

NOTICE FOR ALL RUSU MEMBERS

Proposed Regulation Changes

The following is the proposed changes to the RUSU Regulations which will be considered at the Student Union Council Meeting on 03 October 2018.

PROPOSED AMENDMENTS SUMMARY

Update Section 3 of the Regulations 'STUDENT UNION COUNCIL', to:

- » Insert new section 3.1 Student Union Council Elect Meeting to include specific regulations to govern the SUC Elect meeting.
- » Renumber the current Section 3.1 Probity Checks as section 3.2. and make amendments to improve the operations of these checks.

The proposed regulation is for the inclusion of the following new section:

Section 3.1: Student Union Council Elect Meeting

- 3.1.1 Pursuant to sections 5.1.1, 5.1.10, 6.1.2, and 11.1.7 of the Constitution, the SUC will elect the President and Communications Officer, during a meeting that shall be held in October each year. This meeting shall be known as the 'SUC Elect Meeting'.
- 3.1.2 All of the members who have been elected to take office on 1st November are entitled to attend the SUC elect meeting and shall receive notice of the meeting in accordance with the requirements of the Constitution and Regulations. The two (2) Alternative General Representatives (as defined in section 11.5.3 of the Constitution) shall be invited to attend the meeting as observers. They will not have voting rights and standing unless an existing position which they are entitled to fill, pursuant to sections 11.3.1.11 and/or 11.3.4 of the Constitution is vacated.
- 3.1.3 The meeting will be convened and chaired by the General Secretary elect, who will hold the casting vote in addition to their representative vote pursuant to regulation 1.9.3.
- 3.1.4 The SUC may appoint a staff member/s of the Student Union or an external provider (i.e. a representative of the Victorian Electoral Commission or other duly authorised and recognized body) to act as Returning Officer/s to administer the SUC Elect Meeting elections.
- 3.1.5 A proxy may be submitted in writing for all items of business at the SUC Elect meeting, including for the election of the President elect and Communications Officer elect, providing it complies with section 1.10 of the Regulations.
- 3.1.5.1 All proxies must be given in writing to the General Secretary elect (via the advertised contact point) twenty-four (24) hours in advance of the advertised meeting start time. They must include a contact phone number and contact email. The General Secretary may phone the candidate to confirm the validity of the proxy vote.

3.1.5.2 A proxy may be given for specific items of business or as a blanket proxy for all items considered by the meeting. Any specific instructions regarding the use of a proxy vote need to be submitted in writing to the General Secretary with the proxy. If no specific instructions are received it will be assumed it is a blanket proxy.

3.1.6 The order of elections will be President and then Communications Officer (consistent with the order of positions in section 5.1 of the Constitution).

3.1.7 Nominations will be conducted as follows:

3.1.7.1 All of the members who have been elected to take office on 1st November shall be entitled to nominate for and vote for the President elect and Communications Officer elect. Pursuant to section 5.1.1, 5.1.10 and 11.1.7 of the Constitution.

3.1.7.2 Nominations must be submitted in writing on the official nomination form (which shall be circulated with the agenda) to the General Secretary (elect) via the advertised email address, forty eight (48) hours ahead of the advertised meeting start time. Nominations must include the full name, student number and signature of; the nominee, the nominator and the seconder, all of whom must voting members of the SUC elect (in accordance with 11.1.7).

3.1.7.3 The General Secretary shall print and provide a copy of every nomination form at the SUC Elect meeting.

3.1.7.4 The General Secretary (under the supervision of the Returning Officer) will read out the nominations to the SUC. Each nominee will have the opportunity to speak briefly to their nomination (or in their absence have a brief statement read by the General Secretary on their behalf).

3.1.8 Where only one nomination is received, the candidate will be declared 'elected unopposed'. The declared election result will be recorded in the minutes of the SUC by the General Secretary.

3.1.9 Where a position is contested a vote will be taken through a simple show of hands (including proxy votes) for each nominee. The vote will be counted, recorded and declared by the Returning Officer. The declared election results will be recorded in the minutes of the SUC by the General Secretary.

3.1.10 At the conclusion of the election and declaration of the outcome for the role of President, a position will be declared vacant on the SUC pursuant to section 11.3.1.11 of the Constitution.

3.1.10.1 Where a vacated position is a General Representative, an Alternate General Representative will be appointed pursuant to sections 11.3.4 of the Constitution.

3.1.10.2 Where a vacated position is a voting member of the SUC other than a General Representative, the vacancy will be filled by the process outlined in section 11.3.2 of the Constitution. The SUC may determine (through a majority vote resolution) to defer filling a position thus vacated to the next ordinary meeting of the incoming SUC.

3.1.11 At the conclusion of the election and declaration of the outcome for the role of Communications Officer, a position will be declared vacant on the SUC pursuant to section 11.3.1.11 of the Constitution.

3.1.11.1 Where a vacated position is a General Representative, an Alternate General Representative will be appointed pursuant to sections 11.3.4 of the Constitution.

3.1.11.2 Where a vacated position is a voting member of the SUC other than a General Representative, the vacancy will be filled by the process outlined in section 11.3.2 of the Constitution. The SUC may determine (through a majority vote resolution) to defer filling a position thus vacated to the next ordinary meeting of the incoming SUC.

