
- (9) Methods of access may include the following:
- (a) Viewing the document;
 - (b) Viewing the document under conditions of confidentiality;
 - (c) Provision of a full copy of the document; or
 - (d) Provision or viewing of a partial or redacted copy of the document.

Document redaction and severability

- (10) If a document contains information which falls within an exception but, by making partial redactions would no longer contain information protected by sub-section (5), the General Secretary should make such redactions or removals and release the remainder of the document rather than refusing access.
- (11) In such cases, access should only be refused where severing parts of the document or making redactions would reduce the substance of the document to such a degree that it would have the same effect as refusing access.

Review

- (12) Any decision made under this section may be appealed to the Disputes Committee under section 20(3) on the grounds that the General Secretary's decisions in relation to a request are in breach of the Constitution.

Minutes

- (13) Except for minutes containing confidential or personal information, and minutes of Departments, the General Secretary must cause or require minutes of meetings of the Association to be made available to members of the Association.
- (14) The Department Officer of a Department must, except for minutes containing confidential information or personal information, cause or require minutes of meetings of the Department to be made available to members of the Department.
- (15) For the purpose of this section:
- (a) "confidential information" includes:
 - (i) Information which is by its nature confidential;

- (ii) Information which at the time of communication was marked confidential or which the circumstances of communication indicate is confidential; or
 - (iii) Which a reasonable person knows or ought to know is confidential; but
 - (iv) does not include information which is already in the public domain without breach of any obligation of confidence.
- (b) "personal information" includes information or an opinion about a person, whether or not factual.

27. COMMON SEAL

- (1) The common seal of the Association shall be kept by the General Manager. It shall be affixed by authority of the SRC, and any two of the President, Vice President and Treasurer shall sign below the seal.

28. REGULATIONS AND POLICIES

Regulations

- (1) The Association may from time to time make Regulations (under, and not inconsistent with, this Constitution) to govern the operation of particular aspects of the Association's affairs and to give effect to policies.
- (2) Regulations may only be made, amended or repealed in accordance with section 13(3)(c) and 13(3)(d) and subject to section 13(6) ("General Meetings").
- (3) No Regulations made under this Constitution may contain language or terminology that is in any way racist, sexist or homophobic.

Policies

- (4) The Association may make Policies (under, and not inconsistent with, this Constitution and the Regulations) as a plan or course of action relating to decisions, actions and other matters, or as a guiding principle.
- (5) Policies may only be made, amended or repealed as governed by this Constitution and the Regulations.
- (6) No Policy made under this Constitution may contain language or terminology that is in any way racist, sexist or homophobic.

29. ALTERATION OF THE CONSTITUTION

- (1) This Constitution may be amended by Special Resolution at any General Meeting (including an AGM), except that:
 - (a) at least twenty-one (21) days' notice of the Special Resolution shall be given to members; and
 - (b) a decision to amend the Constitution shall require the support of seventy-five per cent (75%), to the nearest whole number, of ordinary members present and voting.
- (2) Full notice of proposed amendments to the Constitution, including the text of the proposed amendments, shall be given to members at the same time and in the same way as notice of the General Meeting at which the amendments are to be proposed.
- (3) The President must submit to the University all constitutional amendments passed to be presented to the next possible meeting of the University Council for ratification.
- (4) No amendment to the Constitution shall have any effect until ratified by the Council and, if necessary, by the relevant local authority.
- (5) No resolution to amend this Constitution may contain language or terminology that is in any way racist, sexist or homophobic.

30. DISSOLUTION OR WINDING UP

- (1) A motion to dissolve or wind up the Association may be considered at any General Meeting (including an AGM), except that at least twenty one (21) Teaching Days' notice of such a General Meeting must be given to members, accompanied by a notice of intention to propose a motion to dissolve or wind up the Association.
- (2) A motion to dissolve or wind up the Association must be:
 - (a) passed by a majority of at least seventy-five per cent (75%) of the votes of those members of the Association who, being entitled to vote, vote in person at the General Meeting, provided that one hundred and twenty (120) or more members of the Association are present; and
 - (b) approved by the University Council.
- (3) The excess of assets, property, funds or money remaining after all debts and liabilities are paid shall not be distributed amongst the Association's members. Such excess shall be given or transferred to a new representative body formed with the same or similar objectives to the Association, and which represents the Students of the University, or, if no such body exists, all liquidated proceeds and funds shall be transferred to

the University on the condition that the entire amount is deposited in a suitable scholarship fund. Remaining property shall be held by the University on trust for Clubs affiliated as at the date the Association is dissolved or wound up.

SCHEDULE 1 TO THE CONSTITUTION

The following are Representatives of the Association:

1. President of the Association;
2. Vice President of the Association;
3. General Secretary of the Association;
4. Clubs Officer of the Association;
5. Treasurer of the Association;
6. Welfare Officer of the Association;
7. Education Officer of the Association;
8. HDR Officer;
9. Postgraduate Coursework Officer;
10. Undergraduate Coursework Officer;
11. Queer* Officer;
12. Environment Officer;
13. Women's Officer;
14. International Students' Officer;
15. Indigenous Officer;
16. Disabilities Officer (which may be held individually or jointly);
17. Bla(c)k, Indigenous and People of Colour Officer;
18. Parents and Carers Officer;
19. Fourteen (14) General Representative Positions to the SRC;
20. four (4) College Representative Positions to the EDC from each College of the University; and
21. any other position declared to be a Representative under the Constitution or Regulations.