



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

**CONSTITUTION AND REGULATIONS**

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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).

**ANU** means The Australian National University.

**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 by the University Council, which, at the date of the making of this Constitution, includes:

- (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 Engineering and Computer Science;
- (e) The ANU College of Law;
- (f) The ANU College of Physical and Mathematical Sciences; and
- (g) The ANU College of Medicine, Biology and Environment.

**CRC** means the College Representative Council established pursuant to section 15 ("College Representative Council").

**Disability** has the meaning given by ANU Access & Inclusion.

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

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

**International Student** means an Undergraduate Student deemed to be an international student by the ANU Division of Student Administration.

**Officer of the Association** means a Representative of the Association, and any other member elected to a position under this Constitution, the Regulations or Policy, or any member stated to be an Officer of the Association in the Constitution, Regulations or Policy, but does not include the University Council Member.

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

**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 39 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").

**Teaching Day** means any weekday that falls during a Teaching Period of the Colleges, excluding public holidays.

**Teaching Period** means each of the four academic terms as set by the University.

**Undergraduate Student** means a student enrolled in a unit or program of study for a Bachelor's degree or any other undergraduate award of the Australian National University, other than the Bachelor of Medicine.

**Union** means the Australian National University Union.

**University** means The Australian National University.

**University Council Member** means the person elected in accordance with the University's enabling Act and this Constitution to be the undergraduate student member of the University Council.

### **3. INTERPRETATION**

- (1) Whoever presides at a meeting of the Association may interpret this Constitution and the Regulations made under it for the purposes of the meeting, and the General Secretary may interpret them at any other time.
- (2) A motion of dissent from an interpretation of this Constitution or the Regulations moved at a meeting of the Association may only be carried in accordance with the relevant Standing Orders.
- (3) A motion of dissent from an interpretation of this Constitution or the Regulations moved at any other time may only be carried by five-sixths majority of the Executive.

### **4. OBJECTS**

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

### **5. MEMBERSHIP**

- (1) The Association has one class of membership, being ordinary membership.
- (2) An ordinary member of the Association is any person who:
  - (a) is an Undergraduate Student; or
  - (b) is a student enrolled in an ANU Pathway Program (including ANU College and ANU Preparatory Program),and who has not written to the General Secretary of the Association specifically stating that they do not wish to be a member of the Association.

### **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 section7(1), an ordinary member may have their membership revoked either:
  - (a) in accordance with the Election Regulations; or
  - (b) by a resolution of the Disputes Committee,provided due process is followed pursuant to section 50 of the Act.
- (3) For the purposes of section7(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.

### **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 Social Officer of the Association; and
  - (f) 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) Ethnocultural Department.
- (4) The Departments are to function in accordance with section 11 (“Departments of the Association”).

#### **College Representatives**

- (5) College Representatives are required to sit on College-designated boards or committees of the College or school(s) which they represent.
- (6) 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**

- (7) General Representatives shall provide general assistance to the activities of the Association and in consultation with the Executive, or as determined by the SRC, undertake specific projects and advocacy during their term.

#### **Electing Representatives**

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

#### **Vacancies**

- (9) The position of a Representative of the Association becomes vacant if they:
- (a) cease to be an Undergraduate Student;
  - (b) cease to be a member of the Association;
  - (c) resign their position in writing to the General Secretary;
  - (d) in the case of a College Representative, cease to be enrolled in the College that they represent;
  - (e) become an insolvent under administration as defined in the *Corporations Act 2001* (Cth); or
  - (f) are disqualified from office pursuant to any relevant section of the Act.
- (10) Upon a member becoming a Representative, and for as long as that member holds a Representative position, the Office Manager is entitled to seek and obtain information from the University concerning the member's enrolment status as an Undergraduate Student. If the Office Manager is satisfied that a member is ineligible to be, or to continue to be, a Representative:
- (a) the Office 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(9)(a).

#### **Removal from Office**

- (11) A Representative of the Association may only be removed from office if:
- (a) they have willfully 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.
- (12) 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(11); and
  - (b) the Disputes Committee accepts that the Representative has acted in the fashion alleged by that resolution.
- (13) 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(13)(a).

- (14) If the SRC or a General Meeting passes a resolution pursuant to section 9(12), or a Department passes a resolution pursuant to section 9(13), 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.
- (15) 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(14).

## 10. THE EXECUTIVE

- (1) The Executive must:
  - (a) manage the affairs of the Association;
  - (b) oversee employees of the Association; and
  - (c) oversee the implementation of the Policies of the Association.
- (2) No member of the Executive shall hold office as a Department Officer during the tenure of their position as a member of the Executive.
- (3) For the Executive to direct a member of the Executive to execute their duties in a particular fashion, a five-sixths majority of the Executive is required.
- (4) 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.
- (5) Each member of the Executive must, at every SRC meeting, report to the meeting on their activities as a member of the Executive.
- (6) 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.
- (7) A delegation under section 10(6) may be revoked at any time by a subsequent decision of the delegating officer communicated in writing, or by a decision of the Executive.

### **President**

- (8) The President must, subject to the Constitution, the Regulations and Policy of the Association:
  - (a) represent Undergraduate 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 Undergraduate 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 CRC before appointing a student to any College board or committee; and
  - (k) liaise with the University Council Member on issues relevant to Undergraduate Students.

### **Vice President**

- (9) The Vice President must, subject to the Constitution, the Regulations and Policy of the Association:

- (a) together with the President, represent Undergraduate Students on other bodies, including committees of the University;
- (b) be available to Undergraduate Students to provide advice and advocacy;
- (c) liaise with students and relevant organisations about education and welfare issues;
- (d) assist the President in researching education and welfare issues;
- (e) assist with the development and implementation of the education and welfare policy of the Association;
- (f) assist with campaigns organised by the Association that address education and welfare issues; 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;
  - (e) be responsible for obtaining sponsorship of the Association and its activities, and for maintaining relations with those sponsors; and
  - (f) be a member of the Student Clubs Council.

#### **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 the minutes of meetings of the Association, including a basic summary of discussion, are recorded 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.

#### **Social Officer**

- (12) The Social Officer must, subject to the Constitution, the Regulations and Policy of the Association:
- (a) be a member of the Student Clubs Council;
  - (b) be a Director of Orientation Week and Bush Week and provide support for the Director(s) of Orientation Week and Bush Week;
  - (c) facilitate other social activities on campus;
  - (d) liaise with the University Union and other relevant organisations regarding social issues; and
  - (e) organise the production of the following year's ANUSA student diary.

#### **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) prepare submissions on behalf of the Association to Government inquiries and reviews on higher education matters; and
  - (g) petition the university administration and government on higher education issues.

### **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 Ethnocultural 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 MEMBER**

- (1) The University Council Member is the person elected according to the Election Regulations, provided they are consistent with the requirements of the University's enabling Act, and any relevant statutes of the University.
- (2) The University Council Member must:
  - (a) attend meetings of the University Council; and
  - (b) comply with the University's enabling Act and any statutes of the University as they apply to members of the University Council.
- (3) The General Secretary must invite the University Council Member to attend meetings of the SRC.
- (4) The University Council Member is neither a Representative of the Association, nor an Officer of the Association for the purposes of the Constitution and Regulations.
- (5) The University Council Member may not be removed from their position otherwise than in accordance with the University's enabling Act, any relevant statutes of the University.

## **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) pass a resolution recommending the dismissal of a Representative pursuant to sections 9(11) to 9(15);
- (e) 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;
- (f) pass a resolution approving the budget or provisional budget of the Association, subject to section 22 ("Finance");
- (g) pass any other resolution permitted under this Constitution or the Regulations; and
- (h) receive at each of its meetings a report detailing recent activities and expenditure from:
  - (i) the SRC; and
  - (ii) the CRC.

#### **Entrenchment of Motions**

- (4) If any motion put to a General Meeting is voted on by eighty (80) or more members of the Association in accordance with the provisions in Standing Orders concerning the entrenchment of motions, then:
  - (a) that motion overrides any motion passed by the SRC or the CRC which is inconsistent with it; and
  - (b) that motion may not be overridden by:
    - (i) any subsequent motion of the SRC or the CRC; or
    - (ii) a motion at a subsequent General Meeting, unless eighty (80) or more ordinary members of the Association are present and voting.
- (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 five (5) 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.

### **14. STUDENT REPRESENTATIVE COUNCIL**

- (1) The Student Representative Council (SRC) shall be the committee of the Association in accordance with the Act and shall consist of:

#### **Schedule A:**

- (a) the Executive;
- (b) fourteen (14) General Representatives;
- (c) the Department Officers from the Disabilities, Environment, Indigenous, International Students', Queer\*, Women's and Ethnocultural Departments; and

#### **Schedule B:**

- (d) two (2) Representatives from each College elected in accordance with the Election Regulations, except in respect of the ANU College of Physical and Mathematical Sciences and the ANU College of Medicine, Biology and Environment which together shall be considered one electorate for the purposes of the election and from which two (2) Representatives shall be elected in total.
- (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, except for Policy relating to matters of higher education within the ANU or its constituent Colleges, subject to section 13(4) and 13(5) ("General Meetings");
  - (b) pass resolutions electing members of the Association as Officers and to committees to perform a particular function (notwithstanding that the Officers and committees remain 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 CRC;
  - (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 detailing recent activities and expenditure from:
    - (i) the Women's Department;
    - (ii) the Queer\* Department;
    - (iii) the Environment Department;
    - (iv) the International Students' Department;
    - (v) the Indigenous Department;
    - (vi) the Disabilities Department;
    - (vii) the Ethnocultural Department;
    - (viii) the Education Committee; and
    - (ix) the Student Clubs Council;
  - (h) 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
  - (i) 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 five (5) 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 three (3) 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.
- (6) The quorum for meetings of the SRC is half of the current total of Schedule A of the membership of the SRC, rounded up to the nearest whole person.
- (7) When a Representative on the SRC:
- (a) has a direct or indirect pecuniary interest in a contract or other arrangement which has been made, or is proposed to be made, with the Association; and
  - (b) is present at a meeting of the SRC at which that contract or other arrangement is considered, that Representative shall disclose the nature of the pecuniary interest to the meeting, and may participate in the discussion, but may not vote on the matter.
- (8) A disclosure of pecuniary 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.
- (11) If an individual holds more than one position on the SRC, 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.

## 15. COLLEGE REPRESENTATIVE COUNCIL

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

### Schedule A

- (a) the President, Vice President and General Secretary of the Association;
  - (b) two (2) College Representatives from each College elected in accordance with the Election Regulations, except in respect of the ANU College of Physical Sciences and the ANU College of Medicine, Biology and Environment which together shall be considered one electorate for the purposes of the election and from which two (2) Representatives shall be elected in total;
  - (c) such student Representatives of classes or departments within the Colleges as the CRC may choose to co-opt.
- (3) Meetings of the CRC may be convened at the discretion of the General Secretary, or at the discretion of a member of the CRC 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 CRC, 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 CRC Meetings, etc.**

- (5) Whoever convenes a meeting of the CRC 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 CRC is half the current total of Schedule A of the membership of the CRC, rounded up to the nearest whole person.
- (8) Unless this Constitution provides otherwise, a resolution of the CRC 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 CRC, and may speak and put or second motions.
- (10) If an individual holds more than one position on the CRC, 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 the University Council Member, who cannot be compelled to attend meetings of the Association.
- (2) All Representatives are required to attend General Meetings and meetings of the SRC.
- (3) All Representatives are required to attend meetings of the CRC, except for the Treasurer, the Education Officer, the Social Officer, General Representatives and the Department Officers.

- (4) If a Representative cannot attend a meeting as required under section 16(2) or 16(3), the Representative must submit their apologies in writing to the General Secretary at least twenty-four (24) hours before the meeting.
- (5) Despite section 16(4), 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.
- (6) Any elected Representative who:
- (a) fails to attend three (3) meetings which are either General Meetings or council meetings for which they are included on Schedule A of the council membership; or
  - (b) fails to attend four (4) meetings for which they are listed on Schedule B of the council membership,
- is deemed to have manifestly failed to fulfil their obligations under the Constitution and Regulations for the purposes of section 9(11)(b) ("Representatives").
- (7) For the purposes of section 16(6), if:
- (a) a Representative submits their apologies in accordance with section 16(4); or
  - (b) the General Secretary exercises their discretion to accept apologies received in accordance with section 16(5),
- the Representative's absence is not to be counted as a failure to attend a meeting.
- (8) For the purposes of section 16(6), 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.
- (9) If the General Secretary:
- (a) refuses to accept apologies received in accordance with section 16(4); or
  - (b) refuses to exercise their discretion to accept apologies received in accordance with section 16(5),
- the Representative may refer the decision of the General Secretary to the Disputes Committee for reconsideration.
- (10) In reviewing a decision of the General Secretary referred to it under section 16(9), the Disputes Committee must consider:
- (a) whether the Representative satisfied the requirements of section 16(4); or
  - (b) whether, in the circumstances, the General Secretary should have exercised their discretion to accept apologies under section 16(5).
- (11) For the purposes of section 16(10)(b), relevant considerations include, but are not limited to:
- (a) instances of personal emergency;
  - (b) consistent poor communication of meeting times; and
  - (c) insufficient notice of meetings.
- (12) In reviewing a decision of the General Secretary referred to it under section 16(9), 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(6).
- (13) 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).
- (14) The Association must maintain Regulations providing for the filling of casual vacancies in any of the positions specified in Schedule 1 and the position of University Council Member.

## 17. STUDENT CLUBS COUNCIL

- (1) There is to be a Student Clubs Council (the "**Council**") which will support, fund and govern student Clubs.
- (2) The Council:
- (a) is the representative body of Clubs at the ANU;
  - (b) must act in accordance with the Club Regulations and any Council Policies; and
  - (c) sets policy for the funding and affiliation of Clubs.

- (3) Decisions of the Council may be overturned (but not so as to create any debt) by a motion passed by two-thirds of members present and voting at a General Meeting of the Association.

#### **Membership**

- (4) The Council consists of:
- (a) one delegate from each Club affiliated to the Association (a "**Delegate**"); and
  - (b) the voting members of the Council Executive, as defined in the Club Regulations.
- (5) If no Delegate is nominated under section 17(4)(a), the president of a Club will be the Delegate.
- (6) A student who is nominated as the Delegate for multiple Clubs carries only one vote on the Council.

#### **Council Executive**

- (7) There is to be a Council Executive which will govern the Council and manage the day-to-day affairs of the Council in accordance with the Regulations.
- (8) At least one position on the Council Executive must be held by:
- (a) an Executive of the Association; and
  - (b) a representative of PARSA.
- (9) The Officer Manager may, in accordance with the Clubs Regulations, appoint staff members of the Association as members of the Council Executive to:
- (a) assist in the administration of grants and affiliations;
  - (b) assist in other business of the Council; and
  - (c) process the affiliation and funding requests of Clubs in accordance with policies determined by the Council from time to time.
- (10) The Council Executive shall:
- (a) facilitate collaboration between Clubs;
  - (b) facilitate the training of Club executives;
  - (c) liaise between Clubs, the Association and the ANU;
  - (d) advocate on behalf of Clubs to the Association and the ANU;
  - (e) administer the Council budget, including grants;
  - (f) oversee the activities of Clubs, and ensure that Clubs act in accordance with their constitutions; and
  - (g) consider any allegation of misconduct on the part of a Club, or a Club's representatives, that is referred to it, and take such action as it deems appropriate, subject to the Regulations.

#### **Council Executive Elections**

- (11) The Council will from time to time elect members of the Council Executive.
- (12) Election of the Council Executive must be held at least once per Academic Year at a meeting of the Council.
- (13) Elections of the Council Executive will be conducted in accordance with the Club Regulations and not in accordance with the Election Regulations of the Association.

### **18. ORIENTATION WEEK AND BUSH WEEK DIRECTORS**

- (1) There are to be Orientation Week and Bush Week Directors, who will report to the Social Officer.
- (2) The Directors must:
- (a) organise a variety of daytime and nighttime social events for members of the association;
  - (b) organise a Market Day where affiliated Clubs are able to promote themselves; and
  - (c) develop sponsorship relationships with organisations.
- (3) Orientation Week and Bush Week Directors must be available to the Social Officer during the teaching break in the direct lead up to either Orientation Week or Bush Week.

### **19. EDUCATION COMMITTEE**

- (1) There is to be an Education Committee to promote awareness on campus of education issues, and to 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 are members of the Education Committee, unless they submit their resignation in writing to the General Secretary.
- (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) convene a meeting of the Education Committee at least twice in every Teaching Period;
  - (d) 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
  - (e) 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 Officer is bound to present this policy proposals to the Executive or the next meeting of the SRC, whichever is first, which may then choose to ratify or reject the proposed policy.
  - (6) 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 the 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 term 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 (Schedules A and B) 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 the position of University Council Member; or
  - (e) a new Disputes Committee is elected at the first SRC meeting of the second term 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. FINANCIAL REVIEW COMMITTEE**

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

### **Operation**

- (3) The Financial Review Committee is responsible for:
  - (a) considering the Association's financial controls and the Association's compliance with financial controls;
  - (b) considering allegations of financial 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; and
  - (c) undertaking a thorough investigation into any matter referred to it under the Constitution, the Regulations or any Policy.
- (4) Despite section 26 ("Freedom of Information"), the Financial Review Committee may, by a simple majority of those present and voting:
  - (a) view any document in the possession of the Association which is relevant to the objects of the Financial Review Committee, including any financial or accounting software of the Association accessible by an Officer or staff member of the Association;
  - (b) seek advice from or interview any Representative or staff member of the Association; and
  - (c) refer any enquiry to the Legal Officer or the Executive of the Association for further investigation.
- (5) The Financial Review Committee must present a report at each Annual General Meeting detailing:
  - (a) the Association's compliance with its financial protocols; and
  - (b) the suitability of the Association's financial protocols.

