

RMIT University Student Union
Incorporated

CONSTITUTION

Approved RUSU General Meeting of Members 5 October 2023

RMIT University Student Union - CONSTITUTION

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RMIT University Student Union - CONSTITUTION

1. NAME AND ENABLING CLAUSE

- 1.1. The name of the incorporated association is “RMIT University Student Union”, in this constitution referred to as the “**Student Union**”.
- 1.2. The Student Union is recognised by RMIT University.
- 1.3. The name and registration number of the Student Union must appear in legible characters in all notices, advertisements and other official publications of the Student Union, and in all its business documents.

2. PURPOSE

- 2.1. The purpose of the Student Union is to advance the education of the students of RMIT University by:
 - 2.1.1. representing and safeguarding the interests of students in matters affecting their interests and rights.
 - 2.1.2. advancing the education, welfare, social life and cultural activities of students
 - 2.1.3. representing students within and outside the University
 - 2.1.4. ensuring that Student Union’s practices, policies and procedures reflect the principles of equal opportunity and affirmative action.
 - 2.1.5. endeavouring to achieve changes to the University’s structure, policies and procedures so that all of these encompass the principles of equal opportunity and affirmative action.
 - 2.1.6. establishing and maintaining contact with other organisations having aims similar in whole or in part to these aims and to co-operate with such organisations in pursuing these aims.
 - 2.1.7. facilitating the effective co-ordination of student representation on all University bodies, including student representation on portfolio/College/School Board and Student Staff Consultative Committees.

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2.1.8. providing amenities and services for students, other members of the University community and the public.

2.2. The Student Union acknowledges that it exists to advance the interests of all RMIT students and that all RMIT students have the right to reasonable use of the amenities and services of the Student Union.

2.3. The Student Union acknowledges the RMIT Vietnam Student Council as the representative body of enrolled students of RMIT International University Vietnam.

3. MEMBERSHIP

3.1. Only RMIT students are eligible to become members of the Student Union.

3.2. The Student Union has the following categories of membership:

3.2.1. governing members – refer clause 3.3

3.2.2. financial members – refer clause 3.4

Governing members

3.3. The governing members of the Student Union are the voting members of the Student Union Council (clause 4.1 of this constitution).

Financial members

3.4. Financial members of the Student Union are those students who:

3.4.1. apply for membership;

3.4.2. pay the subscription; and

3.4.3. are admitted

in accordance with the regulations.

3.5. The Student Union Council must make regulations for:

3.5.1. the form of application for financial membership;

3.5.2. the approval of application for financial membership.

3.6. The Student Union Council must by regulation set the subscription for all members.

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- 3.7. Except for the subscription, there are no entrance fees or other amounts to be paid in respect of membership of the Student Union.

Register of members

- 3.8. The Registered Contact (see clause 30) must ensure that a register is kept containing:
- 3.8.1. for current members:
 - 3.8.1.1. the name of the member;
 - 3.8.1.2. the category of membership;
 - 3.8.1.3. the date of becoming a member in that category; and
 - 3.8.2. in the case of former members – the date of ceasing to be a member.

Rights, obligations and liabilities of members

- 3.9. Members must comply with this constitution and the regulations at all times.
- 3.10. This constitution is an enforceable contract between each member and the Student Union.
- 3.11. Members are not liable to contribute to the debts and liabilities of the Student Union by reason only of their membership.
- 3.12. The rights of members are not transferable, and end, when the member ceases to be a member in accordance with clause 3.16.
- 3.13. All members are entitled to:
- 3.13.1. have reasonable use of the amenities and services of the Student Union;
 - 3.13.2. attend and vote at general meetings under clause 26;
 - 3.13.3. have access to the records of the Student Union under clause 14;
 - 3.13.4. attend meetings of the Student Union Council under clause 6.20;
 - 3.13.5. stand for election to the Student Union Council under clause 16; subject to any additional eligibility criteria set out in that clause.

Resignation of members

- 3.14. Members may resign by writing to the Student Union.

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- 3.15. Governing and financial members who fail to pay their subscription within one (1) month of the due date are taken to have resigned.