3.1.12 The SUC elect meeting will also elect one (1) Officer of the Student Union to the Secretariat (from the Officers specified in section 5.1) pursuant to section 7.1.7 of the Constitution. The nomination and election process employed will be as per those used to elect the President elect and Communications Officer elect (3.1.2 to 3.1.9 of these Regulations).

3.1.13 The SUC elect meeting may also elect or appoint Officers of the SUC (elect) to other internal and external committees (appointments will be effective 1st November), provided all such appointments are included as business in the agenda circulated prior to the meeting. Nominations for these positions shall be taken following the process prescribed in section 3.1.7 of these regulations.

Update and Renumber Probity Checks Section

The current regulations are as follows:

Section 3.1: Probity Checks

3.1.1 The SUC shall ensure thorough probity checks and declarations are submitted by all voting members of SUC (as per section 5.1 of the Constitution) by November 1st each calendar if elected during the standard election period, or within one month of appointment by the SUC or through a by-election at any other period. The following checks shall be performed and a summary report presented to the SUC:

3.1.1.1 Bankruptcy – Confirmation that individual is not currently identified by the Australian Security and Investment Commission (ASIC) Register of Persons Prohibited or Disqualified by ASIC under provision of the Corporations Act 2001 (Commonwealth); and Insolvency and Trustee Service Australia National Personal Insolvency Index.

3.1.1.2 Declaration of private interests – A declaration of the individual's actual or potential conflicts of interest.

3.1.1.3 Disqualification from acting as a Director – A declaration that the individual is not disqualified by a court of the Australian Security and Investment Commission from acting as a director or manager.

3.1.1.4 National Police Check – A national police certificate (name only) check of criminal history. Individuals convicted of a criminal offense shall be considered to have the probity check unless a written appeal is submitted to the SUC Appeals Committee within seven (7) days and the appeal is subsequently upheld.

3.1.2 The SUC may engage an external agent to conduct and report on probity checks.

3.1.3 Vacancy – In accordance with the Constitution section 11.3.1.12, failure to meet the requirements of any prescribed probity check (as per Regulations 3.1.1.1 to 3.1.1.4) will result

in a vacancy in that position. To provide privacy, individuals will be provided seven (7) days notice with the opportunity to resign prior to the vacancy being announced as a result of failing at the immediate next ordinary meeting of the SUC. Failure to submit probity checks by the timeframe stipulated in Regulation 3.1.1 will also result in vacancy without appeal.

3.1.4 Appeals against failure of probity checks – Elected voting members may lodge an appeal against a failed probity check finding to the SUC Appeals Committee within seven (7) days of notification pursuant to sections 6.17.2 and 6.17.3 of the Regulations.

It is proposed that the above section Probity Checks be replaced with:

Section 3.2: Probity Checks

3.2.1 The SUC shall ensure thorough probity checks and declarations are submitted by all voting members of SUC (as per section 5.1 of the Constitution) by November 1st each calendar year if elected during the standard election period, or within one month of appointment by the SUC or through a by-election at any other period. The following checks shall be performed and a summary report presented to the SUC:

3.2.1.1 Bankruptcy – Confirmation that individual is not currently identified by the Australian Security and Investment Commission (ASIC) Register of Persons Prohibited or Disqualified by ASIC under provision of the Corporations Act 2001 (Commonwealth); and Insolvency and Trustee Service Australia National Personal Insolvency Index.

3.2.1.2 Declaration of private interests – A declaration of the individual's actual or potential conflicts of interest.

3.2.1.3 Disqualification from acting as a Director – A declaration that the individual is not disqualified by a court of the Australian Security and Investment Commission from acting as a director or manager.

3.2.1.4 National Police Check – A national police certificate (name only) check of criminal history. Individuals convicted of a criminal offense shall be considered to have failed the probity check unless a written appeal is submitted to the SUC Appeals Committee within seven (7) days and the appeal is subsequently upheld.

3.2.2 The SUC may engage an external agent to conduct and report on probity checks

3.2.3 Members of the SUC who have successfully completed the above probity checks through the Student Union processes within 14 months of the start of their term will not be required to undertake the probity checks, unless specifically requested to do so by the Secretariat.

3.2.4 Vacancy – In accordance with the Constitution section 11.3.1.12, failure to meet the requirements of any prescribed probity check (as per Regulations 3.2.1.1 to 3.2.1.4) will result in a vacancy in that position. To provide privacy, individuals will be provided seven (7) days notice with the opportunity to resign prior to the vacancy being announced as a result of failing at the immediate next ordinary meeting of the SUC.

3.2.4.1 Failure to submit probity checks by the timeframe stipulated in Regulation 3.2.1 will also result in vacancy without appeal. The General Secretary has the discretion to allow for an extension of the timeframes stipulated in 3.2.1 of up to 21 days in compelling circumstances or where delays in the probity checks are due to circumstances outside the control of the Student Union Council member.

3.2.5 Appeals against failure of probity checks – Elected voting members may lodge an appeal against a failed probity check finding to the Student Union Governance Officer staff member. The Appeal will be considered and determined by the SUC Appeals Committee within seven (7) days of notification pursuant to sections 6.17.2 and 6.17.3 of the Regulations.