### **Election and Tenure**

- (6) The Financial Review Committee must consist of not more than three (3) members of the Association.
- (7) No member of the Association who is a Representative of the Association or the University Council Member may be appointed to the Financial Review Committee.
- (8) The appointment of members of the Association to the Financial Review Committee is to be made by a two-thirds majority of those present and voting at a meeting of the first General Meeting of the second term of each Academic Year. The term of appointment will be a maximum of one year.
- (9) The members of the Financial Review Committee must elect one of their number as Chair of the Committee.
- (10) Members of the Financial Review 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 of the Association;

- (d) they are elected to, appointed to, or nominate for any position listed in Schedule 1 of this Constitution or the position of University Council Member; or
  - (e) a new Financial Review Committee is elected at the first OGM meeting of the second term of each Academic Year.
- (11) Despite section 21(10)(c), any resolution carried by a General Meeting that is voted on by fewer than eighty (80) members that purports to remove a member of the Financial Review Committee shall have no effect.
- (12) A member of the Financial Review Committee dismissed pursuant to section 21(10)(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 21(10)(c) must not be involved in the consideration of any such matter.
- (13) Any member of the Financial Review 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.
- (14) The Financial Review Committee and members of the Financial Review Committee must, whenever possible, protect the anonymity of all individuals associated with any activity conducted by the Committee.

## **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 Honoria 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 Office 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.

**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 Office 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. FREEDOM OF INFORMATION**

- (1) A member of the Association may, at any reasonable time, view any document in the possession of the Association, with the exception of:
  - (a) a document that contains personal and confidential information, except to the extent that the personal and confidential information relates to the member making the request;
  - (b) a document received from the University that the University has declared to be confidential;
  - (c) a ballot (whether paper or electronic); and
  - (d) the electoral roll for the position of Disabilities Officer.

## **27. COMMON SEAL**

- (1) The common seal of the Association shall be kept by the Office 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 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 Undergraduate 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 undergraduate 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.

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**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. Social Officer of the Association;
5. Treasurer of the Association;
6. Queer\* Officer;
7. Environment Officer;
8. Women's Officer;
9. Education Officer;
10. International Students' Officer;
11. Indigenous Officer;
12. Disabilities Officer (which may be held individually or jointly);
13. fourteen (14) General Representative Positions to the SRC;
14. two (2) College Representative Positions to the CRC from each College of the University; and
15. any other position declared to be a Representative under the Constitution or Regulations.

## **STANDING ORDERS**

### **1. GENERAL**

#### **1.1 Nature of these Regulations**

- 1.1.1 These Regulations are made under the Constitution of the Australian National University Students' Association to govern the conduct of all meetings of the Association required under the Constitution.
- 1.1.2 Any Regulations or Policies inconsistent with these Standing Orders is of no effect to the extent of the inconsistency during a meeting.

#### **1.2 Quorum**

- 1.2.1 The presiding member must ensure that a quorum is present before declaring a meeting open.
- 1.2.2 Subject to section 1.2.1, a meeting must commence promptly at the time set out on the official notice of the meeting.
- 1.2.3 If quorum is not reached within 30 minutes of the time set for a meeting, then the meeting lapses and all business is stood over to a subsequent meeting.
- 1.2.4 If quorum is lost before the close of a meeting and is not regained within five (5) minutes then all outstanding business is stood over to the next meeting with the exception of:
  - (a) The filling of casual vacancies
  - (b) Elections
  - (c) Receipt of reports
  - (d) Presentation of and acceptance of audited financial documents.

#### **1.3 Agenda**

- 1.3.1 Where practicable, the agenda of a meeting must be prepared such that it is consistent with the following, unless otherwise determined by a resolution of the meeting.
- 1.3.2 The agenda must be followed in the order in which it is set out, unless otherwise determined by a resolution of the meeting:
  - a) Schedule 1 for SRC and other meetings
  - b) Schedule 2 for CRC

- 1.3.3 Subject to quorum being present the meeting must continue until all business on the agenda is disposed of, unless otherwise determined by a resolution of the meeting.

#### **1.4 Conduct at Meetings**

- 1.4.1 Speakers may only address the meeting when called on to do so by the Chair.
- 1.4.2 Subject to these Regulations, speakers must be heard in silence and may only be interrupted by the Chair.
- 1.4.3 All business of a meeting must be by way of motions and amendments, except when:
- (a) Reports are being considered; and
  - (b) The meeting resolves itself into a committee of the whole.
- 1.4.4 Upon the opening of every Ordinary General Meeting, Annual General Meeting or Special General Meeting of the Association, the Chair must give a verbal explanation of general meeting procedure for the benefit of all members. The Chair, at his or her discretion, may give this statement at any other meeting of the Association. Any such statement must include, as a minimum, explanation of the following:
- (a) Conduct required by members; and
  - (b) Procedures concerning motions and amendments; and
  - (c) Rights of speakers and members, including moving points of order; and (d) the appropriate manner of addressing the chair and other members.

#### **1.5 Council Members Unable to Attend Meetings (Proxies)**

- 1.5.1 Council members who are unable to attend Council meetings may delegate their moving, seconding and voting rights to any other ordinary member of the Association in the form of a written proxy.
- 1.5.2 The proxy must:
- (a) Be for not longer than the duration of the meeting; and
  - (b) Specify in order the member or members to whom the proxy is made; and
  - (c) Specify any conditions attached to the proxy; and
  - (d) Be signed by the Council member; and
  - (e) State the date and time the proxy was made; and
  - (f) Not be altered once signed.
- 1.5.3 The proxy must be sent to the member convening the particular meeting for which the proxy is made, who must take all reasonable steps to verify the proxy before being delivered to the presiding member.
- 1.5.4 If the Council member subsequently attends the meeting, the proxy lapses.
- 1.5.5 Voting by proxy at General Meetings or meetings of any Department of the Association is not permitted.

## **2. MOTIONS AND AMENDMENTS**

### **2.1 General**

- 2.1.1 All motions and amendments, other than procedural motions, must be submitted in writing to the member convening or, if submitted during the meeting, to the member presiding.
- 2.1.2 All motions and amendments must have a mover and a seconder.
- 2.1.3 Motions and amendments may be seconded pro forma.
- 2.1.4 A motion or amendment may be altered by the mover subject to leave of the meeting.
- 2.1.5 Movers and seconders may reserve or waive their speaking rights.
- 2.1.6 Motions and amendments may be withdrawn by the mover subject to the right of any other member to take up these rights.
- 2.1.7 A member may speak only once to a motion or amendment unless they are the mover exercising their right of reply.
- 2.1.8 Motions and amendments will lapse if in want of a mover and seconder who are present in person-however any other member may take up these rights.
- 2.1.9 No member may speak to any motion or amendment after it has been put to the vote.

### **2.2 Motions**



- 2.2.1 All movers of motions, other than procedural motions, may exercise a right of reply.
- 2.2.2 The right of reply may be exercised immediately before the motion is put or before any one amendment is put, but may only be exercised once.

### **2.3 Amendments**

- 2.3.1 Amendments must be relevant to the motion.
- 2.3.2 Amendments must not be in direct negation of the substance of the motion.
- 2.3.3 Multiple amendments to a motion must be considered in the order determined by the presiding member.
- 2.3.4 Amendments may only be debated and voted on one at a time - however further amendments may be foreshadowed.
- 2.3.5 Movers of amendments have no right of reply.

### **2.4 Foreshadowed Motions**

- 2.4.1 Where more than 1 motion deals with a particular issue, they may be considered together.
- 2.4.2 Voting must be conducted on each motion in the order in which they were moved, until either a motion is carried, in which case the remaining motions lapse, or until all the motions are defeated.

## **3. PROCEDURAL MOTIONS**

### **3.1 The Gag**

- 3.1.1 A member who has not already participated in the debate may move "That the speaker no longer be heard".
- 3.1.2 This motion may interrupt a speech and must be put without amendment, adjournment or debate.
- 3.1.3 This motion requires a two-thirds majority in order to be carried.

### **3.2 Closure**

- 3.2.1 A member who has not already participated in the debate may move "That the question now be put".
- 3.2.2 This motion may interrupt a speech and must be put without amendment, adjournment or debate.
- 3.2.3 If this motion is carried, the motion or amendment under consideration must be immediately put to the vote, subject only to the right of reply.
- 3.2.4 This motion requires a two-thirds majority in order to be carried.

### **3.3 Adjournment of Debate**

- 3.3.1 A member who has not already participated in the debate may move "That the debate be adjourned".
- 3.3.2 This motion must not interrupt a speech.
- 3.3.3 This motion must specify when the debate is to be resumed.
- 3.3.4 3.3.4 This motion may only be amended as to time, date and place.

### **3.4 Adjournment of Meeting**

- 3.4.1 3.4.1 A member who has not already participated in the debate may move "That this meeting be adjourned".
- 3.4.2 3.4.2 This motion must not interrupt a speech.
- 3.4.3 This motion may only be amended as to time, date and place.

### **3.5 Proceed to the Next Business**

- 3.5.1 A member who has not already participated in the debate may move "That this meeting proceed to the next business".
- 3.5.2 This motion must not interrupt a speech.
- 3.5.3 This motion must be put without amendment, adjournment or debate.

### **3.6 The Previous Question**

- 3.6.1 Moving the Previous Question is not permitted under these rules.

### **3.7 That the Question Lie on the Table**

- 3.7.1 A member who has not already participated in the debate may move "That the question (or communication) lie on the table".

- 3.7.2 This motion must not interrupt a speech.
- 3.7.3 This motion must be put without amendment adjournment or debate.
- 3.7.4 If this motion is moved and carried on an amendment, the original question is also laid on the table.
- 3.7.5 There can be a subsequent motion at the same meeting "That the question be taken from the table".

### **3.8 Motion to Debate in Camera**

- 3.8.1 This motion must not interrupt a speech and must be put without amendment, adjournment or debate.
- 3.8.2 The motion must relate to one or more specific items in the agenda.
- 3.8.3 This motion requires a  $\frac{3}{4}$  (three quarters) majority in order to be carried. If the motion is carried, members who are not voting members must vacate the meeting for the duration of the items specified in the motion.

## **4. SECTION PROCEDURE**

### **4.1 Points of Order**

- 4.1.1 A member may at any time move points of order in regard to any irregularity in the proceedings, or interpretation of the Constitution or Regulations.
- 4.1.2 A member may at the end of a speech make a point of clarification over factual inaccuracies made by the previous speaker.
- 4.1.3 A member claiming to have been misrepresented may at any time, not interrupting another speaker, make a point of explanation. Such explanation must be confined to the alleged misrepresentation and must not introduce argument or new matter.
- 4.1.4 Any point of order, point of clarification, or point of explanation must be clearly and concisely stated within 1 minute.
- 4.1.5 The Chair has the discretion to rule any the these points out of order.

### **4.2 Dissent**

- 4.2.1 Where the presiding member has made a ruling or interpretation, a motion may be made that the Chair's ruling be dissented from. In such case:
  - (a) The presiding member must vacate the Chair and nominate a replacement, this nomination not being subject to dissent; and
  - (b) The mover of the motion of dissent must speak to the motion; and
  - (c) The Chair from whose ruling was dissented may reply; and
  - (d) This motion must be put without amendment, adjournment or further debate in the following form: "That the Chair's ruling be upheld".
- 4.2.2 This motion requires a three-fifths vote against in order to be defeated.
- 4.2.3 Where this motion is carried, the Chair's ruling stands.
- 4.2.4 Where this motion is defeated, no ruling stands.
- 4.2.5 The original presiding member must be restored to the Chair immediately after the vote of dissent is declared, subject to a resolution of the meeting.

### **4.3 Naming Procedure**

- 4.3.1 The Chair must be heard in silence and without interruption, and may name any person for unruly and disruptive behaviour.
- 4.3.2 Where any person is named 3 times during the same meeting, that person must not be recognised by the Chair and must leave the meeting.
- 4.3.3 The Chair may have a person immediately removed from the meeting for intimidating, bullying, abusive or harassing behaviour as defined in section 6.3 or as defined in section 6.2, but not for any other conduct. Any decision to immediately remove a member may be invalidated by a simple majority.

## **5. TIME LIMITS**

### **5.1 Time**

- 5.1.1 The following time limits apply to all speakers, unless otherwise determined by the meeting:
 

(a) Speaker delivering a report	-	5 minutes
(b) Mover of a motion	-	3 minutes
(c) Right of reply, all other speakers	-	2 minutes
(d) Movers of and speakers to procedural motions	-	1 minute
- 5.1.2 Motions to extend these times in respect of a particular speaker must be put without amendment,

adjournment or debate.

## **6. MISCELLANEOUS**

### **6.1 Chair Wishing to Debate**

6.1.1 If the Chair wishes to take part in the debate on any question, the Chair must nominate a replacement for the duration of that particular debate and any vote, this nomination not being subject to dissent.

### **6.2 Discrimination on the Basis of Gender, Race or Sexuality**

6.2.1 During meetings governed by these rules it is the responsibility of the Chair to protect members from any type of discrimination based on gender, race or sexuality.

6.2.2 The Chair may have the discretion to have a person immediately removed from the meeting for extreme types of discrimination based on gender, race or sexuality.

### **6.3 Suspension of Standing Orders**

6.3.1 These Standing Orders may be departed from with the unanimous consent of the meeting where a member "seeks leave of the meeting"; or

6.3.2 A member may move "That so much of Standing Orders be suspended as would prevent..."

6.3.3 This motion may be debated.

6.3.4 This motion requires a two-thirds majority in order to be carried.

6.3.5 A motion to suspend all of Standing Orders must not be considered.

### **6.4 Meetings Held in Committee**

6.4.1 A meeting may resolve itself into a "Committee of the whole".

6.4.2 If this motion is carried, the result is as follows:

- (a) Members may speak more than once; and
- (b) Substantive motions and amendments may not be moved; and
- (c) Procedural motions and amendments require only a mover; and
- (d) Time limits do not apply; and
- (e) No minutes are kept; and
- (f) The Chair may engage in the debate; and
- (g) All other Standing Orders still apply.

6.4.3 The Chair reserves the right to resume full Standing Orders at any time while in committee.

### **6.5 Further Rules**

6.5.1 If any matter is not dealt with in these Standing Orders, the rules governing debate in the House of Representatives of the Commonwealth of Australia apply.

### **6.6 Validity Given Departure from Standing Orders**

6.6.1 Subject to the Constitution and Regulations, any decision made by a validly-constituted meeting is not void by reason only of a departure from these Standing Orders which was not detected until after the decision had been made.

## **SCHEDULE 1 - ORDER OF AGENDA**

ITEM 1: MEETING OPENS AND APOLOGIES

ITEM 2: MINUTES FROM THE PREVIOUS MEETING INCLUDING MATTERS ARISING

ITEM 3: REPORTS AND MATTERS ARISING

ITEM 4: ELECTIONS (IF REQUIRED)

ITEM 5: ITEMS FOR RESOLUTION

ITEM 6: ITEMS FOR DISCUSSION

ITEM 7: NOTICES OF MOTIONS ITEM

8: OTHER BUSINESS

ITEM 9: DATE OF NEXT MEETING AND CLOSE

## **SCHEDULE 2 – CRC ORDER OF AGENDA**

ITEM 1: MEETING OPENS AND APOLOGIES

ITEM 2: MINUTES FROM THE PREVIOUS MEETING INCLUDING MATTERS ARISING

ITEM 3: QUESTIONS ARISING FROM REPORTS

ITEM 4: ITEMS FOR DISCUSSION

ITEM 5: ITEMS FOR RESOLUTION

ITEM 6: OTHER BUSINESS

ITEM 7: DATE OF NEXT MEETING AND CLOSE

## **FINANCE REGULATIONS**

### **1. GENERAL**

#### **1.1 Application**

- 1.1.1 These Regulations are the Finance Regulations of the ANU Students' Association.
- 1.1.2 These Regulations are formed in accordance with the Constitution.

#### **1.2 Definition**

- 1.2.1 In these Regulations, unless the contrary intention appears, all terms defined in the constitution have the meaning given there.

#### **1.3 Spending of Reserve Capital**

- 1.3.1 The Association must maintain a reserve fund of not less than \$200,000. The fund, excepting any interest generated, may only be accessed in situations of the Association's insolvency, such as insolvency, voluntary administration or receivership and with the approval of a two-thirds majority of a general meeting. This section is entrenched under the Constitution.
- 1.3.2 An actual insolvency figure must be prepared as part of the annual audit of the Association.

### **2. ETHICAL FINANCES**

#### **2.1 Ethical Procurement**

- 2.1.1 The Association may maintain policy specifying that, for ethical reasons, funds, goods and services may not be procured or accepted from specified people or bodies.
- 2.1.2 All invested capital must, to the best knowledge of trustees, be invested ethically. In determining whether a repository is ethical, the Trustees shall have regard to:
  - (a) the repository's safety record, corporate governance and accountability, environmental sustainability and equal opportunity policies;
  - (b) any involvement in the exploitation of workers, repressive regimes, and products harmful to humans; and
  - (c) any other criteria determined relevant by a meeting of the Association.

#### **2.2 Conflict of Interest**

- 2.2.1 Officers of the Association should avoid participating in the making of financial decisions in respect of which they may reasonably be considered to have a real or perceived conflict of interest.
- 2.2.2 If an Officer of the Association is involved in the making of a financial decision in respect of which they may reasonably be considered to have a real or perceived conflict of interest then they must inform the General Secretary of that conflict of interest in writing.
- 2.2.3 The General Secretary must inform the SRC of any reported conflict of interest at the first SRC meeting after the General Secretary is informed of that conflict of interest.