Cessation of membership

- 3.16. Members cease to be members if they:
- 3.16.1. cease to be a student;
 - 3.16.2. resign;
 - 3.16.3. are expelled;
 - 3.16.4. cease to have legal capacity; or
 - 3.16.5. if they vote against a resolution approved by referendum or a student general meeting in accordance with clause 26.11

4. THE RMIT UNIVERSITY STUDENT UNION COUNCIL (SUC)

- 4.1. The Student Union Council (**SUC**) is the governing body of Student Union. The voting members of the SUC are:

- 4.1.1. the President.

The President is not elected by students but is a member of the SUC who is appointed by the voting members of the SUC, pursuant to clause 16.7 of this constitution.

- 4.1.2. the General Secretary.
- 4.1.3. the Education Officer.
- 4.1.4. the Welfare Officer.
- 4.1.5. the International Officer.
- 4.1.6. the Postgraduate Officer.
- 4.1.7. the Women's Officer.

The Women's officer must identify and live as a woman.

- 4.1.8. the Queer Officer.

The position of Queer Officer may be held by up to two eligible

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students running on a joint ticket, each who identify with different genders. If two students hold this position, then together they may cast only one vote at SUC meetings in accordance with the Student Union Regulations.

4.1.9. the Indigenous Officer.

The position of Indigenous Officer may be held by up to two eligible students running on a joint ticket, each who identify as Indigenous (as determined by the Student Union election Regulations). If two students hold this position, then together they may cast only one vote at SUC meetings in accordance with the Student Union Regulations.

4.1.10. the Disabilities & Carers Officer.

The Disabilities & Carers Officers must identify as a person with a disability and/or must have long-term caring responsibilities for another person (as defined in this Constitution and by RUSU Regulations).

4.1.11. the Communications Officer.

The Communications Officer is not elected by students but is a member of the SUC who is appointed by the voting members of the SUC, pursuant to clause 16.7 of this constitution.

4.1.12. the Activities Officer.

4.1.13. the Sustainability Officer.

4.1.14. the Clubs and Societies Officer.

The Clubs and Societies Officer must be a current or former office bearer of a Student Union affiliated club or society.

4.1.15. the Vocational Education Officer.

The Vocational Education Officer must be enrolled in a Vocational Education programs or course (as determined by RMIT).

4.1.16. the Brunswick Coordinator.

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The Brunswick Coordinator must be enrolled in programs at the Brunswick campus (as determined by RMIT).

4.1.17. the Bundoora Coordinator.

The Bundoora Coordinator must be enrolled (or will be enrolled in the coming year) in programs at the Bundoora campus (as determined by RMIT).

4.1.18. the City Coordinator.

The City Coordinator must be enrolled in programs at the City campus (as determined by RMIT)

4.1.19. one Brunswick Representative, who must be enrolled in programs at the Brunswick campus (as determined by RMIT).

4.1.20. one Bundoora East Representative, who must be (or will be in the coming year) enrolled in programs at the Bundoora campus (as determined by RMIT).

4.1.21. one Bundoora West Representative, who must be (or will be in the coming year) enrolled in programs at the Bundoora campus (as determined by RMIT).

4.1.22. one City Representative, who shall be enrolled in programs at the City campus (as determined by RMIT).

4.1.23. five General Representatives.

Non-voting members of the SUC

4.2. There may be the following non-voting members of the SUC:

Representative members

4.2.1. The SUC may appoint students to represent the interests of disadvantaged and/or targeted/specific groupings of student.

Convenors

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- 4.2.2. Subject to the approval of the SUC and pursuant to the relevant section of the Student Union Regulations, Committees and Collectives may elect, remove and prescribe the duties of convenors to assist with departments.
- 4.2.3. Subject to the approval of the SUC, where Committees or Collectives are not operational in any given area, the SUC may elect, remove and prescribe the duties of convenors to assist with operations of the SUC, pursuant to the relevant sections in the Student Union Regulations.
- 4.3. Non-voting members must receive notice of SUC meetings.
- 4.4. Non-voting members have a right to attend, place items on the agenda, and speak at SUC meetings but do not have a right to vote.