### **3 PAYMENTS TO MEMBERS OF THE ANUSA EXECUTIVE**

#### **3.1 OVERVIEW**

- 3.1.1 Sections 22(8) and 22(20) of the Constitution provide that no payment may be made to a member except as reasonable payment for services rendered to the Association or for reimbursement of reasonable expenses. This Regulation is made under the Constitution to provide for reasonable payment to members of the ANUSA Executive (the Executive) for services rendered to the Association and reimbursement of expenses.
- 3.1.2 Subject to this Regulation, and subject to the availability and allocation of funding, members of the ANUSA Executive may be paid a stipend and provided with other entitlements specified in this Regulation.
- 3.1.3 This Regulation replaces existing Regulation 3 of the Payment Regulations.

#### **3.2 STIPENDS**

- 3.2.1 While holding office under the Constitution, the members of the Executive of the Association are offered a stipend for the work that they carry out in recognition of their services to the Association and its members.
- 3.2.2 The Executive are under no obligation to accept stipends, and may claim less than the maximum stipend provided for in this regulation.
- 3.2.3 Continued payment of stipend is subject to the terms of this regulation and the requirements of the Constitution and subject to continuing service to ANUSA in continuing proper performance of the responsibilities of office.

#### **3.3 STIPEND RATE**

- 3.3.1 The stipend for the President for the year 1 December 2016 to 30 November 2017, assuming the President is available and engaged in work of the Association during normal working hours and ceremonial functions and organisational meetings as required, is \$44,500 (subject to continuation in office during that period).
- 3.3.2 The stipend amount for the President has been determined on the basis of ensuring access and equity and to promote responsibility and accountability. The current ANUSA experience of the duties normally required of the President assumes that the President will prioritise the duties of their ANUSA office over other commitments, including study. The amount is also based on the resolution adopted under the ANUSA Constitution by a general meeting of ANUSA which considered the question of remuneration of executives dated 26 May 2016, and accordingly reflects the decision of members of ANUSA as to the appropriate level of such remuneration. **Note:** Clause 3.3.10 deals with the situation where an office holder may be subject to limitations on allowable hours of service to ANUSA due to being an international student. ANUSA office is open to all undergraduate ANU students on a non-discriminatory basis irrespective of residency status.
- 3.3.3 It is not a requirement of office that the President devote the envisaged degree of commitment to their role. Where the President's other commitments make this envisaged level of commitment impracticable, this should be reflected in a re-allocation of proportional amounts among the other Executive, who would take on a greater share of the work of the Executive. **Note:** see further clause 3.3.9 and 3.3.10.
- 3.3.4 The stipend for the Vice-President, shall be for a maximum of 70% (estimated average of 24.5 hours per week) of the President's stipend.
- 3.3.5 The stipend for the Treasurer shall be for a maximum of 40% (estimated average of 14 hours per week) of the President's stipend.

- 3.3.6 The stipend for the Social Secretary shall be for a maximum of 40% (estimated average of 14 hours per week) of the President's stipend.
- 3.3.7 The stipend for the Education Officer shall be for a maximum of 40% (estimated average of 14 hours per week) of the President's stipend.
- 3.3.8 The stipend for the General Secretary shall be for a maximum of 40% (estimated average of 14 hours per week) of the President's stipend.
- 3.3.9 The annual stipend payments for members of the Executive for the period 1 December 2016 to 30 November 2017 are detailed in Schedule A to this Regulation.
- 3.3.10 It is not a requirement for any members of the Executive to be engaged for particular hours in providing service to ANUSA. If a member of the Executive is unable to contribute at the level anticipated in the allocations set out above, the Executive, with the agreement of five of the six members may determine in writing an appropriate proportional allocation reflecting the level of contribution each member is able to make and reallocate proportions between members, without increasing the overall budget allocated to remuneration of members of the Executive as a whole.
- 3.3.11 ANUSA recognises that the *Migration Act 1958* (Cth) limits the number of hours an International Student is permitted to work during study periods. No member of the Executive who is an International Student will be required by this Regulation to devote more hours to service as an ANUSA Executive that may result in contravention of any relevant requirements of the *Migration Act 1958* (Cth) or any equivalent laws or regulations.
- 3.3.12 Any changes to proportional allocations are to be noted by the SRC at its next scheduled meeting.
- 3.3.13 The total amount allocated for remuneration (Stipend and Superannuation) for the ANUSA Executive in 2017 is \$161,288 (default amount). Reimbursement of expenses incurred in accordance with clause 3.8 are not subject to this limit.
- 3.3.14 If an increase in to the total budget (default amount)) is proposed (excluding an increase in the Executive referred to in clause 3.9 and CPI increases under 3.3.15), any such increase must be approved by the SRC. Approval by the SRC will be a resolution passed by seventy percent (70%) of Representatives present and voting.
- 3.3.15 The stipend will increase on 1 December each year in accordance with movements in the Consumer Price Index (CPI – all groups) as at September each year for the previous 12 month period (e.g. Sept. Qtr. 2016 to Sept. Qtr. 2017).
- 3.3.16 If an increase in excess of the movement in the Consumer Price Index (CPI – all groups) is proposed, any such increase must be approved by the SRC. Approval by the SRC will be a resolution passed by seventy percent (70%) of Representatives present and voting.

#### **3.4 WITHHOLDING THE STIPEND**

- 3.4.1 The ANUSA Executive may by a decision of four of the six members present at a meeting decide to reduce, suspend or withhold payment of the stipend in its entirety or for a specified period or by a specified amount for a member of the Executive if in the opinion of the Executive the member is failing to adequately perform the duties of their office. The Executive must counsel the member and provide them with a reasonable



opportunity to remedy the identified shortcomings in performance before reducing, suspending or withholding the stipend in whole or in part (Ref. s.50 *Associations Incorporations Act 1991*)

### **3.5 STIPEND PAYMENTS**

3.5.1 The fortnightly stipend will be calculated by dividing the applicable annual amount by 26.083.

3.5.2 Taxation instalments, at the correct rate will be deducted from the fortnightly payments, as required by taxation law.

#### ***Superannuation***

3.5.3 The Association will, at least quarterly, make a superannuation contribution at the applicable rate required by superannuation law to a complying superannuation fund of the Executive member's choice. Contributions must be able to be made by electronic funds transfer.

#### ***Payment Period***

3.5.4 For administrative convenience, an Executive member's stipend will be paid fortnightly on the Thursday immediately following the payment period by electronic funds transfer.

3.5.5 The Payment Period runs for a fortnight period from a Thursday (week 1) to a Wednesday (week 2).

#### ***Additional Remuneration***

3.5.6 Where the President is absent on leave or ANUSA business for a period greater than five working days and the Vice President is required, in writing to undertake the role of the President they will be paid at the full time rate for the period that they undertake the President's duties.

3.5.7 Where the Vice President is replacing the President during a period of absence and the Education Officer is required, in writing to undertake the role of the Vice President they be paid the rate applicable to the role for the period that they undertake the Vice President's duties.

### **3.6 WORK ARRANGEMENTS**

3.6.1 Working arrangements will be subject to mutual agreement between the Executive member and the President, and should be sufficiently flexible to allow for an appropriate balance between the demands of their duties, studies and private life.

3.6.2 At the commencement of their term of office the Executive members will meet and agree with the President:

- (a) Working arrangements as per clause 3.6.1 above,
- (b) Role and responsibilities as per clause 10 of the ANUSA Constitution, and
- (c) Individual personal development requirements to enable proper performance of office.

3.6.3 Subject to the Constitution and Regulations, Executive members are subject to any ANUSA Policy stated to apply to them and to the following ANUSA Policies in respect of their role as a member of the ANUSA Executive:

- (a) Acceptable use of Information Infrastructure
- (b) Association Media Policy
- (c) Bullying

- (d) Code of Conduct
- (e) Conflict of Interest
- (f) Discrimination
- (g) Domestic Violence
- (h) Grievance Management
- (i) Review of Decisions
- (j) Sexual Harassment and Harassment
- (k) Under-performance and misconduct
- (l) Work Health and Safety

### **3.7 ABSENCE FROM DUTIES**

#### ***Leave of absence***

- 3.7.1 Executive members are entitled to absent themselves from their duties with the Association for a total of 20 normal working days absence (pro-rata according to the proportions in regulations 3.3.1 – 3.3.8) per annum, with the approval of the President, or the Executive in the case of the President.
- 3.7.2 Executive members are required to take leave of absence during the period 25 December to 1 January for days not prescribed as public holidays (including any substituted days) falling during that period. An Executive member may elect not to be paid for those days.

#### ***Personal and Compassionate Absence***

- 3.7.3 Executive members are entitled to be absent for an additional 20 normal working days (pro-rata) per annum for personal illness, bereavement or for care of immediate family or member of the member's household, essential religious or cultural purposes; wellbeing or compassionate grounds.
- 3.7.4 For the purposes of regulation 3.7.3 immediate family means spouse, de facto partner, child, parent, grandparent, grandchild, sibling, or a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner.

#### ***Additional Leave of absence***

- 3.7.5 Executive members may take additional leave of absence during which period the member will not be entitled to payment of stipend, with the approval of the President, or in the case of the President with the agreement of the Executive. Such additional absence is discretionary.

#### ***Normal Days of service***

- 3.7.6 Normal days of service for Executive members are days which are not public holidays or weekends and which are not during the ANU Christmas closedown.

### **3.8 TRAVEL AND OTHER EXPENSES**

- 3.8.1 The Association will meet reasonable travelling or other expenses incurred by Executive members when travelling on Association business, or purchasing material for the Association, subject to production of receipts for any expenditure incurred.
- 3.8.2 All travel is to be approved advance by the President, or the Executive in the case of the President.
- 3.8.3 Travel will be administered in accordance with the Associations' Travel Policy.

### **3.9 CHANGES TO THE EXECUTIVE**

- 3.9.1 Where it is decided, in accordance with the provisions of the ANUSA Constitution that the composition of the Executive is to be changed, the Executive must, by consensus determine the number of hours to be worked by the additional role and any changes in the allocation of responsibilities and functions.
- 3.9.2 Where an Executive role is duplicated the allocation of hours among Executive members undertaking the role are to be, as far as possible equitable noting an individual's work, study and personal requirements.
- 3.9.3 All changes to hourly allocations, roles or responsibilities are to be noted by the SRC at its next scheduled meeting.

### **3.10 EXPECTATIONS AND RESPONSIBILITIES**

- 3.10.1 It is an expectation while continuing in office that all members of the ANUSA Executive are carrying out the responsibilities of office in a responsible, and effective manner and with professionalism. This expectation is a continuing requirement for eligibility for payment of stipend.

### **THE RESPONSIBILITIES OF THE PRESIDENT**

- 3.10.1 The President is responsible under this Regulation for ensuring all members of the Executive properly and effectively perform the duties of their office.
- 3.10.2 Pursuant to clause 3.10.1 the President may counsel a member of the Executive where the member is failing to adequately fulfil the duties of their office, including meeting the expectations of this regulation.
- 3.10.3 If a dispute arises concerning adequacy of performance or if there is continued poor performance or non-performance after counselling, the President may refer the matter to the Executive for decision in accordance with this Regulation including under clause 3.4.1 (Withholding the Stipend) or 3.3.10 (proportional allocations) and in accordance with section 10 of the Constitution.
- 3.10.4 In the case of the President, the Executive as a whole may carry out the counselling function.

### **3.11 PERSONAL DEVELOPMENT**

- 3.11.1 At the beginning of their term of office each member of the Executive will meet with the President to ensure there is a clear understanding by the Executive member of their role and responsibilities.
- 3.11.2 The President and the Executive member will also identify and agree expectations and development goals for the coming year that reflect:
- key accountabilities and goals (expectations) for the period.
  - key skills and attributes necessary to achieve success in their role and,
  - identify and agree development actions to assist the person achieve personal excellence and maximise their contribution to the Association.
- 3.11.3 These discussions will be summarised using the Statement of Expectations form contained in the Associations *Career and Professional Development Policy*.
- 3.11.4 At regular periods the President and the Executive member will meet to review progress and achievement. These review discussions are an opportunity to provide feedback, support, direction and encouragement in relation to the progress and achievement of expectations and any agreed development plan.

SCHEDULE A

**Stipend Amounts**

The annual stipend payments for the period 1 December 2016 to 30 November 2017 are:

**Annual Stipend per Office**

<b>Office Bearer</b>	<b>Stipend (\$)</b>	<b>Superannuation (\$)</b>	<b>Total (\$)</b>
President	44,500	4,227	48,727
Vice President	31,595	3,002	34,597
Treasurer	17,800	1,691	19,491
Social Secretary	17,800	1,691	19,491

## **PAYMENTS TO STUDENT CONTRACTORS**

### **2.3 OVERVIEW**

- 2.3.1 Section 17(8) of the Constitution provides that no payment may be made to a member except as reasonable payment for services rendered to the Association. This Regulation is made to provide for reasonable payment to contractors who are members for services rendered to the Association.
- 2.3.2 Subject to this Regulation, and subject to the availability and allocation of funding, and execution of a contract, contractors may be paid for services rendered subject to the provisions of this regulation.

### **2.4 PAYMENTS**

- 2.4.1 Payment will only be made to a contractor who holds a current Australian Business Number (ABN).
- 2.4.2 The amount of payment to a contractor is based on the expected outcomes expressed in the contract between the parties and as agreed by the ANUSA Executive.
- 2.4.3 Payment will only be made if a contract has been entered into and there is a legal obligation for the payment based on the terms of the contract.

### **2.5 PROGRESS PAYMENTS**

- 2.5.1 Progress payments will only be made where such payments have been provided for in the contract between the parties and at such rate(s) as specified in the contract and on production of an invoice as agreed between the parties.

### **2.6 TRAVEL AND OTHER EXPENSES**

- 2.6.1 The Association will meet reasonable travelling or other expenses incurred by a contractor when travelling on Association business, or purchasing material for the Association, subject to production of receipts for any expenditure incurred and the agreed contractual terms.
- 2.6.2 All travel and expenditure are to be approved in advance by the President or their nominee.
- 2.6.3 Travel will be administered in accordance with the Associations' Travel Policy.

## **3. PAYMENTS TO ELECTED OFFICIALS AND ORDINARY MEMBERS**

### **3.1 Overview**

- 3.1.1 Section 17(8) of the Constitution provides that no payment may be made to a member except as reasonable payment for services rendered to the Association. This Regulation is made to provide for reasonable payment to an ordinary member or elected officials not otherwise covered in the Payment Regulations for services rendered to the Association.
- 3.1.2 Subject to this Regulation, and subject to the availability and allocation of funding, ordinary members or elected officials not otherwise covered in the Payment regulations may be paid a discretionary honoraria.

### **3.2 HONORARIA**

- 3.2.1 Payment of any honoraria is discretionary and depends on the decision of the SRC as to whether honorarium will be paid.
- 3.2.2 Honoraria may only be paid in recognition of voluntary service to the student body (over and above any basic duties of an office or role description). Voluntary service does not give rise to an entitlement to an honorarium.
- 3.2.3 Honoraria may be paid to an ordinary member or elected official not otherwise covered in the Payment Regulations, who has made a contribution to the student body, which in the opinion of the SRC warrants an honorary payment in accordance with this regulation.

### **3.3 ADMINISTRATION**

- 3.3.1 The total amount available which may be allocated is to be set by the budget of the Association passed at the first General Meeting held in the first Teaching Period of the Academic Year. No more than half of the budgeted amount for honoraria may be allocated within the first Semester. Unallocated funds from the first Semester may be allocated in the second Semester.
- 3.3.2 The ANUSA General Secretary will open nominations to receive an honoraria at the first SRC of Teaching Period 2 and 4. Nominations will remain open for two (2) weeks.
- 3.3.3 An ordinary member or elected official not otherwise covered in the Payment Regulations may be nominated or self-nominate to receive an honoraria.

- 3.3.4 The total amount an individual can be nominated or self-nominate for cannot exceed \$1,000.
- 3.3.5 Nominations received will be reviewed by a committee (the Committee) comprising the ANUSA President (or nominee), ANUSA Treasurer, a Department Officer, a College Representative, a General Representative and a member of the Clubs Council Executive.
- 3.3.6 In reviewing nominations, the Committee has the discretion to recommend either full, part or none of the nominated honoraria amount.
- 3.3.7 If a Committee member has been nominated or has nominated someone else, they will abstain from the discussion regarding that nomination.
- 3.3.8 The Committee will make recommendations for honoraria to be allocated to be decided at the final SRC of Teaching Period 2 and 4. Decision by the SRC will be a resolution passed by 70% of the members of the SRC present and voting.
- 3.3.9 Successful nominees must provide their bank account details to the ANUSA Treasurer within ten (10) teaching days on being notified about their honorarium.

## **4. PAYMENT TO DEPARTMENT OFFICERS**

### **4.1 Overview**

4.1.1 Section 17(8) of the Constitution provides that no payment may be made except as reasonable payment for services rendered to the Association. This Regulation is made to provide for reasonable payment to Department Officers for services rendered to the Association. This regulation recognises the quasiautonomous role of Departments and facilitates the autonomy of Department operation, subject to the Constitution of the Association.

4.1.2 Subject to this Regulation, and subject to the availability and allocation of funding, a Department Officer or Department member may be paid a stipend.

4.1.3 Subject to this Regulation, and subject to the availability and allocation of funding, a Department Officer or Department member may be paid a discretionary honoraria.

### **4.2 Stipend**

4.2.1 The Department Officer is responsible for the effective and efficient operation of their Department. In fulfilling their role, they may delegate some of their functions to a deputy or other members of the Department (the "delegate"). In recognition of their contribution to the Department, the delegate may be paid a stipend or honoraria.