SUC members are not employees

- 4.5. SUC members, including those paid an honorarium, are not employees of the Student Union.

5. POWERS AND DUTIES OF THE RMIT UNIVERSITY STUDENT UNION COUNCIL (SUC)

- 5.1. The SUC is responsible for the governance and management of the Student Union.
- 5.2. The SUC may exercise all powers of the Student Union on its behalf.
- 5.3. Without limiting subclauses 5.1 and 5.2, the powers and duties of the SUC are to:
 - 5.3.1. convene meetings of the SUC.
 - 5.3.2. elect the Student Union President, Communication Officer and other Secretariat members from among those elected to the SUC.
 - 5.3.3. make policies in relation to domestic, state, national and international matters relating to education and the intellectual and material life of students and to act in these spheres in their interest.
 - 5.3.3.1. all policies of the SUC are binding on the SUC until

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amended or repealed.

- 5.3.4. affiliate with or grant affiliation to, in accordance with this Constitution, any body for the furtherance of the purposes of the Student Union.
- 5.3.5. publish or authorise publication of any magazine, newspaper or other recorded matter on behalf of the Student Union.
- 5.3.6. appoint representatives upon request to all University committees where appropriate.
- 5.3.7. make, amend or repeal Student Union Regulations, in accordance with this Constitution for the effective achievement of the purposes of the Student Union.
- 5.3.8. administer Student Union controlled facilities and space as provided for the Student Union as it sees fit and in accordance with this Constitution.
- 5.3.9. convene the annual general meeting in accordance with this Constitution.
- 5.3.10. appoint a returning officer in accordance with this Constitution for the annual elections of the Student Union.
- 5.3.11. appoint a returning officer/s for the Student Union by-elections and referenda at least four (4) weeks prior to the commencement of polling pursuant to this Constitution.
- 5.3.12. appoint an auditor in accordance with this Constitution and the Student Union Regulations.
- 5.3.13. acquire, manage, lease, mortgage, dispose of and otherwise deal with property both real and personal in accordance with this Constitution.
- 5.3.14. convene Departments, Collectives, Standing Committees and Working Parties and create rules or regulations to govern their operations as necessary.
- 5.3.15. co-opt non-voting members to represent the interests of disadvantaged and/or targeted/specific groupings of students. The

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election and number of non-voting members shall be governed by the Student Union Regulations.

- 5.3.16. delegate any of the powers, except this power to further delegate, and duties to the Secretariat, any Department, Committee, Collective or Council, member of Staff or Officer, in accordance with this Constitution and the Student Union Regulations.
 - 5.3.17. appoint, remove and prescribe the duties of its staff and officers in accordance with this Constitution, the Student Union Regulations, contracts and industrial agreement.
 - 5.3.18. receive and, where necessary, accept reports from its Departments, Committees, Collectives and Groups at each of its meetings.
 - 5.3.19. enter into and make agreements with persons or companies and to employ persons to assist in the fulfilment of the purposes of the Student Union on such terms and conditions as it sees fit (in accordance with the Industrial Agreement);
 - 5.3.20. allocate a budget to each of its Departments, Collectives, Committees or Groups in accordance with this Constitution.
 - 5.3.21. do such things as are conducive or incidental to the attainment of any or all of the purposes the Student Union.
 - 5.3.22. meet the minimum requirements of their roles, as per the Constitution, the Regulations and as defined by the SUC. If these requirements are not met, any individual SUC member may be subject to disciplinary action in accordance with clause 21 of this Constitution.
- 5.4. All members of the SUC and former members of the SUC must not make improper use of:
- 5.4.1. their position, or
 - 5.4.2. information acquired by virtue of their position;
- so as

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5.4.3. to gain an advantage for themselves or any other person, or;

5.4.4. to cause detriment to the Student Union.

5.5. All members of the SUC must exercise their powers and discharge their duties with reasonable care and diligence.

5.6. All members of the SUC must exercise their powers and discharge their duties:

5.6.1. in good faith in the best interests of the Student Union;

5.6.2. for a proper purpose.

6. MEETINGS OF THE SUC

Ordinary meetings of the SUC

6.1. The SUC must in each academic year hold no less than eight (8) ordinary meetings.

6.2. The General Secretary must give at least seven (7) calendar days' notice of an ordinary meeting of the SUC by:

6.2.1. posting notice on the Official Notice Board and the Student Union website;

6.2.2. sending it to all members of the SUC.

6.3. Quorum for an ordinary meeting of the SUC is one half (1/2) plus one (1) of the total number of voting members of the SUC.

6.4. The process for submission of agenda items at ordinary meetings of the SUC must be set out in the regulations.

Special meetings of the SUC

6.5. The General Secretary or the President must convene a special meeting of the SUC within seven (7) calendar days of receipt of a written request to do so signed by no less than seven (7) voting members of the SUC.

6.5.1. The request must specify the business to be dealt with at the meeting.

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- 6.6. The General Secretary or the President must give at forty-eight (48) hours' notice of a special meeting of the SUC by:
 - 6.6.1. posting notice of on the Official Notice Board and Student Union Website;
 - 6.6.2. sending it to all members of the SUC.
- 6.7. The notice must include an agenda setting out business of the meeting.
- 6.8. The only business which may be conducted at a special meeting of the SUC is the business sent out in the agenda.
- 6.9. Quorum for special meetings of the SUC is two-thirds (2/3) of the total number of voting members of the SUC.

Procedure at SUC meetings

- 6.10. The General Secretary of the SUC is entitled to chair all meetings of the SUC. In their absence, the President is entitled to chair. If both of them are absent, or decline to chair, the SUC may appoint another voting member of the SUC to chair the meeting.
- 6.11. Voting at SUC meetings is by show of hands.
- 6.12. If a vote is tied, the chair has a casting vote.
- 6.13. If a quorum is not present within 30 minutes of the time of which notice has been given, the meeting must not proceed.
- 6.14. The SUC may by resolution adjourn the meeting from time to time and place to place. No business may be transacted at the adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place. Where a meeting is adjourned for fourteen days or more, fresh notice of the adjourned meeting must be given.

Proxies

- 6.15. Proxies are permitted at SUC meetings. The requirements for proxies must be set out in the regulations.

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Conflict of interest

- 6.16. A member of the SUC who has, or thinks they have, a conflict of interest in a Student Union matter must disclose it. This includes a material personal interest.
- 6.17. The member must give details of what the interest is and how it relates to the association. These details must be given at a SUC meeting as soon as possible and must be recorded in the minutes of the meeting.
- 6.18. A member who has a conflict of interest must not:
- 6.18.1. be present at an SUC meeting while the matter in question is being considered;
 - 6.18.2. vote on the matter.
- unless they have been granted approval by the other governing members (those that do not have a conflict of interest) passing a resolution.

In camera meetings

- 6.19. The SUC may decide to meet 'in camera' in accordance with the Student Union Regulations.

Student attendance at SUC meetings

- 6.20. Members (and students who are not members of the Student Union) may attend any meetings of the SUC except meetings or parts of meeting held in camera. Members (and students who are not members Student Union) who are not members of the SUC may be granted speaking rights at the discretion of the General Secretary and/or President.

7. COLLECTIVES AND COMMITTEES OF THE STUDENT UNION

- 7.1 From time to time the SUC may establish collectives and committees of the Student Union.
- 7.2 The SUC must outline the operations of all collectives and committees in the Student Union Regulations.

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8. THE SECRETARIAT OF THE STUDENT UNION COUNCIL (SUC)

8.1. The following voting members of the SUC constitute the Secretariat:

8.1.1. General Secretary;

8.1.2. President;

8.1.3. Education Officer;

8.1.4. Brunswick Coordinator;

8.1.5. Bundoora Coordinator;

8.1.6. City Coordinator;

8.1.7. One (1) other Officer of the Student Union elected by the SUC from the Officers specified in sections 5.1 of this Constitution.