4.2.2 An amount allocated to an individual as stipend shall be paid in tranches (no more frequently than monthly) in arrears. It is a condition of payment of the stipend that the Department Officer is effectively fulfilling the duties of Department Officer.

4.2.3 The ANUSA Executive may (on recommendation of the Department concerned and following a meeting of the Department members where a motion to withhold or suspend payment from a Departmental Officer was passed by seventy per cent (70%) of those present and voting) suspend or withhold payment of the stipend for a specified period to a Department Officer if, in the opinion of the Executive, the Officer is failing to adequately perform the duties of their office.

4.2.4 Before withholding or suspending payment of stipend, the Executive must be satisfied that the Department concerned has counselled the Officer and provided the Officer with a reasonable opportunity to remedy the identified shortcomings in performance before suspending or withholding the stipend (pursuance to section 50 of the Act).

4.2.5 Payment of a stipend is not intended to imply or create an employment relationship with a recipient. Office holders of Departments remain responsible under the ANUSA Constitution and the provisions of their Department Constitution, for the performance of their office.

### **4.3 Honoraria**

4.3.1 Payment of any honoraria is discretionary and depends on the decision of the Department or collective as to whether honorarium will be paid.

4.3.2 Honoraria may only be paid in recognition of voluntary service to the student body through a Department or collective (over and above any basic duties of an office). Voluntary service does not give rise to an entitlement to an honorarium.

4.3.3 Honoraria may be paid to a Department Officer, or to other members of the Department who have made a contribution to the Department, which in the opinion of the Department warrants an honorary payment in accordance with this Regulation.

#### **4.4 Administration**

4.4.1 The total amount allocated to departments in 2017 is \$105,000 and is distributed equally among departments (default amount).

4.4.2 The total amount will be increased each year in line with the Consumer Price Index (CPI – all groups).

4.4.3 If an increase in excess of the movement in the Consumer Price Index (CPI – all groups) is proposed, any such increase must be decided by the SRC. Decision by the SRC will be a resolution passed by seventy per cent (70%) of Representatives present and voting.

4.4.4 Should a Department seek to increase its proportional allocation (i.e. above 1/7 of the total pool), a committee comprising the President (or nominee), Treasurer and the Department Officers will meet to determine the actual allocations to each Department for the following year. The requesting Department will be required to justify their proposals, including any increases in the stipend and honoraria allocation. The Committee will vote on each proposal, with approval being a simple majority of those voting. The decision of the Committee must include a decision on the resulting allocations for other Departments (the "Recommended Amounts").

4.4.5 The Recommended Amounts will then be considered by the SRC at the second SRC meeting in the third Teaching Period of the year. Agreement by the SRC will be by a resolution passed by seventy per cent (70%) of Representatives present and voting.

4.4.6 Where a Department decides that it does not require its full allocation (1/7 of the total pool), the excess will be allocated to baseline funding to be used for Department activities, and may be bid for by any Department. Any returned funds are not to be used for stipend or honoraria purposes.

4.4.7 Where no changes are proposed to the default allocations, the amounts are to be noted at the second SRC meeting in the third Teaching Period of the year.

4.4.8 If the budgetary allocation for stipends and honoraria is not considered by the SRC at the second SRC meeting in the third Teaching Period of the year, the default amount (i.e. 1/7 of the allocation pool) will be the minimum amount to be paid in the following year or the matter can be raised and dealt with at a subsequent meeting of the SRC by the Executive or a Department Officer.

4.4.9 Processes for payment of any honoraria will be in accordance with the Association's Payment of Stipends and Honoraria policy.

4.4.10 The maximum amount of stipend payable in any one year to one individual is limited to seventy-five per cent (75%) of the total amount allocated to the Department under this Regulation.

4.4.11 The minimum amount of stipend that must be paid to a Department Officer is one-third of the agreed Department amount in that year.

4.4.12 Where during the year, a Department Officer ceases to perform the role, they are entitled to pro-rata payment of the stipend and any honoraria to the date they ceased to perform the function.

4.4.13 An individual who commences as a department officer during the year is entitled to payment of stipend and honoraria on a pro-rata basis from the date they commenced in the role.

4.5.1 Following the passing of this regulation, a total amount of \$105,000 will allocated to departments for 2017. This amount is to be distributed equally among departments (default amount).

4.5.2 The allocated amounts are to be noted at the final SRC meeting in 2016.

4.5.3 Should a Department seek to increase its proportional allocation (i.e. above 1/7 of the total pool) for 2017, a committee comprising the ANUSA President (or nominee) and Treasurer and the Department Officers will meet before SRC 8 in 2016 to determine the actual allocations to each Department for 2017. The requesting Department will be required to justify their proposals including any increases in the stipend and honoraria allocation. The Committee will vote on each proposal with approval being a simple majority of those voting. The decision of the Committee must include a decision on the Recommended Amounts, being the resulting allocations for other Departments.

4.5.4 The Recommended Amounts for 2017 will then be considered at the final SRC meeting in 2016. Agreement by the SRC will be by a resolution passed by seventy per cent (70%) of the members of the SRC present and voting.

4.5.5 Where a Department decides that it does not require its full allocation (1/7 of the total pool), the excess will be allocated to baseline funding to be used for department activities and may be bid for by any Department. Any returned funds are not to be used for stipend or honoraria purposes.

4.5.6 The maximum amount of stipend payable in 2017 to one individual is limited to seventy-five per cent (75%) of the total amount allocated to the Department under this Regulation.

4.5.7 The minimum amount of stipend that must be paid to a Department Officer is one-third of the agreed Department amount in that year.

4.5.8 Where, during 2017, a Department Officer ceases to perform their role, they are entitled to pro-rata payment of the stipend and any honoraria to the date they ceased to perform the function.

4.5.9 An individual who commences as a Department Officer during 2017 is entitled to payment of stipend and honoraria on a pro-rata basis from the date they commenced in the role.



## **CLUBS REGULATIONS**

### **1. INTERPRETATION**

In these Regulations and in any Council Policy, unless the contrary intention appears:

**Council** means the Student Clubs Council as defined in the Constitution.

**Delegate** means a person nominated by a Club to represent that Club on the Council.

**Meeting** refers to a quorate meeting of the Council.

**Council Policy** means a policy passed by the Student Clubs Council.

**Branch** means a number of Clubs grouped according to a shared quality for the purposes of policy and representation.

### **2. THE STUDENT CLUBS COUNCIL**

#### **2.1 Meetings**

- 2.1.1 The Council must meet at least once every Teaching Period.
- 2.1.2 Meetings are to be called by the Chair.
- 2.1.3 At least seven (7) days' notice of a Council meeting must be provided to Delegates.
- 2.1.4 The Chair must call a Council Meeting within ten (10) Teaching Days of being presented with a petition signed by at least ten per cent (10%) of Delegates.
- 2.1.5 Quorum for a meeting of the Council is one-fifth of all Delegates.
- 2.1.6 Meetings must be advertised by means sufficient such that all Clubs can reasonably be made aware of the meeting.
- 2.1.7 The Standing Orders Regulations that apply to General Meetings of the Association apply to meetings of the Council, notwithstanding any modifications laid out by these Regulations or Council Policies.
- 2.1.8 For the purposes of the Standing Orders, the Chair of the Council Executive is the Chair of Council Meetings.

#### **2.2 Delegates**

- 2.2.1 One Delegate from each Club must be declared and appropriately identified:
  - (a) at the time of affiliation each Academic Year; and
  - (b) from time to time as required under these Regulations or any Council Policy.
- 2.2.2 The Delegate of a Club must be:
  - (a) a member of the Club they represent; and
  - (b) a member of either the Association or PARSAs.
- 2.2.3 A Delegate may nominate a proxy for the duration of a Council meeting, who will hold all of the powers and duties of the Delegate.
  - (a) The Delegate must provide a written statement nominating the proxy by name and university ID at least one hour before the Meeting.
  - (b) A proxy for a Delegate must meet the requirements for Delegate status under section 2.3.2.
- 2.2.4 Delegate status may be conferred by a general meeting of the Club. In the event that the general meeting of a Club votes to transfer Delegate status:
  - (a) the Club must write to the Council Executive declaring and identifying the incoming Delegate; and
  - (b) minutes of the general meeting must be kept to confirm the conferral of Delegate status.
- 2.2.5 Members of the Council Executive cannot be Delegates. Upon election to the Council Executive, Delegate status is revoked and the Club must nominate a new Delegate in accordance with section 2.3.4.
- 2.2.6 A list of current Delegates will be maintained by the Office Administrator of the Association, or their nominee.

#### **2.3 Branches**

- 2.3.1 There are to be Branches of the Council, which contain similar Clubs.

- 2.3.2 Upon requesting affiliation, a Club may nominate to join a Branch.
- 2.3.3 Clubs in a Branch may be subject to affiliation and funding requirements specific to that Branch in accordance with Council Policies, provided those requirements are not inconsistent with the Constitution or these Regulations.
- 2.3.4 A club wishing to change Branch must submit a written application to the Council Executive as if making a new affiliation request.
- 2.3.5 There may be a maximum of 10 branches.

### **3. THE COUNCIL EXECUTIVE**

#### **3.1 Duties**

3.1.1 The Council Executive shall, in accordance with these Regulations and the Council Policies:

- (a) process and determine eligibility of affiliate requests;
- (b) present reports to Council on the administration of the Council;
- (c) review Council policy and propose changes as necessary.

#### **3.2 Membership**

3.2.1 The Council Executive consists of the following elected members who must be either a member of the Association or PARSA:

- (a) one Officer from each Branch;
- (b) the Chair;
- (c) the Secretary;
- (d) the Funding Officer;
- (e) the Community Officer;
- (f) the Communications Officer,
- (g) the Affiliations Officer, and
- (h) up to five (5) General Officers, the number to be determined by the Council from time to time.

3.2.2 The Council Executive consists of the following ex-officio members:

- (a) the Treasurer of the Association;.
- (b) the Social Officer of the Association;
- (c) two (2) members appointed by PARSA; and
- (d) staff members appointed in accordance with section 17(9) of the Constitution.

#### **3.3 Voting**

3.3.1 All members appointed under section 2.2 are voting members of the Council Executive, with the exception of staff members appointed under section 2.2.2(d) who are non-voting members.

#### **3.4 Duties of the Chair**

3.4.1 The Chair will:

- (a) provide leadership, governance and policy direction to the Council and the Council Executive;
- (b) chair meetings of the Council;
- (c) arbitrate disputes within and between Clubs;
- (d) report to SRC on behalf of the Student Clubs Council;
- (e) advocate for the interests of Clubs at all levels; and
- (f) liaise with the ANUSA staff on the Council Executive with respect to the administration of funding and affiliation.

#### **3.5 Duties of the Secretary**

3.5.1 The Secretary will:

- (a) assume any duties of the Chair deemed necessary by the Council Executive;
- (b) ensure the Council policies are clear, consistent and appropriate;

- (c) ensure that the minutes of meetings of the Council and Council Executive, including a basic summary of discussion, are recorded, retained and published on the Association's website;
- (d) prepare, authorise and release all notices of the Council;
- (e) have the power to interpret the Clubs Regulations and Council Policies, except that where the Secretary's interpretation is inconsistent with that of the General Secretary of the Association, the Secretary's interpretation is invalid to the extent of that inconsistency;
- (f) ensure frequent consultations occur and that Clubs are sufficiently informed of Council Policies; and
- (g) provide leadership on policy relating to the function of the Council, Council Executive, and other internal governance matters.

### **3.6 Duties of the Funding Officer**

3.6.1 The Funding Officer will liaise with the Treasurer and Financial Officer of the Association to ensure adequate records are kept with respect to:

- (a) the financial affairs of the Council;
- (b) the Council's budget and expenditure; and
- (c) audits of the Council conducted as required under the Constitution.

3.6.2 The Funding Officer will provide leadership on policy relating to the granting of funds to Clubs.

### **3.7 Duties of the Community Officer**

3.7.1 The Community Officer will:

- (a) provide training for the executives or other relevant leadership of Clubs;
- (b) facilitate the collaboration of Clubs, on events and otherwise in productive interactions;
- (c) assist the Chair in managing disputes between and within Clubs; and
- (d) provide opportunities for Club executives or other relevant leadership of Clubs to network in a social environment.

### **3.8 Duties of the Communications Officer**

3.8.1 The Communications Officer will:

- (a) Communicate the outcomes of Council Meetings through clear and interesting means;
- (b) Communicate the important outcomes of meetings of the Executive through clear and interesting means;
- (c) Communicate the decisions on affiliations made at meetings of the Executive to Club delegates;
- (d) Work with the Secretary to provide adequate notice of Council Meetings and disseminate the Agenda;
- (e) Work with the rest of the Executive team to respond to emails and messages in a timely and effective manner; and
- (f) Work with the ANUSA Communications Staff Member to ensure that all policies and resources are updated on the ANUSA website in a timely fashion.

### **3.9 Duties of the Affiliations Officer**

3.9.1 The Affiliation Officer will:

- (a) Oversee the reaffiliation of all eligible Clubs;
- (b) Act as the first point of contact for Clubs seeking affiliation;
- (c) Confirm the completion of technical requirements by affiliating Clubs and ensuring sufficient ratification at a Clubs Council meeting;
- (d) Collate technical requirements of Clubs seeking affiliation into a simple format for presentation to meetings of the Executive;
- (e) Provide assistance to the other members of the Executive on projects and policy reform; and
- (f) Work with the ANUSA Communications Staff Member to ensure that all policies and resources are updated on the ANUSA website in a timely fashion.

### **3.10 Duties of the Branch Officers**

3.10.1 The Branch Officers will:

- (a) advise and assist in the creation and modification of Council Policies;
- (b) represent the interests of their Branch to the Council Executive;
- (c) assist the Council Executive in any other ways necessary; and
- (d) report to the Chair on a regular basis concerning the status of their Branch.

### **3.11 Removal**

- 3.11.1 The provisions for removal under this section apply only to elected members of the Council Executive as listed in section 3.2.1.
- 3.11.2 An elected member of the Council Executive may only be removed from office if:
- (a) they have willfully 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 or a policy of the Council.
- 3.11.3 An elected member of the Council Executive 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 Council calling for their removal in compliance with section 3.11.2; and
  - (b) the Disputes Committee accepts that they have acted in the fashion alleged by that resolution.
- 3.11.4 At least ten (10) Teaching Days notice must be provided before the Council can pass a resolution pursuant to section 3.11.3(a).
- 3.11.5 If the Council passes a resolution pursuant to section 3.11.3(a), the Secretary must, or in the event the Secretary is the subject of the motion, the Chair must, within five (5) Teaching Days:
- (a) notify the Executive member of the resolution and the ground on which it was based in writing; and
  - (b) notify the Disputes Committee of the resolution and the ground on which it was based in writing.
- 3.11.6 The Disputes Committee must provide an opportunity for the Executive member 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 3.11.5.
- 3.11.7 Once a resolution is carried under section 3.11.3(a), the relevant member shall be provisionally removed until the Disputes Committee holds a meeting under section 3.11.6.

## **4. ELECTIONS**

### **4.1 Elections of the Council Executive**

- 4.1.1 The Council must hold elections for the Council Executive no later than the first Council meeting in the fourth Teaching Period of each year.

### **4.2 Returning Officer**

- 4.2.1 For each election, the General Secretary of the Association shall appoint a Returning Officer who must not be a candidate at the election.
- 4.2.2 In the event that the Returning Officer is unable to perform their duties, the General Secretary shall appoint a new Returning Officer.

### **4.3 Nominations**

- 4.3.1 Nominations shall be made in whatever form the Returning Officer deems appropriate. Candidates shall self-nominate.
- 4.3.2 The Returning Officer shall open nominations at least ten (10) Teaching Days prior to the election, and shall set a time for close of nominations no earlier than five (5) days after opening nominations. The Returning Officer shall make all reasonable efforts to communicate notice of the opening and closing times for nominations to all Delegates.
- 4.3.3 The Returning Officer shall reject nominations:
- (a) that appear to be false;
  - (b) where the nominee is ineligible for the position(s) for which they have nominated; or
  - (c) where the nomination was lodged after the close of nominations (unless exceptional circumstances apply, as determined at the discretion of the Returning Officer).
- 4.3.4 The Returning Officer shall reject any incomplete nominations, but may assist the candidate to complete their nomination correctly and accept the completed nomination after the close of nominations.
- 4.3.5 A candidate may withdraw their nomination at any time, up to one hour before polls open in the election.
- 4.3.6 If a candidate nominates for multiple positions to be elected at the same election, they shall list their order of preference for their preferred position in the event that they win more than one of the positions.
- 4.3.7 In the event that there are insufficient nominations for a position or set of positions by the close of

nominations, the Returning Officer shall, if practicable, extend the close of nominations. If it is impracticable to extend the close of nominations, a subsequent meeting of the Council may be held after the election to appoint members to any positions remaining unfilled.

#### **4.4 Conduct of Election**

4.4.1 The election shall be conducted by the Returning Officer with such assistance as they deem necessary.

4.4.2 The casting of votes shall be conducted by way of secret ballot and may be conducted either on paper, or electronically using a program approved by the Returning Officer. For the purposes of this section:

- (a) the appearance of the ballot, and the process by which votes are cast, are to be determined by the Returning Officer at their discretion; and
- (b) the Returning Officer may rely on relevant provisions of the Election Regulations for guidance in determining the appearance of the ballot and the process by which votes are cast.

- 4.4.3 The counting of votes may be conducted either by hand, or electronically using a program approved by the Returning Officer. For the purposes of this section:
- (a) the procedure for counting votes is to be determined by the Returning Officer at their discretion; and
  - (b) the Returning Officer may rely on Schedule A to the Election Regulations for guidance in determining the procedure for counting votes.

#### **4.5 Eligibility to Nominate**

- 4.5.1 Any member of the Association or PARSAs is eligible to nominate for any position.

#### **4.6 Eligibility to Vote**

- 4.6.1 Only Delegates to the Council may vote in elections.
- 4.6.2 Voting rights for elections are the same as voting rights for the Council.
- 4.6.3 Only Delegates of Clubs within a Branch may vote for the Branch Officer of that Branch.
- 4.6.4 The Returning Officer must make all reasonable efforts to ensure that only those eligible to vote for a position cast a vote in the election of that position.

#### **4.7 Results of Election**

- 4.7.1 In the event that the results of the count show that a candidate is elected to more than one position, they shall be elected to whichever of those positions is ranked highest on their list of preferences, and the votes for any lower-ranked positions shall be recounted with the candidate excluded. This process shall be repeated if necessary until no candidates are elected to more than one position.
- 4.7.2 The Returning Officer shall release the names of the members elected as soon as possible after the counting of votes.
- 4.7.3 The Returning Officer must retain a record of votes cast in the election for up to twelve (12) months after the election.

#### **4.8 Disputes**

- 4.8.1 Any disputes regarding the results of the election may be dealt with at a General Meeting of the Association. In the event of violations of these Regulations or other misconduct or unfair behaviour that may have affected the result of an election, a General Meeting of the Association may, by resolution carried by two-thirds of members present and voting, declare the results of the election to be invalid, and a new election shall be held in accordance with the resolution.

#### **4.9 Casual Vacancies**

- 4.9.1 In the event of a casual vacancy arising on the Council Executive, the Council Executive may appoint a member to fill the vacancy.
- 4.9.2 A member may only fill a casual vacancy if they are eligible to be elected to the position for which the vacancy has arisen.

#### **4.10 Terms**

- 4.10.1 Council Executive members are elected for the period beginning 1 December and ending 30 November the following year.

### **5. COUNCIL POLICIES**

- 5.1.1 There are to be Council Policies which may govern any matters not covered in these Regulations or in the Constitution of the Association.
- 5.1.2 Anything in the Council Policies which is inconsistent with these or other Regulations, the Constitution or Policies of the Association is null and void to the extent of the inconsistency.
- 5.1.3 Council Policies may be created or amended by a majority decision of the Council.
- 5.1.4 In such cases that the Constitution, these regulations, the Council Policies and any bona fide agreement entered into by the Association relating to the funding of Clubs are silent, the Council Executive has discretion to:
- (a) Make decisions at their discretion; and
  - (b) Make Rules, where the decision is of standing and prospective effect. Rules shall be made publicly available. Rules may bind Clubs and members of the Council Executive.

## **6. FUNDING**

### **6.1 Monetary Grants and Non-Monetary Support**

- 6.1.1 Clubs may make an application for a monetary grant.
- 6.1.2 The Council Executive may, by the unanimous agreement of the Council Executive, unilaterally issue clubs monetary grants in exceptional circumstances.
- (a) The Council Executive may unilaterally issue monetary grants to clubs only by using policy passed at a Council Meeting that expressly enables the Council Executive to do so;
  - (b) To remove any doubt, the Council Executive cannot unilaterally issue any monetary grants to clubs via any grants or mechanisms that do not expressly and unequivocally authorize the Council Executive to unilaterally issue monetary grants to clubs.
- 6.1.3 The funding system that the Council uses must contain the following features or characteristics:
- (a) Must actively promotion clubs to apply for monetary grants prior to an event or expenditure;
  - (b) Every monetary grant application should be supported by both a budget and a payment request, but every grant application must be supported by a payment request;
  - (c) Clubs need not provide evidence of their expenditure for budget requests, but must provide evidence of their expenditure for payment requests;
  - (d) Monetary grants, unless stated otherwise, are to be paid retrospectively upon a club completing and providing evidence of a payment that abides by the policy set by Clubs' Council and The Council Executive.
- 6.1.4 Grants may be paid prospectively of an event, if in the opinion of the Council Executive, retrospective payment would place undue burdens upon the Club.
- (a) All grants made under this section must be reconciled with the Council Executive by the trustees of the receiving Club within three weeks after the event for which the grant was received.
  - (b) The Council Executive may provide an extension of no more than four (4) weeks where a Club or society cannot reconcile due to circumstances beyond their control.
  - (c) In the event of a grant not being reconciled within the given period, the Council Executive may suspend the Club's affiliation until accounts are reconciled.
- 6.1.5 Clubs may receive funding for profit-making events where to do so is otherwise compliant with the terms of the Constitution, Regulations, Policy, any bona fide agreements entered into by the Association that relate to Clubs funding, and any relevant legislation. Any such funding is subject to the discretion of the Clubs Council Executive. Clubs may however apply for a loss guarantee."
- 6.1.6 The Council Executive must not consider an application for a loan to a Club under any circumstances.
- 6.1.7 When exercising its discretion in relation to a grant that allows for discretion, the Council Executive may approve, or partly approve, any application for a monetary grant which it believes will bring benefits to students at the University. In determining the level of discretionary grant to be awarded, the Council Executive shall make Rules publicly available which set out how the Executive shall exercise its discretion.
- 6.1.8 The Council Executive must fully process a grant application, and does not have discretion to not do so, where and only where;
- (a) the grant application was compliant with the terms of the funding policy and other relevant instruments with regard to the type of grant applied for,
  - (b) the Clubs Council budget exists to pay the grant,
  - (c) the relevant grant does not provide for a discretion on the part of the executive to block or reduce the grant, and
  - (d) The Club is otherwise not ineligible to receive the grant.
- 6.1.9 No affiliated Club may receive more than 9% of the total Council Executive budget in any given year.
- 6.1.10 In addition to any other grant detailed in the Clubs Council Funding Policy, the Clubs Council Executive may, at its discretion, provide additional funding to Clubs seeking to run an event which can demonstrate to the Executive that they are in a position of financial distress and are unable to cover the associated costs of that activity. Such a grant requires unanimous approval of the Clubs Council Executive as well as approval by a majority of the President, Vice President and Treasurer of the Association.

### **6.2 Payment of Grants**

- 6.2.1 The payment of monetary grants to Clubs must be made by a cheque transfer of the Association's funds to the bank account of the relevant Club.
- 6.2.2 The trustee receiving the cheque must sign a declaration undertaking that the money has been spent in the fashion agreed to by the Council Executive.

### **6.3 Non-Monetary Support**

- 6.3.1 The Council Executive may choose to make available to Clubs certain non-monetary resources, such as photocopying, stationery or mail facilities.
- 6.3.2 The Council Executive must establish guidelines for the allocation of these facilities to deserving Clubs.
- 6.3.3 The cost of providing these facilities must be met from the Council Executive budget.

## **7. AFFILIATION**

- 7.1.1 The Council may affiliate student groups to the Association.
- 7.1.2 Student groups wishing to affiliate must make an affiliation request to the Council Executive each Academic Year in accordance with the requirements set out in these Regulations or Council Policies.
- 7.1.3 Upon receiving an affiliation request, the Council Executive must:
  - (a) determine, in liaison with the student group, which Branch the student group belongs to; and
  - (b) determine whether the affiliation requirements have been met, including any additional affiliation requirements to Clubs of that particular Branch.
- 7.1.4 Where the Council Executive determines that an affiliation request satisfies the requirements for affiliation, the Council Executive must forward the affiliation request to the Council for ratification by a majority vote of the Council. No student group is to be affiliated without ratification by Council.



## **ELECTION REGULATIONS**

### **1. GENERAL**

#### **1.1 Overview**

- 1.1.1 These Regulations are the Election Regulations of the Australian National University Students' Association Incorporated.
- 1.1.2 These Regulations are formed in accordance with section 28 of the Constitution to govern the conduct of elections and Referenda required under the Constitution.
- 1.1.3 All terms used in these Regulations have the meaning given in the Constitution, unless the contrary intention appears.
- 1.1.4 Unless these Regulations provide otherwise, any dispute arising during an election or Referendum of the Association is to be decided by the Returning Officer, whose decision will be final.
- 1.1.5 Unless the Constitution provides otherwise, any member of the Association elected under the Constitution or these Regulations holds office for 12 months commencing on 1 December in the year of their election.
- 1.1.6 Despite section 1.1.5, if a person is elected to fill a casual vacancy in an office, that person must serve so much of the term of that office as remains unexpired.
- 1.1.7 Only members of the Association are eligible to vote for, or stand for election to, a representative position within the Association.
- 1.1.8 Only members of the Association of the University are eligible to vote in a Referendum of the Association.
- 1.1.9 If these Regulations are amended after nominations for any position have opened, or a Referendum has been initiated in accordance with the Constitution, that election or Referendum must be conducted as if such amendment had not occurred.
- 1.1.10 A person disqualified by the Act from serving in a position elected under these Regulations is not eligible to stand for election to that position. (**Note:** See section 63 and following of the Associations Incorporation Act 1991 (ACT))

#### **1.2 Electoral Systems**

- 1.2.1 If the Constitution or these Regulations requires one or more positions to be filled by an election of the Association, the election is to be conducted according to Schedule A of these Regulations.
- 1.2.2 Section 1.2.1 does not apply to an election that these Regulations require to be conducted by show of hands.
- 1.2.3 In the case of electing Delegates to the National Union of Students National Conference, the Constitution, Regulations and By-Laws of the National Union of Students must be followed.

#### **1.3 Counting of Votes**

- 1.3.1 The Returning Officer must, as soon as is practicable after the close of polling, arrange for the counting of votes to commence.
- 1.3.2 Where applicable, each candidate in an election may appoint up to 5 scrutineers (who may be students and who may be candidates) to attend the counting of votes. No candidate may attend the counting of votes for the election for which they are standing and no candidate may appoint themselves as a scrutineer.
- 1.3.3 For the purposes of 1.3.2, the Returning Officer or their nominee may admit other members of the Association to attend the counting of votes at their discretion.
- 1.3.4 In the case of a Referendum, and where applicable, each member of the SRC may nominate up to 5 scrutineers (who may be students) to attend the counting of votes.
- 1.3.5 The Returning Officer or their nominee must determine whether or not each vote is valid in accordance with these Regulations.
- 1.3.6 Votes may be recounted at the discretion of the Returning Officer or their nominee. In determining whether to exercise their discretion to order a recount, the Returning Officer or their nominee should consider:
  - (a) any requests made by candidates or scrutineers for a recount;
  - (b) the likelihood that a recount would result in a different outcome; and
  - (c) any costs associated with ordering the recount.
- 1.3.7 A record of all votes cast in an election or Referendum, valid and informal, must be securely retained by the Returning Officer for a period of 12 months after the election or Referendum in which they are cast.
- 1.3.8 As soon as practicable after the counting of votes in an election has been finalised, the Returning Officer or their nominee must publish the full results of the vote count, including preference allocations.

### **2. ANNUAL ELECTIONS**

## **2.1 General**

- 2.1.1 The Annual Elections of the Association must be conducted over four consecutive Teaching Days, and must include at least 75 hours of online polling.
- 2.1.2 The Returning Officer shall be appointed by the Vice-Chancellor on the advice of the SRC.
- 2.1.3 The Returning Officer must not:
- (a) have been eligible to vote in an Election of the Association; or
  - (b) have been an Officer of the Association; in the current Academic Year.
- 2.1.4 An independent person and/or body is to be engaged to conduct the Annual Elections, and no persons who:
- (a) have been eligible to vote in an Election of the Association; or
  - (b) have been an Officer of the Association, in the current Academic Year may be involved in their conduct.
- 2.1.5 The elections must be conducted using an optional preferential system and in accordance with this Constitution and the Regulations.
- 2.1.6 The positions to be filled at the Annual Elections are:
- (a) those listed under Schedule 1 to the Constitution;
  - (b) delegates to the National Union of Students' National Conference; and
  - (c) the position of University Council Member.
- 2.1.7 A member is only entitled to stand for election to a College Representative position of a College if they are enrolled in that College.
- 2.1.8 A student is entitled to vote for a College Representative position of a College if they are enrolled in that College.
- 2.1.9 The Returning Officer's report must be tabled by the President at the first Ordinary General Meeting after the elections.
- 2.1.9A The Returning Officer's report must contain the full results of the vote count.
- 2.1.10 The General Meeting may
- (a) declare the poll; or
  - (b) in the event of allegations of irregularities, refer the Report to the Disputes Committee for resolution.
- 2.1.11 If the General Meeting fails to consider the Report, or fails to act under section 2.1.10, then the Disputes Committee shall deal with the Report as if it had been referred to the Committee under 2.1.10(b).

## **2.2 Call for Nominations**

- 2.2.1 The Returning Officer must call for nominations at least 4 weeks before the commencement of polling, and nominations must remain open for at least 2 weeks.
- 2.2.1 A The Returning Officer must issue notice of when the call for nominations will occur at least 2 weeks before the call for nominations.
- 2.2.2 The period of ticket registration must end two days before the end of the period during which nominations can be accepted.
- 2.2.3 The call for nominations must state:
- (a) the positions to be contested;
  - (b) the eligibility criteria for members wishing to stand;
  - (c) details of how nominations may be lodged;
  - (d) the date of the close of nominations;
  - (e) the date of the close of ticket registration; and
  - (f) the days, times and places of polling.
- 2.2.4 The call for nominations must be prominently displayed:
- (a) on the front door of the Association offices;
  - (b) on at least one notice board relevant to each Academic College;
  - (c) on at least one notice board at both the School of Music and the School of Art;

- (d) on at least one notice board in the Union Building or equivalent space;
  - (e) on at least one notice board in each of the Tjabal Indigenous Higher Education Centre, the Access and Inclusion Office and the Chifley Disabilities Resource room;
  - (f) on the Students' Association website; and
  - (g) via any other relevant social media account maintained by the Association, at the discretion of the General Secretary.
- 2.2.5 The General Secretary must prepare an information booklet or equivalent resource containing an overview of:
- (a) the election process;
  - (b) the positions to be contested;
  - (c) the rights and obligations of candidates and students; and
  - (d) the process by which individuals may lodge complaints around potential breaches of the Constitution or these Regulations.
- 2.2.6 The General Secretary must make reasonable efforts to communicate this material to all ordinary members of the Association before the call for nominations is made under section 2.2.1.

### **2.3 Nominations**

- 2.3.1 Nominations for any position contested at the Annual Elections must:
- (a) be signed by two ordinary members of the Association (in addition to the nominee);
  - (b) contain a signed undertaking by the nominee that they will act in the position if elected; and
  - (c) contain a signed undertaking by the nominee that they will abide by these Regulations.
- 2.3.2 A nominee may indicate on their nomination form:
- (a) if they are running as a candidate endorsed by a registered ticket; or
  - (b) if they wish to run as an Independent.
- 2.3.3 Where a nominee indicates on their nomination form that they are running as a candidate endorsed by a registered ticket, the Returning Officer or their nominee shall verify the endorsement only if:
- (a) at least one of the nominators is a signatory to the application to register the ticket name; or
  - (b) the Returning Officer or their nominee receives notice of the endorsement from a signatory to the application to register the ticket name.
- 2.3.4 Nominees must provide their full name on their nomination form. If a nominee wishes for an alternative name to be recorded on the ballot, they may specify their 'Preferred Name' on their nomination form. The Returning Officer must record the 'Preferred Name' on the ballot if it is a commonly accepted variation of the candidate's name, or a truncation of that name, or an alternative form of that name, or an alternative name by which the candidate is commonly known.
- 2.3.5 Nominations must be collected in a locked ballot box, to be positioned by the Returning Officer at a venue easily accessible to nominees between the hours of 10am and 4pm throughout the period nominations remain open.
- 2.3.6 No nomination may be accepted unless it is submitted during the period that nominations remain open.
- 2.3.6A No nomination of a candidate for election to a position may be accepted where either of the nominators listed on that nomination under section 2.3.1(a) has nominated more candidates for election to that position than there are vacancies to be filled.
- 2.3.7 No nomination of a candidate for election to a position may be accepted where:
- (a) the candidate is verified as endorsed by a registered ticket under section 2.3.3; and
  - (b) there are more candidates for election to that position verified as endorsed by that registered ticket than there are vacancies to be filled.
- 2.3.8 At the close of nominations, the Returning Officer or their nominee must, in the presence of at least two independent witnesses (who may be students), open the ballot box and determine the validity of the nominations.

- 2.3.8A A candidate may appoint one person (who may be a student, but who must not be a candidate) to observe the Returning Officer or their nominee determining the validity of the nominations under sections 2.3.8 and 2.3.8C.
- 2.3.8 B Where the Returning Officer or their nominee determines that a nomination that is submitted during the period that nominations remain open is not valid under section 2.3.7 the Returning Officer or their nominee must:
- (a) make a reasonable attempt to contact the candidate to inform her/him that the nomination is invalid; and
  - (b) inform the candidate that the invalidity may be remedied and the nomination may be resubmitted to the Returning Officer or their nominee at any time up until 2 Working days after the date of the close of nominations.
- 2.3.8C Where a nomination is resubmitted in accordance with section 2.3.8B:
- (c) the nomination must name the same candidate as the original nomination, but it may name one or more different nominations; and
  - (d) the Returning Officer must determine the validity of the nomination.
- 2.3.8 D At the close of nominations the Returning Officer or their nominee must make a reasonable attempt to contact each candidate for whom a valid nomination is received under section 2.3.8 to confirm their nomination.
- 2.3.9 A nominee can withdraw their nomination at any time up until two Teaching Days before the polls open for the Annual Elections.
- 2.3.10 The Returning Officer or their nominee must, as soon as is practicable after the close of nominations, prominently display a list of nominations for all positions on the front door of the Association offices and at other locations on campus.
- 2.3.11 If the number of candidates nominated for any position is equal to the number required to be elected, an election for that position is not required.
- 2.3.12 If the number of candidates nominated for any position is below the number required to be elected, an election for that position is not required, and any unfilled position is to be considered a casual vacancy, and must be filled in accordance with section 4 of the Election Regulations.
- 2.3.13 If the number of candidates nominated for any position is greater than the number required to be elected, the Returning Officer must conduct an election for that position.
- 2.3.14 All nominations, valid and invalid, must be kept by the Returning Officer in a secure place until after the poll is declared.