(Secretariat)

8.2. A meeting of the Secretariat may be called by:

8.2.1. The General Secretary; or

8.2.2. The President.

8.3. A meeting of the Secretariat must be called by the General Secretary or the President within forty-eight (48) hours of receipt of written request by any two (2) members of the Secretariat.

8.4. The General Secretary is the chair of the Secretariat. In their absence the President is the chair.

8.5. Quorum for a meeting of the Secretariat is four (4) members.

8.6. If a vote is tied, the chair has a casting vote.

8.7. Any member of the Secretariat can be removed by a two thirds (2/3) majority vote of a SUC meeting and replaced by any other member of the SUC by two thirds (2/3) majority vote of a SUC meeting.

8.8. The powers, duties and responsibilities of the Secretariat are those set out

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in this Constitution and the Student Union Regulations.

9. USE OF TECHNOLOGY

- 9.1. Meetings of the SUC, Secretariat, departments, committees and collectives of the Student Union may be held with participants located at more than one (1) place, provided that the technology used enables each member present to communicate clearly and simultaneously with every other such member, regardless of the location they are attending from.

10. MINUTES

- 10.1. The Student Union must ensure that minutes are taken and kept of all meetings of the SUC, general meetings, and student general meetings.
- 10.2. The minutes of annual general meetings must include a copy of:
 - 10.2.1. the financial statement submitted to members in accordance with clause 12.19;
 - 10.2.2. the audited accounts accompanying that statement in accordance with clause 12.20;
- 10.3. Without limiting clause 14:
 - 10.3.1. members and students may inspect and obtain copies of the minutes of meetings of the SUC and of general meetings at a reasonable time; and
 - 10.3.2. members and students may inspect and obtain copies of minutes of Student Union bodies at a reasonable time.

11. CEASING TO BE A MEMBER OF THE SUC AND VACANCIES

Ceasing to be a member of the SUC

- 11.1. The position of a member of the SUC becomes vacant if the member:
 - 11.1.1. ceases to be a member of the Student Union pursuant to clause 3.16;
 - 11.1.2. resigns in writing to the General Secretary (or in the case of the General Secretary, to the President);
 - 11.1.3. In the case of the President; they are impeached by a two-thirds (2/3) majority of the SUC who vote to remove the President; or

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- 11.1.4. In the case of the President of the SUC a petition signed by at least eight-hundred (800) students (calling for the removal of the SUC President). In such a case the question must be approved as a special resolution by a Referendum. If the special resolution is approved by a quorate Referendum, that decision is binding on the General Meeting of Members convened to pass that special resolution.
- 11.1.5. In the case of all members of the SUC other than the President a petition of recall by students requesting that a member of their constituency face re-election signed by not less than five-hundred (500) students eligible to vote in that election. In such a case, a by-election must be called within ten (10) academic days of the tendering of the petition to the General Secretary in accordance with clause 16. The member remains a full voting member of the SUC until the poll is declared; or
- 11.1.6. ceases to be eligible for the position they were elected to; or
- 11.1.7. has been required to face re-election pursuant to clause 11.1.4 or 11.1.5 and is not re-elected then they will lose their position; or
- 11.1.8. is absent at, or within thirty (30) minutes after the notified place and time for the commencement of, three (3) Ordinary Meetings of the SUC without apology or the prior leave of that body; or
- 11.1.9. is elected as President or Communication Officer of the SUC pursuant to 16.7 of this Constitution;
- 11.1.10. fails to meet the requirements of any probity checks if and as defined by the SUC Regulations or policies;
- 11.1.11. votes against a resolution approved by referendum or a student general meeting in accordance with clause 26.11;
- 11.1.12. is expelled for serious misconduct in accordance with clause 21.2.2

Vacancies on the SUC

- 11.2. In the event that a vacancy occurs in any position, not superseding clause 11.4 and clause 11.5 of this Constitution, the SUC may appoint by a two-

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thirds (2/3) majority a Student to the vacant position and the Student so elected shall hold office for the remainder of the term of that position for which they have been elected.

- 11.3. Failing a two-thirds (2/3) majority decision, a by-election will be conducted pursuant to clause 16 of this Constitution. The member so elected holds office for the remainder of the term of that position for which they have been elected.
- 11.4. In the event that a vacancy occurs within twenty (20) academic days prior to the annual elections, or after September, then the SUC may decide not to hold a by-election.
- 11.5. In the event of a vacancy in a General Representative position on the SUC, the first alternative member (as defined in clause 16 of this Constitution) takes up the position as a full voting member for the remainder of that term.

12. FINANCE

Source of funds

- 12.1. The funds of the Student Union may be derived from:
 - 12.1.1. the university;
 - 12.1.2. fees collected from students by the university and provided to the Student Union; and
 - 12.1.3. subscription fees, entrance fees, donations, grants, proceeds of fund-raising activities, sponsorship, profits from the provision of amenities or services, interest on investments and other sources approved by the SUC.

Financial year

- 12.2. The financial year of the Student Union is from 1 January to 31 December.

Responsibility for financial management

- 12.3. The SUC is responsible for the management of the funds of the Student Union.

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Financial records

- 12.4. The Student Union must keep financial records that:
- 12.4.1. correctly record and explain its transactions and financial position and performance; and
 - 12.4.2. would enable true and fair financial statements to be prepared in accordance with 12.16.

Bank accounts

- 12.5. All money received by or on behalf of the Student Union must be deposited without delay into a bank account in the name of the Student Union.

Payments

- 12.6. The Student Union may only make payments:
- 12.6.1. from a specific line item in the budget; and
 - 12.6.2. by resolution of the SUC; or
 - 12.6.3. under a delegation from the SUC by regulation or resolution.
- 12.7. All payments must be:
- 12.7.1. specifically authorised in writing, and;
 - 12.7.2. in the case of cheques – signed,
- by at least 2 persons nominated by the SUC by regulation or resolution.
- 12.8. The SUC may nominate a list of individuals or positions for the purposes of clause 12.7.
- 12.9. Clause 12.7 does not apply to debit and credit card and petty cash payments where the amount is within limits set by the SUC by regulation or resolution.

Finance committee

- 12.10. The SUC has a finance committee comprised of the following members;

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12.10.1. The General Secretary;

12.10.2. The President, or their nominee;

12.10.3. Three (3) members of the SUC, determined by the SUC;

12.10.4. Relevant staff, ex-officio (non-voting) members, as determined by Student Union Regulations.

(Finance Committee)

12.11. The Finance Committee is responsible for:

12.11.1. presenting financial reports and to reporting on financial compliance to the SUC;

12.11.2. preparing a draft budget.

Budget

12.12. The SUC is responsible for setting the budget of the Student Union.

12.13. In November or December each year the SUC must consider the draft budget; and ratify the budget, subject to any amendments it considers appropriate.

12.14. The SUC may subsequently amend the budget.

Financial statements

12.15. As soon as practicable after the end of the Student Union's financial year under clause 12.2, the SUC must cause financial statements for the Student Union to be prepared in accordance with this clause.

12.16. The financial statements must contain particulars of:

12.16.1. the income and expenditure of the Student Union during and at the end of its last financial year;

12.16.2. the assets and liabilities of the student union at the end of its last financial year;

12.16.3. the mortgages, charges and securities of any description affecting the

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property of the Student Union at the end of its last financial year;

12.16.4. the same particulars in respect of each trust of which the Student Union was trustee during any part of its last financial year;

12.16.5. any trust, held on behalf of the Student Union, by a person or body other than the Student Union, in which funds or assets of the Student Union are placed.

12.17. The financial statements must also deal with any matters prescribed by the regulations under the Associations Act.

12.18. The financial statements must have a certificate attached in the form prescribed under the Associations Act signed by two (2) governing members of the SUC certifying that the financial statements give a true and fair view of the financial performance of the Student Union during and at the end of its last financial year.

12.19. The SUC must submit the financial statements (including the attached certificate) to the annual general meeting under clause 17.3.