## **2.4 Ballot**

- 2.4.1 The Returning Officer must arrange for the preparation of the ballot.
- 2.4.2 Candidates' names must be annotated on the ballot as follows:
- (a) except where section 2.4.5(c) applies, if a candidate has indicated on their nomination form that they are running as a candidate endorsed by a registered ticket and the Returning Officer or their nominee has verified this endorsement in accordance with section 2.3.3, that ticket name must appear on the ballot in brackets next to or beneath the name of the candidate;
  - (b) if (a) does not apply, "Group Unspecified" must appear in brackets next to or beneath the name of the candidate.
- 2.4.3 Except as provided for in section 2.4.5, the position of candidates on the ballot must be determined by the drawing of lots by the Returning Officer or their nominee.
- 2.4.4 A candidate may appoint one person (who may be a student) to observe the Returning Officer or their nominee determining the position of candidates on the ballot as under section 2.4.3.
- 2.4.5 The ballot for the election of General Representatives to the SRC:
- (a) must group candidates according to the ticket or party to which they are aligned, and group together all "Group Unspecified" candidates in a single group titled "Not Grouped";
  - (b) must display these groups in an order determined by the drawing of lots by the Returning Officer or their nominee;
  - (c) must list the registered ticket name at the top of each group endorsed by each registered ticket;

- (d) must list candidates within these groups:
    - (i) in the order requested by that group, if that request is received in writing by the Returning Officer or their nominee before the date of the drawing of lots; or
    - (ii) if no order is requested, in an order determined by the drawing of lots by the Returning Officer or their nominee in accordance with section 2.4.3; and
  - (e) must display the group entitled "Not Grouped" to the right of the groups endorsed by each registered ticket; and
  - (f) must list candidates within the group entitled "Not Grouped" in an order determined by the drawing of lots by the Returning Officer or their nominee in accordance with section 2.4.3.
- 2.4.6 The ballot for all positions must contain the following words or an appropriate variation of the following words as determined by the Returning Officer: "Write the number 1 in the box beside the candidate of your first choice."
- 2.4.7 For elections where 3 or more candidates have nominated, the words indicated in section 2.4.6 must be succeeded on the ballot by the following words or an appropriate variation of the following words as determined by the Returning Officer: "You may then show as many further preferences as you wish by writing numbers from 2 onwards in the boxes beside the candidates of your choice."

## **2.5 Polling Procedure**

- 2.5.1 On each of the four Teaching Days upon which the Annual Elections are held, at least 5 hours of polling must be conducted in the Kambri precinct. The Returning Officer or their nominee must ensure procedures are in place to enable ordinary members of the Association to cast their vote in the Kambri precinct at these times.
- 2.5.2 The Returning Officer must ensure that procedures are in place to:
  - (a) limit each ordinary member of the Association to voting no more than once; and
  - (b) ensure that the way in which any voter casts their vote is not revealed, either when that member votes or at any later stage, including by ensuring that information capable of identifying a voter is decoupled from their ballot and stored in a way that preserves anonymity.
- 2.5.3 The Returning Officer or their nominee must prepare a list of ordinary members of the Association eligible to vote at the Annual Elections. The list will indicate in which election each member is entitled to vote.
  - (a) The list of ordinary members eligible to vote for the position of Indigenous Officer will be provided to the Returning Officer by the Tjabal Indigenous Higher Education Centre.
  - (b) The list of ordinary members eligible to vote for the position of Women's Officer will be ascertained according to ANU enrollment data.
  - (c) Where the position of any other Department Officer is contested, eligibility must be determined in accordance with section 7.3.
- 2.5.4 The Returning Officer must ensure that procedures are in place to allow students to opt-out of an election campaign. This may include, at the discretion of the Returning Officer, the dissemination of easily-recognisable badges or lanyards (the "opt-out item") available to all students from the time nominations close and throughout the duration election.
- 2.5.5 The Returning Officer must ensure that procedures are in place to allow students to make a declaration vote in circumstances where they claim they are eligible to vote in an election for which they do not automatically receive the relevant ballot.

## **2.6 Casting of Votes**

- 2.6.1 When casting a ballot, the voter must indicate the order of their preference by placing the numeral 1 against the name of the candidate of their first choice, 2 against the name of the candidate of their second choice, 3 against the name of the candidate of their third choice and so on, in an unbroken sequence of numbers against the names of candidates.
- 2.6.2 A ballot will not be valid if:
  - (a) the voter has not indicated their preferences for at least 1 candidate;
  - (b) the voter has indicated their first preference for 2 or more candidates; or
  - (c) in the opinion of the Returning Officer or their nominee, the ballot has been modified or in any other way manipulated after it was cast.

2.6.3 Preferences will be counted while the voter's preferences are indicated in an unbroken sequence.

## **2.7 Registration of ticket names**

2.7.1 The Returning Officer or their nominee must maintain a Register of Ticket Names for each year's Annual Elections.

2.7.2 Between the day on which nominations open and the day on which ticket registration closes, 5 or more ordinary members of the Association may apply to the Returning Officer or their nominee for registration of a ticket name.

2.7.3 No person is entitled to apply to the Returning Officer or their nominee for registration of a ticket name under section 2.7.2 if that person was a signatory to an application to register a ticket name for another ticket already entered in the register.

2.7.4 The Returning Officer or their nominee must deal with each application for registration of a ticket name in order of receipt; if 2 or more applications are received at the same time, the Returning Officer or their nominee shall determine the order in which they are dealt with by lot.

2.7.5 The Returning Officer or their nominee must enter a ticket name in the Register of Ticket Names if:

(a) the proposed ticket name:

(i) is not more than 90 characters long (including spaces);

(ii) is not the same as the name of another registered ticket name;

(iii) is not so nearly the same as the name of another registered ticket name that it is likely to be confused or mistaken for that name; and

(iv) does not include the word "independent"; and

(b) is, in the opinion of the Returning Officer or their nominee, not obscene, defamatory, sexist, racist, homophobic or otherwise discriminatory; and the application for registration of the ticket name is signed by at least 5 ordinary members of the Association who have not been signatories to the application for registration of another registered ticket name; and

(c) the application is received between the day on which nominations open and the day on which ticket registration closes or is an application to which section 2.7.9 applies.

2.7.6 The Returning Officer or their nominee must reject an application to register a ticket name in the Register of Ticket Names if the application does not satisfy section 2.7.5.

2.7.7 Where an application to register a ticket name is rejected only because the proposed name is the same as the name of another registered ticket name or so nearly the same as the name of another registered ticket name that it is likely to be confused or mistaken for that name, one or more of the applicants to register the rejected name may apply to the Returning Officer or their nominee for a review of the decision to register the registered ticket, at any time up until 2 Working days after the date of the close of nominations.

2.7.8 Where the Returning Officer or their nominee receives a request under section 2.7.7, the Returning Officer or their nominee must cancel the registration of the already registered ticket name and must register the previously rejected ticket name if, in their opinion, the applicants for the rejected ticket name have a greater claim to the name.

2.7.9 Where the Returning Officer or their nominee rejects an application to register a ticket name or cancels the registration of a ticket name, the Returning Officer or their nominee shall permit the applicants to reapply to register a ticket name at any time up until 2 Working Days after the date of the close of ticket name registration.

## **2.8 Electoral Publications**

2.8.1 An Electoral Publication is any material used by a candidate or ticket in campaigning for election, including online and hardcopy materials, and including but not limited to how-to-vote cards, policy statements, flyers, websites and Facebook pages.

2.8.2 Electoral Publications:

(a) must be published by or with the permission of a candidate;

(b) must not constitute an electoral offence; and

(c) must not, in the opinion of the Returning Officer, contain material which is defamatory, sexist, racist, homophobic or otherwise discriminatory.

- 2.8.3 Material of any candidate and/or ticket must not, in the opinion of the Returning Officer, significantly resemble in style or appearance the material of any other contesting candidate or ticket.
- 2.8.4 If an Electoral Publication violates 2.8.2, the Returning Officer must direct that the Electoral Publication be removed from public display.
- 2.8.5 It is an offence to not comply with a direction of the Returning Officer in 2.8.4.
- 2.8.6 Each ticket running for election in the annual ANUSA elections will be provided with 300 photocopy points.

## **2.9 Limits on Campaign-Related Expenditure**

- 2.9.1 The campaign expenditure by a ticket must not exceed the amount set out in schedule 1 of this regulation.
- 2.9.2 Schedule 1 shall be updated periodically by the Probity Team in accordance with formula  $\text{cap} = \text{min} + (\text{max} - \text{min}) * (\ln x / \ln 38)$  rounded to the nearest whole dollar, where;
  - (a) Max shall be the total limit on campaign expenditure for a ticket;
  - (b) x shall be the total number of positions being run for on a ticket between 1 (one) and 38 (thirty-eight), one individual may count for multiple positions where the positions are such that those positions could be simultaneously held;
  - (c) Min shall be a value designated by the Probity team to account for CPI and other factors that may affect the cost of running a campaign that shall not be less than 1. Any change to min shall not create significant changes in the funding limit between years and may be disallowed by SRC; and
  - (d) The Returning Officer or their nominee shall make an accessible table of all possible expenditure groups at the start of each election season. It is a breach of the Regulations to falsify evidence of campaign-related expenditure.
- 2.9.3 The forms of expenditure that are covered by the limits on campaign expenditure set out in these provisions include:
  - (a) banners;
  - (b) merchandise;
  - (c) clothing and costumes;
  - (d) advertising Material;
  - (e) animals, both in terms of procurement and upkeep; and
  - (f) other expenditure deemed by the Probity team to be covered.
- 2.9.4 The forms of expenditure that are specifically excluded from counting to the limits on campaign expenditure set out in these provisions include:
  - (a) The time associated with campaigning;
  - (b) The time associated with policy and platform development, 'policy' here is used in the generic sense, not as defined in the Constitution; and
  - (c) Other expenditure deemed by the Probity team not to be covered.
- 2.9.5 It is a breach of the Regulations to falsify evidence of campaign-related expenditure.

## **2.10 Disclosure Requirements**

- 2.10.1 Upon nomination, each ticket convener and independent candidate must complete and lodge with the Returning Officer or their nominee a statement of intention identifying anticipated sources of campaign funding. This statement must include all financial and non-financial contributions to the campaign. Non-financial contributions include but are not limited to the use of printing facilities, paper, paint, glue, T-shirts, advertising including online advertising, and other sundry items.
- 2.10.2 At 9am on each of the days that the election polls are open, the ticket convener or independent candidate will lodge with the Probity Officer a signed statement including:
  - (a) completed expenditure to date;
  - (b) copies of receipts and/or tax invoices corresponding to the items, services, materials and any other campaign-related expenditure which together account for the completed expenditure to date; and
  - (c) where items, services or materials are acquired for less than market value, evidence of the market value of each such item, service, or material; and

- (d) an itemised list of all financial and non-financial contributions to the campaign, including but not limited to printing facilities, paper, paint, glue, T shirts, advertising including online advertising, and other sundry items.
- 2.10.3 All items, services or materials attributable to the campaign must be at the candidate's or ticket's own expense, except where those items, materials or services are provided by:
- (a) the Australian National University; or
  - (b) the Australian National University Students' Association.
- 2.10.4 Any ordinary member of the Association may request information in relation to the campaign expenditure of any candidate or ticket that is disclosed under 2.11.1 or 2.11.2. The Probity Officer(s) must provide such information as soon as reasonably practicable.

## **2.11 Probity Officer**

- 2.11.1 Three or more Probity Officer(s) shall be elected at the first SRC of the second teaching period.
- (a) Candidates for the position of Probity Officer must receive two-thirds of the vote in order to be elected.
  - (b) No member of the Association who will be contesting a position at the next Annual Elections may nominate for the position of Probity Officer.
  - (c) If, subsequent to their election under 2.11.1, a Probity Officer nominates for any position under Schedule 1 to this Constitution, for a position of delegate to the National Union of Students' National Conference, or for the position of University Council Member at any time, they are taken to have resigned from their position as Probity Officer immediately on tendering their nomination.
- 2.11.2 The Probity Officer(s) will sign a declaration of conflict of interest upon the close of nominations.
- 2.11.3 Conflicts of interest that may be declared include, but are not limited to, the following:
- (a) membership of a political party, registered with the Australian Electoral Commission in any Australian State or Territory;
  - (b) membership of any Political Club or Society; and
  - (c) contesting, being elected to or otherwise holding, at any time any office or position in ANUSA or the ANU Union Board.
- 2.11.4 All declarations of conflict of interest will be made publically available in the minutes of the SRC meeting in which the Probity Officers are elected, and on the ANUSA website.
- 2.11.5 The Probity Officers shall have powers of investigation and inquiry for the purposes of:
- (a) determining whether any disclosures relating to campaign financing are complete and accurate in accordance with section 2.11;
  - (b) responding to complaints made under these Regulations; and
  - (c) ascertaining whether a breach of these Regulations has occurred.
- 2.11.6 Candidates and/or members of their campaign team must cooperate with the Probity Officers in the exercise of their powers under 2.11.5.
- 2.11.7 For the purposes of 2.11.6, any person who campaigns for or on behalf of a candidate and/or registered ticket is considered to be a member of a campaign team.
- 2.11.8 A failure to provide a satisfactory response to any inquiry, investigation or request made by a Probity Officer in the exercise of their powers under 2.11.5 shall be deemed to give rise to a reasonable belief on the part of the Probity Officers that there has been a breach of the Constitution or Regulations for the purposes of 2.11.9.
- 2.11.9 If the Probity Officers reasonably believe that a candidate has committed an Electoral Offence or in any other way breached the Constitution or these Regulations, they may refer the matter to the Returning Officer and recommend that the Returning Officer takes certain action under section 3.2.3.
- 2.11.10 Where the Probity Officers make a finding under 2.11.9, they may inform the candidate of their finding and the recommendation made to the Returning Officer, and give the candidate an opportunity to rectify the breach.
- 2.11.11 All decisions made by the Probity Officer(s) must be made by simple majority.
- 2.11.12 The Probity Officer(s) shall:
- (a) prepare a report attaching candidates' statements of spending and detailing a summary of the difference between anticipated and actual expenditure for each candidate and ticket. This report must be presented to the General Secretary within seven (7) days from the date of the close of polling; and



- (b) prepare a report detailing the conduct of elections, complaints received, and actions taken, and any disputes arising. This report must be presented to the General Secretary within two (2) weeks from the date of the close of polling.

2.11.13 The Probity Officers are Officers of the Association for the purposes of the Constitution and Regulations.

### **3. ELECTORAL OFFENCES**

#### **3.1 Electoral Offences**

- 3.1.1 It is an offence to place on any notice board an election notice larger than A3 size.
- 3.1.2 It is an offence to publish any material that contains untrue statements or misrepresentations likely to mislead a voter in the casting of their vote.
- 3.1.2 A It is an offence to remove from any place any Electoral Publication. No offence is committed by:
  - (a) a person removing a reasonable quantity of the publication for their own or another's information;
  - (b) a member of the group in whose name or on whose behalf the publication is posted;
  - (c) a person authorised by a member of the group in whose name or on whose behalf the publication is posted; or
  - (d) a person who has the right to control the entrance to the place where the publication lies or that person's agent.
- 3.1.3 It is an offence to actively canvass votes within the areas specified in Schedule B to these Regulations.
- 3.1.4 It is an offence to attempt to ascertain the way a person votes. For the purposes of this section, it is an offence to attempt to watch how a person casts their vote while they are voting.
- 3.1.5 It is an offence to cast or attempt to cast a vote to which the person is not entitled.
- 3.1.6 It is an offence to offer gifts, bribes, money, food, drink, or any other enticement, or to otherwise exert undue influence, over electoral officials or voters at any time. For the purposes of this section, animals are not an enticement to vote.
- 3.1.6A It is an offence to attempt to bribe people by offering them employment in the Association or positions within the Association that would otherwise be decided in line with the Constitution, Regulations and policies of the Association. For the purposes of this section, it is also an offence to:
  - (a) accept a bribe of this nature;
  - (b) offer to use your influence to increase the likelihood of employment; and
  - (c) deceive other candidates by pretending to make this offer.
- 3.1.7 It is an offence for an individual who is not currently a student of the university to campaign for a candidate in the election. For the purposes of this section, it is an offence for candidates and members of their campaign team to not carry their student cards while campaigning.
- 3.1.8 It is an offence to engage in negative discrimination, harassment or intimidation. This includes any repeat unwanted contact to incite somebody to vote, or any other coercive conduct, either online or in person.
- 3.1.9 It is an offence to actively canvass votes from a person displaying the opt-out item in accordance with section 2.5.4, provided the opt-out item is easily observable by candidates and members of their campaign team.
- 3.1.10 It is an offence to incite any other person to commit any of the Electoral Offences detailed in this section.
- 3.1.11 If, in the opinion of the Returning Officer, a candidate or a member of their campaign team behaves in a way that violates the spirit of the Constitution or these Regulations, the Returning Officer may deem that behaviour to constitute an Electoral Offence.
- 3.1.12 It is an offence to campaign outside of the Campaign Period.
- 3.1.12A For the purposes of 3.1.12, the Campaign Period means the period starting when the Returning Officer issues the notice of the call for nominations under Regulation 2.2.1A and ending at the close of voting.
- 3.1.12B For the purposes of this Regulation 3.1, to campaign includes any of the following acts or the inducement of those following acts by another person by a member of ANUSA who intends to run for office: publicly announcing an intention of any person to stand for office, publicly announcing the purported name of any ticket or grouping for an ANUSA election, canvassing for votes for an office to be filled at an ANUSA election, and publishing or distributing Electoral Publication.