Audit

12.20. The Student Council must:

12.20.1. have the financial statements audited in accordance with the Associations Act; and

12.20.2. submit the audit report to the annual general meeting under clause 17.3.

13. RETENTION OF RECORDS

13.1. The SUC must provide for the safe keeping of the record of the Student Union.

13.2. Under section 89(2) of the Associations Act, the Student Union must keep its financial records for at least seven (7) years after the transactions covered by the records are completed.

13.3. Under section 105(1) of the Associations Act, the Student Union must keep

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the financial statements submitted to the annual general meeting under clause 17.3 for at least seven (7) years after the annual general meeting.

14. ACCESS TO RECORDS

14.1 All members of the Student Union may inspect the following at a reasonable time:

14.1.1. the register of members.

14.1.2. the open records of the Student Union including: minutes of Annual General Meetings, Student General Meetings, SUC and Secretariat, the Annual Financial Report and Audit.

14.2. Students who are not members of the Student Union may also inspect the open records of the Student Union pursuant to clause 14.1.2.

14.3. This does not apply to records relating to personal, employment, commercial contracts, confidential information, in camera minutes or legal matters.

14.4. The Student Union must make copies of the constitution and regulations available for download by students on its official website.

15. AFFILIATED BODIES

Student Union affiliation to bodies external to RMIT University

15.1. The SUC, may, through the process set out in clause 15.3, affiliate with any Australian-based body or organisation external to RMIT University, provided that such a body or organisation;

15.1.1. has aims and objectives not incompatible with the purposes of the Student Union as outlined in this Constitution; and

15.1.2. is not a commercial operation, political party or religious organisation; and

15.1.3. can reasonably demonstrate compliance with key financial and statutory requirements through the provision of satisfactory annual reports and financial statements.

15.2. Only members of the SUC can propose that the Student Union affiliate with another body or organisation external to RMIT.

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- 15.3. The procedure for affiliation of bodies external to RMIT is as follows:
- 15.3.1. the member of the SUC proposing the affiliation must serve on the General Secretary notice of the proposed affiliation at least twelve (12) days prior to a meeting of the SUC at which the proposed motion is to be considered;
 - 15.3.2. the General Secretary must then give at least ten (10) days' notice to all SUC members of the proposed affiliation;
 - 15.3.3. the notice must:
 - 15.3.3.1. specify in full the proposed affiliation motion including the name and contact information of the body or organisation being proposed for affiliation;
 - 15.3.3.2. be displayed on the Official Student Union Notice Board and be published via the normal publicity channels of the Student Union.
 - 15.3.4. to pass, the motion must be approved by a two thirds (2/3) majority of the SUC.
- 15.4. The SUC must list the details of bodies and organisations that the Student Union is affiliated to on the Student Union's website.
- 15.5. The SUC must obtain and make available to students the audited financial statements and annual reports of any organisation to which it is affiliated.

Affiliation of student groups, including clubs and societies, to the Student Union

- 15.6. The SUC may grant affiliation to any body comprised of students provided that such a body:
- 15.6.1. has aims and objectives compatible with the purposes of the Student Union as outlined in this Constitution; and
 - 15.6.2. has a constitution conforming with any requirements specified the Student Union Regulations.
- 15.7. All affiliated bodies must be listed on the Student Union website.

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15.8. Current copies of the constitutions of all bodies affiliated to the Student Union must be retained by the Student Union and be made available to members of the Student Union upon reasonable request.

15.8.1. The SUC may require affiliated bodies to:

15.8.1.1. submit copies of their annual balance sheet or financial records.

15.8.1.2. submit an interim balance sheet and a statement of income and expenditure.

15.8.1.3. present for inspection their minutes and books of account.

15.8.2. The SUC may disaffiliate any body affiliated with the SUC or Student Union in accordance with the Student Union Regulations.

16. ELECTIONS

16.1. For the purpose of this Constitution, and the conduct of any election to the SUC, the positions of the SUC are those listed under clause 4.1 this Constitution.