#### **3.2 Action by the Returning Officer During an Election of the Association**

- 3.2.1 The Returning Officer must undertake a thorough investigation into any matter referred to it during an Election of the Association under the Constitution, Regulations or Policy.
- 3.2.2 The possible commission of an electoral offence is taken to be referred to the Returning Officer if:
  - (a) it is referred to the Returning Officer by the Probity Officers;
  - (b) an allegation of that offence is made in writing addressed to the Returning Officer by any member of the Association; or
  - (c) the Returning Officer of their own motion decides that an electoral offence may have been committed.
- 3.2.2 A Where a matter is referred to the Returning Officer under section 3.2.2(a), the Returning Officer must

consider any information provided by and recommendation made by the Probity Officers under section 2.11.9. For the purposes of this section, a recommendation by Probity Officers is not binding on the Returning Officer and does not limit their discretion under section 3.2.3.

- 3.2.3 In response to any matter referred to the Returning Officer under 3.2.2, the Returning Officer may:
- (a) do nothing;

- (b) issue a warning;
- (c) impose a fine;
- (d) impose a campaign ban on one or more candidates, prohibiting them from actively canvassing votes online and/or in person for the time period specified;
- (e) disqualify a candidate and direct that any votes for that candidate flow according to ballot preferences;
- (f) require that a specified Electoral Publication or other campaign material be taken down or otherwise removed from public display;
- (g) revoke membership rights, but only with the consent of the Executive of the Association; or
- (h) impose any other such penalty, or any combination of penalties, as they see fit.

For the purposes of this section, any fine or other penalty imposed by the Returning Officer should be proportionate to the seriousness of the offence committed. Any fine imposed must not exceed \$100 for each offender.

- 3.2.4 Any member with a fine outstanding to the Association is to have their membership privileges suspended, and may not hold any Representative position within the Association.
- 3.2.5 If, after thoroughly investigating the conduct of an election, the Returning Officer accepts that there has been a breach of the Constitution or these Regulations that undermines the legitimacy of the election, then the Returning Officer may, at their discretion:
  - (a) affirm the result and declare the poll; or
  - (b) declare the poll null and void and order a new election.
- 3.2.6 In determining whether a candidate or ticket has breached the provisions of section 2.9, the Returning Officer may take into account factors including, but not limited to, the presence or absence of intent on the part of the impugned individual(s), the extent of any breach, and the extent to which the breach had the potential to undermine the integrity of the electoral process. Any willful breach of section 2.9 is to be considered a serious breach.

### **3.3 Force Majeure**

- 3.3.1 If Force Majeure prevents or hinders the implementation of a provision of the Election Regulations the Returning Officer may issue directions waiving the requirements of that provision to the extent and for the period that its performance is affected by Force Majeure, subject to those directions providing alternative measures which promote the purposes of that provision.
- 3.3.2 Alternative measures set out in a direction made under Regulation 3.3.1 must be such as to, in the opinion of the Returning Officer:
  - (a) promote a free and fair election;
  - (b) promote the right and accessibility for every member of the Association to stand for office or vote in the election;
  - (c) adhere to the spirit of these Regulations; and
  - (d) depart as little as practicable from the provisions of these Regulations affected by Force Majeure.
- 3.3.3 For the purposes of this clause, Force Majeure includes any closure of any part of the University or the ANUSA offices on the grounds or health or safety or other events of the kind mentioned in this provision, and any event which prevents, impedes, or makes impossible, impracticable, unlawful or unsafe the performance or continued performance of a provision of these Regulations; including any natural or health disaster, civil unrest, riot, fire, flood, storm, explosion, terrorist or other attack, unavailability of essential services, any event involving serious injury, illness or harm to any person in connection with performance of the a provision of these Regulations, denial of access to any facility, resource, or location necessary for the performance of a provision of these Regulations.

## **4. CASUAL VACANCIES**

### **4.1 President**

- 4.1.1 If a vacancy occurs in the position of President:
  - (a) the Vice President must become interim President and has all the powers and responsibilities of that office;
  - (b) the Education Officer must become the interim Vice President who has all the powers and responsibilities of the Vice President until the position of President has been filled, at which point the Vice President resumes all powers and responsibilities;
  - (c) the General Secretary must call for nominations to fill the vacancy within two (2) Teaching Days of the vacancy occurring; and
  - (d) the General Secretary must convene a meeting of the SRC within seven (7) Teaching Days of the vacancy occurring, at which:
    - (i) any ordinary member of the Association may nominate to fill the vacancy; and
    - (ii) the SRC must elect one of the nominees to fill the position in accordance with the Regulations.

### **4.2 University Council Member**

- 4.2.1 If a vacancy occurs in the position of University Council Member:
- (a) the General Secretary must call for nominations to fill the vacancy within two (2) Teaching Days of the vacancy occurring; and
  - (b) the General Secretary must appoint a Returning Officer to convene an election for the position of University Council Member as if it were an Annual Election for that position.
- 4.2.2 For the purposes of this section 4.2, the following sections of the Election Regulations do not apply as they would at an Annual Election:
- (a) section 2.1.2;
  - (b) section 2.1.7;
  - (c) section 2.1.8;

- (d) section 2.4.5;
- (e) section 2.4.7; and
- (f) sections 2.5.3(a), (b) and (c).

#### **4.3 Other Executive**

- 4.3.1 If a vacancy occurs in the position of Vice President, General Secretary, Treasurer, Education Officer or Social Officer:
- (a) the President must appoint, in consultation with the remaining Executive, an interim Vice President, interim General Secretary, interim Treasurer, interim Education Officer or interim Social Officer, as the case requires, and that appointee has all the powers and responsibilities of that office;
  - (b) the General Secretary must call for nominations to fill the vacancy within two (2) Teaching Days of the vacancy occurring; and
  - (c) the General Secretary must convene a meeting of the SRC within seven (7) Teaching Days of the vacancy occurring, at which:
    - (i) any ordinary member of the Association may nominate to fill the vacancy; and
    - (ii) the SRC must elect one of the nominees to fill the position in accordance with the Regulations.

#### **4.4 General Representative**

- 4.4.1 If a vacancy occurs in a position of General Representative to the SRC and the General Representative was elected as a member of a particular party or group, that party or group may appoint an ordinary member of the Association to fill the vacancy.
- 4.4.2 Otherwise:
- (a) the SRC may co-opt an ordinary member of the Association to be an interim General Representative until the next Ordinary or Annual General Meeting of the Association;
  - (b) whoever convenes the next Ordinary General Meeting or Annual General Meeting of the Association in accordance with this Constitution must include on the agenda a call for nominations to fill the vacancy; and
  - (c) at that general meeting any ordinary member of the Association may nominate to fill the vacancy in accordance with the Regulations.

#### **4.5 College Representative**

- 4.5.1 If a vacancy occurs in a position of College Representative, the President, after consulting with the CRC in person or in writing, must nominate an ordinary member of the Association enrolled in the relevant College to fill the vacancy as soon as practicably possible.
- 4.5.2 The President may, upon consultation in person or in writing with the relevant College Representative or, if unavailable, the CRC, co-opt an ordinary member of the Association enrolled in the relevant College to be an interim College Representative until the next College Representative Council meeting of the Association or until the vacancy is filled in accordance to 4.5.1.
- 4.5.3 If the vacancy in position of College Representative is not filled before the next College Representative Council meeting of the Association, then:
- (a) whoever convenes the next College Representative Council meeting of the Association in accordance with this Constitution must include on the agenda a call for nominations to fill the vacancy; and
  - (b) at that College Representative Council meeting any ordinary member of the Association enrolled in the relevant College may nominate to fill the vacancy in accordance with the Regulations.

#### **4.6 Departmental Officers**

- 4.6.1 If a vacancy occurs in a position of Departmental Officer:
- (a) the President must appoint, in consultation with the relevant Department, an interim Women's Officer, Queer\* Officer, Environment Officer, Indigenous Officer, Disabilities Officer, International Students' Officer or Ethnocultural Officer as the case requires, and that appointee has all the powers and responsibilities of that office;
  - (b) the General Secretary must call for nominations to fill the vacancy within two (2) Teaching Days of the vacancy occurring; and
  - (c) the General Secretary or their nominee must convene a meeting of the Department within seven (7) Teaching Days of the vacancy occurring, at which:
    - (i) any ordinary member of the Department may nominate, in accordance with the Constitution and the Regulations, to fill the vacancy;
    - (ii) the Department must choose one of the nominees to fill the position in accordance with the Regulations; and
    - (iii) the SRC must then ratify this appointment at its next meeting.
- 4.6.2 If the vacancy occurs in the position of Disabilities Officer, the call for nominations made under 4.5.1(b) must

be posted on the Association door, and at Access and Inclusion, and the Chifley Disabilities Resource room.

**4.7 Any Other**

- 4.7.1 If a vacancy occurs in any other position required to be elected under this Constitution, either by the SRC acting in accordance with this Constitution or at a general meeting of the Association, the SRC must elect an ordinary member of the Association to fill the vacancy.

## **5. ELECTION OF REPRESENTATIVES AT GENERAL MEETINGS**

### **5.1 General**

- 5.1.1 The election of a Representative (or Representatives) at a general meeting, provided for under the Constitution, must be conducted in a fashion consistent with section 10 of the Constitution.
- 5.1.2 If this Constitution, or the SRC acting in accordance with this Constitution, requires a Representative to be elected at a general meeting of the Association:
- (a) the agenda of the general meeting must include a call for nominations for that position;
  - (b) the general meeting must elect a Returning Officer in accordance with these Regulations; and
  - (c) the Returning Officer must receive nominations and, if required, conduct a ballot using the optional preferential system in accordance with these Regulations.
- 5.1.3 The electoral system to be used in such an election, and the method of counting votes, is detailed in section 1 of these Regulations.

### **5.2 Call for Nominations**

- 5.2.1 Any member of the Association who, in accordance with the Constitution, convenes a general meeting of the Association, must include a call for nominations for any position to be filled at that general meeting on all notices advertising that meeting.

### **5.3 Conduct of the Election**

- 5.3.1 Those ordinary members of the Association present in person must elect one of their number to act in the position of Returning Officer by a first past the post election conducted by show of hands.
- 5.3.2 If more than 1 person nominates for the position of Returning Officer, the candidate with the second largest number of votes is to act as Deputy Returning Officer, otherwise another ordinary member of the Association must be elected to that position by show of hands.
- 5.3.3 No person may act as Returning Officer or Deputy Returning Officer if they have a direct interest in the result of the election.
- 5.3.4 The Returning Officer must, in the presence of the Deputy Returning Officer, receive nominations from any ordinary member of the Association eligible to stand for election who wishes to nominate.
- 5.3.5 If the number of nominations exceeds the number of positions to be filled, the Returning Officer must, in the presence of the Deputy Returning Officer, issue a signed voting paper to each ordinary member of the Association who is present in person.
- 5.3.6 Under the supervision of the Returning Officer and the Deputy Returning Officer, each voting paper must be placed in a locked ballot box by the ordinary member of the Association exercising that vote.
- 5.3.7 The Returning Officer must ensure that procedures are in place to:
- (a) limit each ordinary member of the Association to voting once; and
  - (b) ensure that the way in which any voter marks their voting paper is not revealed, either when that member votes or at any later stage.
- 5.3.8 The voter must indicate the order of their preference on the voting paper by writing the numeral 1 against the name of the candidate of their first choice, 2 against the name of the candidate of their second choice, 3 against the name of the candidate of their third choice and so on, in an unbroken sequence of numbers against the names of candidates.
- 5.3.9 A vote will not be valid unless the voter indicates their preferences for at least 1 candidate.
- 5.3.10 Preferences will be counted while the voter's preferences are indicated in an unbroken sequence.

## **6. ELECTION OF REPRESENTATIVES AT SRC MEETINGS**

### **6.1 General**

- 6.1.1 The election of a Representative (or Representatives) at a meeting of the SRC, provided for by the SRC in accordance with the Constitution, must be conducted in a fashion consistent with the resolution of the SRC establishing such a position (or positions).
- 6.1.2 The electoral system to be used in such an election, and the method of counting votes, is detailed in section 1 of these Regulations.

## **6.2 Call for Nominations**

- 6.2.1 Any member of the Association who, in accordance with the Constitution, convenes a meeting of the SRC, must include a call for nominations for any position to be filled at that meeting on all notices advertising that meeting.

## **6.3 Conduct of the Election**

- 6.3.1 Those members of the SRC present in person must elect an ordinary member of the Association to act in the position of Returning Officer by a first past the post election conducted by show of hands.
- 6.3.2 If more than 1 person nominates for the position of Returning Officer, the candidate with the second largest number of votes is to act as Deputy Returning Officer, otherwise another ordinary member of the Association must be elected to that position by a show of hands.
- 6.3.3 No person may act as Returning Officer or Deputy Returning Officer if they have a direct interest in the result of the election.
- 6.3.4 The Returning Officer must, in the presence of the Deputy Returning Officer, receive nominations from any person who is eligible to stand for election in accordance with the relevant SRC resolution(s), and who wishes to nominate.
- 6.3.5 If the number of nominations exceeds the number of positions to be filled, the Returning Officer must, in the presence of the Deputy Returning Officer, issue a signed voting paper to each member of the SRC who is present in person.
- 6.3.6 Under the supervision of the Returning Officer and the Deputy Returning Officer, each voting paper must be placed in a ballot box by the member of the SRC exercising that vote.
- 6.3.7 The Returning Officer must ensure that procedures are in place to:
- (a) limit each member of the SRC to voting once; and
  - (b) ensure that the way in which any voter marks their voting paper is not revealed, either when that member votes or at any later stage.
- 6.3.8 The voter must indicate the order of their preferences on the voting paper by writing the numeral 1 against the name of the candidate of their first choice, 2 against the name of the candidate of their second choice, 3 against the name of the candidate of their third choice and so on, in an unbroken sequence of numbers against the names of candidates.
- 6.3.9 A vote will not be valid unless the voter indicates their preferences for at least 1 candidate.
- 6.3.10 Preferences will be counted while the voter's preferences are indicated in an unbroken sequence.

## **7. ELECTION OF DEPARTMENT OFFICERS**

### **7.1 Eligibility to vote or nominate**

- 7.1.1 In respect to the position of:
- (a) Environment Officer – any member of the Association may vote or nominate.
  - (b) Disabilities Officer – only students with disability may vote or nominate.
  - (c) Indigenous Officer – only indigenous students may vote or nominate.
  - (d) International Students Officer – only international students may vote or nominate.
  - (e) Queer\* Officer – only gay, lesbian, bisexual, transgender, intersex or queer identifying students may vote, and only those who openly identify may nominate.
  - (f) Women's Officer – only people identifying as women shall vote or nominate.
  - (g) Ethnocultural Officer – only those who self-identify as Black, Indigenous or People of Colour shall vote or nominate. This includes but is not limited to people who come from a minority ethnocultural background, are white-passing, are biracial, are Aboriginal and/or Torres Strait Islander, and/or have been marked or marginalised by white supremacy.



## **7.2 Active member requirements**

- 7.2.1 For the returning officer to accept a nomination for the position of Environment, Disabilities, Indigenous, Women's, or Queer\* Officer, the nominee must be an active member of the Department they are nominating for.
- 7.2.2 An active member of a Department is defined as a member who has attended three meetings of that Department in that Academic year, with the exception of Disabilities where the requirement is two meetings.
- 7.2.3 The active member requirement does not apply to a Department where there is only one nominee for the position of Officer of that Department.

## **7.3 Electoral voting procedure**

- 7.3.1 Except where eligibility is determined in accordance with sections 2.5.3(a) and 2.5.3(b), where the position of an autonomous Department Officer is contested, the ballot must contain an opt-in tick box that requires students to confirm they identify as a member of the relevant Department.
- 7.3.2 Except where section 7.3.3 applies, the General Secretary must determine the wording of the opt-in tick box on the advice of the relevant Department.
- 7.3.3 For the purposes of section 7.3.1, the opt-in tick box for the Queer\* Officer election will read: "I identify as gay, lesbian, bisexual, transgender or gender-diverse, intersex, queer\* or outside of a heteronormative sexuality, sex or gender identity."
- 7.3.4 Votes for the election of a Department Officer under section 7.3.1 will only be counted if the tick box has been checked.

## **7.4 Electoral disputes**

- 7.4.1 In a case where a candidate does not satisfy the active member requirement, the Department may vote to allow the candidate to run to represent them, taking into account apologies and evidence of exceptional circumstances (sickness, exchange, work commitments, timetable clash, mid-year commencement, etc.). Only active members of the Department may partake in this vote.
- 7.4.2 The decision made under 7.4.1 may be contested by way of appeal to the ANUSA Disputes Committee who will consider the circumstances surrounding non-attendance and evidence of apologies for non-attendance. The committee will make a recommendation to the Returning Officer, whose decision is final.
- 7.4.3 Where a dispute does not concern attendance requirements:
  - (a) the returning Officer will have the final say in relevant disputes concerning the Environment, International Students, Queer\*, Women's, and Ethnocultural Departments.
  - (b) the Access & Inclusion unit will have the final say in relevant disputes concerning the Disabilities Department.
  - (c) the Tjabal Indigenous Higher Education Centre will have the final say in relevant disputes concerning the Indigenous Department.

## **8. REFERENDA**

### **8.1 General**

- 8.1.1 A Referendum must be conducted in accordance with the Constitution and these Regulations.
- 8.1.2 The method of counting votes cast in a Referendum is detailed in section 1.3 of these Regulations.

### **8.2 Conducting a Referendum**

- 8.2.1 A Referendum must be conducted in accordance with the polling procedure under section.
- 8.2.2 A person appointed by the Vice-Chancellor, must act as Returning Officer for a Referendum.
- 8.2.3 An independent person or body is to be engaged to conduct a Referendum, and no Undergraduate student enrolled at the University may be involved in its conduct.
- 8.2.4 The Returning Officer must prepare a report that details:
  - (a) the result of the Referendum;
  - (b) the number of valid votes that were cast both for and against the proposition;
  - (c) any allegations of breaches of this Constitution, or the Regulations, that may have occurred;
  - (d) any abnormalities that the Returning Officer observed during the Referendum; and

- (e) any other information that the Returning Officer believes may assist the Association.
- 8.2.5 The Returning Officer's report must be tabled by the President at the first Ordinary General Meeting after the Referendum.
- 8.2.6 The General Meeting may:
  - (a) declare the poll; or
  - (b) in the event of allegations of irregularities refer the Report to the Disputes Committee for resolution.
- 8.2.7 If the General Meeting fails to consider the Report, or fail to act under section 8.2.6 then the Disputes Committee shall deal with the Report as if it had been referred to the Committee under 8.2.6 (b).

### **8.3 Effect of a Referendum**

- 8.3.1 Any proposition that is carried by a simple majority of those ordinary members who cast a valid vote in a Referendum is binding on the Association.
- 8.3.2 However, at least 10% of ordinary members of the Association must cast a valid vote in a Referendum for it to have any effect.

### **8.4 Form of the Question and Electoral System to be Used**

- 8.4.1 The Returning Officer must arrange for the preparation of voting papers for the Referendum, where the question to be posed in a Referendum may be either
  - (a) a question seeking a yes/no answer; or
  - (b) a question presenting a range of options.
- 8.4.2 If a Referendum question is seeking a yes/no answer, the Returning Officer or their nominee must arrange to count the number of yes and no votes, and subject to section 6.5 has the discretion to rule any vote as formal if the voter's intention is clear.
- 8.4.3 If a Referendum presents a range of options:
  - (a) the election is to be conducted according to Schedule A of these Regulations, with each option treated as if it were a candidate;
  - (b) the option to vote for "None of the options presented" must be included;
  - (c) the voting paper must contain the words "write the number 1 in the box beside the option of your first choice"; and
  - (d) for referenda where 3 or more options are presented, the words indicated in (c) above must be succeeded by the words "You may then show as many further preferences as you wish by writing numbers from 2 onwards in the boxes beside the options of your choice".

### **8.5 Polling Procedure**

- 8.5.1 On each of the days upon which polling in a Referendum is held, at least 3 hours of polling must be conducted in the Union Court precinct.
- 8.5.2 Further polling may be conducted at locations on campus to be determined by the Returning Officer- however no polling may take place at any Hall of Residence or Affiliated College.
- 8.5.3 In order to cast a valid vote, an ordinary member of the Association must be present in person at the polling place.
- 8.5.4 Ballot papers for the Referendum must be printed or otherwise marked with a security device, to be determined by the Returning Officer or their nominee.
- 8.5.5 The Returning Officer or their nominee must ensure that procedures are in place to:
  - (a) limit each ordinary member of the Association to voting no more than once; and
  - (b) ensure that the way in which any voter marks their voting paper is not revealed, either when that member votes or at any later stage.
- 8.5.6 The Returning Officer or their nominee must prepare a list of ordinary members of the Association eligible to vote at the Referendum.
- 8.5.7 Where an ordinary member of the Association applies in person to vote at a polling place, and the member's name is included on the list of members prepared under section 8.3.5, the Returning Officer or their nominee must subject to section 8.5.5(a) provide to the member a ballot paper for the Referendum.

- 8.5.8 Where a person claiming to be an ordinary member of the Association applies in person to vote at a polling place, and the person's name is not included on the list of members prepared under section 8.3.5, the Returning Officer or their nominee must provide to the person a declaration vote envelope and a ballot paper for the Referendum, with the ballot paper bearing the word "declaration".
- 8.5.9 Where an ordinary member of the Association is issued a ballot papers under section 8.5.8, the member shall mark their ballot papers with a yes or no or where a Referendum presents a range of options in accordance with section 8.2.3, enclose the ballot papers in the declaration vote envelope provided, sign the declaration on the envelope, and return the envelope to the Returning Officer or their nominee who issued the ballot papers to the member.
- 8.5.10 Where the Returning Officer or their nominee receives a declaration vote envelope containing ballot papers under section 8.5.9, the Returning Officer or their nominee must after the close of the poll determine subject to section 8.5.5(a) whether the member is entitled to vote at the elections and:
- (a) if the declaration is signed and they decide the member is entitled to vote, the envelope is to be opened in such a way as to ensure that the way in which the voter marked their ballot paper is not revealed and the ballot paper therein must be included in the count of votes; or
  - (b) if the declaration is unsigned or they decide the member is not entitled to vote, the declaration envelope must be set aside unopened.

## **8.6 Formality of votes**

- 8.6.1 For a Referendum described at 8.4.1(b) a ballot paper will not be valid if:
- (a) the voter has not indicated their preferences for at least 1 option; or
  - (b) the voter has indicated their first preference for 2 or more options.
- 8.6.2 For any Referendum a ballot paper will not be valid if, in the opinion of the Returning Officer or their nominee, the ballot has been modified or in any other way manipulated after it was cast.

**SCHEDULE A – ASCERTAINING RESULT OF POLL**

**1. PRELIMINARY INTERPRETATION**

(1) In this Schedule, unless the contrary intention appears—

"Ballot " means a ballot that is valid by virtue of the Electoral Regulations;

"Continuing candidate" means a candidate, other than a successful candidate, an excluded candidate or a candidate who died before polling day;

"Count" means an allotment of votes under subclause 3 (1) or 6 (3), or paragraph 9 (2) (c);

"Count votes", in relation to a candidate, is the number of votes calculated as follows:

$$B \times TV$$

where—

- B is the number of ballot papers to be dealt with at a count that record the next available preference for the candidate;
- TV is the transfer value of those ballots; calculated to six decimal places without rounding;

"Excluded candidate" means a candidate excluded under clause 8;

"Next available preference" means the next highest preference recorded for a continuing candidate on a ballot;

"Quota" means:

- a. Where one candidate is to be elected - the quota, in relation to a count, calculated as follows:

$$\frac{TVA}{----- + 1} \\ 2$$

Where TVA is the sum of the total votes allotted to the continuing candidates at the count, any fraction being disregarded;

- b. Where two or more candidates are to be elected - the quota, in relation to the election, calculated as follows:

$$\frac{B}{----} + 0.000001; \text{ where} \\ N+1$$

- B is the number of ballots for the election minus the number of exhausted ballots at that count; and
- N is the number of positions to be filled at the election; calculated to 6 decimal places without rounding.
- The quota will have to be recalculated at every count

"Successful candidate" means a candidate who is successful by virtue of clause 3, 4, 6 or 9;

"Surplus", in relation to a successful candidate, means the candidate's total votes less the quota, where the resulting number of votes is 0.000001 or greater;

"Total votes", in relation to a candidate, means the sum of all votes allotted to the candidate;

"Transfer value", in relation to a ballot, is—

- a. In relation to the allotment of votes from the surplus of a successful candidate—in the case of ballots that specify a next available preference, subject to subclause (2), the value calculated as follows:

$$\frac{S}{CP} \quad \text{where}$$

- S is the surplus; and
- CP is the number of ballots counted for the candidate at the count at which they became successful and which specify a next available preference; or

- b. In relation to the allotment of votes under paragraph 9 (2) (c)—

- i. In the case of ballots in respect of which votes were allotted to the excluded candidate under clause 3—1; or
- ii. In the case of ballots in respect of which count votes were allotted to the excluded candidate under subclause 6 (3) or paragraph 9 (2) (c)—the transfer value of the ballots when counted for the purpose of that allotment.

(2) Where, but for this subclause, the transfer value of a ballot calculated in accordance with paragraph (a) of the definition of "transfer value" would be greater than the transfer value of the ballots when counted for the successful candidate, the transfer value of that ballot is the last- mentioned transfer value.

(3) For the purposes of this Schedule, where 2 or more candidates are to be elected, all vote values are to be calculated to 6 decimal places, without rounding.

## 2. DISREGARDING PREFERENCES

(1) This clause applies where effect is to be given to preferences indicated in candidate squares on a ballot by virtue of section 2.6.3 of the Electoral Regulations.

(2) Where the same number is marked in 2 or more candidate squares on a ballot, those numbers and any greater number shall be disregarded in determining the elector's preferences.

(3) Where a number is missing from the series of consecutive whole numbers marked in the candidate squares on a ballot, the missing number and any greater number shall be disregarded in determining the elector's preferences.

## 3. GENERAL FIRST PREFERENCES

(1) For each ballot recording a first preference for a continuing candidate, 1 vote shall be allotted to the candidate.

(2) For the purposes of subclause (1), a ballot on which a first preference for a candidate who died before polling day is recorded shall be taken to record a first preference for the candidate for whom the next available preference is recorded.

(3) After the allotment of votes under subclause (1), each continuing candidate's total votes shall be calculated

and, if the votes equal or exceed the quota, the candidate is successful. Scrutiny to cease 4.

#### SCRUTINY TO CEASE

- (1) If, after a calculation under subclause 3 (3), 6 (4) or 9 (2) (d), the number of successful candidates is equal to the number of positions to be filled, the scrutiny shall cease.
- (2) If, after a calculation under subclause 3 (3) or 6 (4) or after all the ballots counted for an excluded candidate have been dealt with under clause 9—
  - a. The number of continuing candidates is equal to the number of positions remaining to be filled plus one; and
  - b. No successful candidate has a surplus not already dealt with under clause 6; the candidate with the fewest votes shall be excluded and each of the remaining continuing candidates is successful and the scrutiny shall cease.
- (3) If a candidate is excluded under subclause 4 (2), the ballots counted to him or her shall not be distributed further.
- (4) If a candidate is to be excluded under subclause 4 (2), and 2 or more continuing candidates each have the same total votes, being fewer total votes than any other continuing candidate and—
  - a. 1 of those candidates had fewer total votes than any other of those candidates at the last count at which those candidates had unequal votes—that candidate; or
  - b. There is no count at which those candidates had unequal total votes—the candidate who, of those candidates, is determined by the Returning Officer by lot to be the candidate to be excluded; shall be excluded.

#### 5. SCRUTINY TO CONTINUE

If the scrutiny has not ceased in accordance with clause 4 and—

- a. 1 or more successful candidates have a surplus not already dealt with under clause 6—subject to clause 4, each surplus shall be dealt with in accordance with clause 6; or
- b. There are no successful candidates with such a surplus—1 continuing candidate shall be excluded in accordance with clause 8 and the ballots counted for him or her shall be dealt with in accordance with clause 9.

#### 6. SURPLUS VOTES

- (1) Subject to clause 7, this clause applies in relation to the surplus of a successful candidate.
- (2) Each ballot counted for the purpose of allotting votes to the successful candidate at the count at which the candidate became successful shall be dealt with as follows:
  - a. If it does not specify a next available preference—it shall be set aside as finally dealt with for the purposes of this Part;
  - b. If it specifies a next available preference—it shall be grouped according to the candidate for whom that preference is recorded.
- (3) The count votes for each continuing candidate shall be determined and allotted to him or her.
- (4) After the allotment under subclause (3), the continuing candidates' total votes shall be calculated and, if the total votes of a candidate equal or exceed the quota, the candidate is successful.

## 7. MORE THAN 1 SURPLUS

- (1) In this clause—
  - a. A reference to a successful candidate shall be read as a reference to a successful candidate with a surplus not already dealt with under clause 6; and
  - b. A reference to the earliest count shall be read as a reference to the earliest count at which a successful candidate obtained a quota.
- (2) Where there are 2 or more successful candidates, the surplus of the relevant candidate shall be dealt with in accordance with clause 6.
- (3) For the purposes of subclause (2)—
  - a. If only 1 successful candidate obtained a quota at the earliest count—that candidate is the relevant candidate;
  - b. If 2 or more successful candidates obtained a quota at the earliest count—the candidate who, of those candidates, has the largest surplus is the relevant candidate; or
  - c. If 2 or more successful candidates (in this paragraph called "contemporary candidates") who obtained a quota at the earliest count have the same surplus, being a surplus larger than that of any other candidate who obtained a quota at that count and—
    - i. 1 of the contemporary candidates had more total votes than any other contemporary candidate at the last count at which all the contemporary candidates had unequal total votes—that candidate; or
    - ii. There is no count at which all the contemporary candidates had unequal total votes—the contemporary candidate who is determined by the Returning Officer by lot to be the relevant candidate; is the relevant candidate.

## 8. EXCLUSION OF CANDIDATES

- (1) Where clause 5 requires a candidate to be excluded, the candidate with the least total votes shall be excluded.
- (2) Where 2 or more candidates each have the same total votes, being fewer total votes than any other candidate and—
  - a. 1 of those candidates had fewer total votes than any other of those candidates at the last count at which all those candidates had unequal votes—that candidate; or
  - b. There is no count at which all those candidates had unequal total votes—the candidate who, of those candidates, is determined by the Returning Officer by lot to be the candidate to be excluded; shall be excluded.

## 9. VOTES OF EXCLUDED CANDIDATES

- (1) Where a candidate is excluded in accordance with clause 8, the ballots counted for the candidate shall be sorted into groups according to their transfer values when counted for him or her.
- (2) Subject to subclause (3), each group under subclause (1) shall be dealt with as follows:
  - c. If a ballot in the group does not specify a next available preference—it shall be set aside as finally dealt with for the purposes of this Part;

- d. If a ballot in the group specifies a next available preference—it shall be grouped according to the candidate for whom that preference is recorded;
  - e. Each continuing candidate's count votes shall be determined and allotted to him or her;
  - f. Continuing candidates' total votes shall be calculated and, if the votes of any of those candidates equal or exceed the quota, the candidate is successful.
- (3) The groups referred to in subclause (1) shall be dealt with under subclause (2) starting with the group with the highest transfer value and, subject to subclause 4 (1), continuing in descending order until all the groups have been dealt with.

#### 10. SETTING ASIDE BALLOTS

Where, after a calculation under subclause 3 (3) or 6 (4) or paragraph 9 (2) (d), the total votes of a candidate who became successful on that calculation equal the quota, the ballots counted for that candidate shall be set aside for the purposes of this Part.



## **SCHEDULE B – EXCLUSION ZONES**

Section 3.1.3 provides that it is an offence to actively canvass votes within the areas specified in Schedule B to these Regulations.

For the avoidance of doubt, the following areas are 'exclusion zones':

1. Kambri Precinct (bound by North Road, the perimeter of Fellows Oval, Tangney Road and Kingsley Street)
2. Melville Hall;
3. The Copland precinct, including the ramp and stairway to Kingsley Street;
4. The Chifley Library & associated walkways;
5. The Tjabal Centre;
6. Outside the Childers Street UniLodge residences;
7. The small footpath next to University Avenue between the Copland Courtyard and Kambri;
8. ANU libraries;
9. ANU rooms where lectures, tutorials, labs or other teaching takes place, including online spaces;
10. Daley Road;
11. David Cocking Sport and Recreation Centre; and
12. Hancock bridge;

In addition, no campaigning other than putting up posters may take place inside any other building on the ANU campus.

Campaigners are permitted to campaign in all other areas.

For the avoidance of doubt, the Returning Officer or their nominee will clarify exclusion zones before the beginning of the Campaign Period. This include but is not limited to a map of exclusion zones.

The Returning Officer or their nominee may temporarily suspend an area so debates or other informative events may be held.

## Freedom of Representatives Regulation

1. This Regulation is binding on the Association and the SRC, subject to the Constitution. Any policy provision or act that is inconsistent with this Regulation shall be void to the extent of the inconsistency.
2. No act or policy shall be valid, to the extent of the inconsistency, that purports to limit the reasonable ability of representatives to:
  - a. Advocate for students within the scope in their elected role.
  - b. Discuss and disclose non-confidential matters in public fora.
  - c. Discuss and disclose non-confidential matters with student and mainstream media.
  - d. Engage in public debate and discussion about the Association.
  - e. Make full and frank reports to organs of the Association to which representatives are required to report.
3. For the purposes of this regulation, representative means:
  - a. Representatives of the Association as defined in Schedule 1 of the Constitution.
  - b. Delegates to the NUS or any other body who are elected through elections held by or for the Association.
  - c. Members of the Clubs Council Executive.
  - d. Other unpaid elected student volunteers of the Association.
4. Notwithstanding the other provisions of this regulation, this regulation does not apply in any way that:
  - a. Impinges on the power solely invested in the President to speak on behalf of the Association. However, it does protect the ability of representatives to publicly voice their views and opinions about the Association in line with section 2.
  - b. Restricts the ability of the Association to make information confidential where doing so is necessary and proper.
  - c. Restricts the ability of Departments to protect their autonomy.
  - d. Inhibits the ability of the Association to prohibit representatives from engaging in;
    - i. Hate speech,
    - ii. Bullying behaviour,
    - iii. Speech that any reasonable person would conclude is damaging to the Association, and
    - iv. Defamation.