Timing of annual elections

16.2. The annual elections for the SUC must be held in August or September.

Eligibility

16.3. A person is ineligible to be elected, appointed to, the SUC, its Committees and/or its Departments unless that person is:

16.3.1. a student;

16.3.2. a financial member.

16.3.3. Exceptions may be made in the case of RMITV, as determined by Regulations, and, approved by the RMITV/SCT Inc Board.

16.4. Student Union staff are not entitled to be elected to, appointed to, or remain a member of the SUC, its Committees and/or its Departments.

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16.5. A person may not hold more than one (1) elected position on the SUC as a voting member, but

16.5.1. may nominate for more than one (1) position, and;

16.5.2. is entitled to nominate for an alternate position in a by-election and if elected automatically vacates the previous position.

Term of office

16.6. Members of the SUC elected at the annual elections hold office from 1st November of the year of their election to 31st October of the year following their election.

Appointment of President and Communication Officer

16.7. All those members of the SUC who have been elected to take office on 1st November are entitled to vote for the President elect and Communication Officer elect of the SUC and the Secretariat of the SUC for the year of their term – at a meeting of those persons held in October of each year, convened by the General Secretary elect.

Appointment of returning officer

16.8. The SUC may from time to time appoint a person who is a representative of the Victorian Electoral Commission (or any other duly authorised and recognised body) as returning officer. (**Returning Officer**)

16.9. The returning officer may delegate all or part of their powers and responsibilities to any student (except for Governing Members). That student cannot be a candidate in any election during the period of appointment and cannot further delegate.

Notice of elections

16.10. At least fifteen (15) calendar days before 31 August each year for the annual elections, and five (5) calendar days prior to the commencement of any by-elections, the Returning Officer must:

16.10.1. post on the Official Notice Boards of the Student Union; and

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- 16.10.2. advertise through the normal channels of the Student Union notices announcing the election date(s) for all positions.

Nominations

- 16.11. Nominations must be open for at least five (5) consecutive academic days, for both annual and by-elections, and must be advertised on the relevant locations.
- 16.12. Nominations for all positions to be elected at the annual elections and any by-elections close at least seven (7) academic days prior to the commencement of the election.
- 16.13. After the closure of nominations, if insufficient candidates nominate to fill all available positions, nominations will automatically re-open for unfilled positions at 10am on the academic day following closure of original nominations for a period of two (2) academic days.
- 16.14. The re-opening of nominations for unfilled positions must be advertised on the Official Notice Boards of the Student Union and the Student Union website.
- 16.15. The Returning Officer must, within twenty-four (24) hours of the final close of nominations, post on the Official Notice Boards and the Student Union website a notice containing the list of candidates who have nominated.
- 16.16. Candidates may withdraw their nomination in writing to the Returning Officer no later than one (1) academic day after the nomination is posted on the official notice boards.

Election publication

- 16.17. In the week preceding the Annual Election the Student Union must publish a publication containing the names, photographs and policy speeches of all candidates provided at nomination to the Returning Officer.

Eligibility to vote

- 16.18. All students are entitled to one (1) vote only for each position in the election in which they are a constituent of the electorate subject to:

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- 16.18.1. only those students who identify as women may vote in the election of the Women's Officer.
- 16.18.2. only those students who are enrolled in postgraduate programs may vote in the election of the Postgraduate Officer.
- 16.18.3. only those students who are enrolled in programs at the Bundoora campus are eligible to vote for Bundoora Coordinator, Bundoora East Representative and Bundoora West Representative.
- 16.18.4. only those students who are enrolled in programs at the Brunswick campus are eligible to vote for the Brunswick Coordinator and Brunswick Representative.
- 16.18.5. only those students who are enrolled in programs at the City campus are eligible to vote for the City Coordinator and City Representative.
- 16.18.6. only those students, who are enrolled in Vocational Education programs, are eligible to vote for the Vocational Education Officer.
- 16.18.7. only those students who are International Students are eligible to vote for the International Officer.

Secret ballot

- 16.19. All elections must be held by secret ballot.

Voting days

- 16.20. Polling must be open for at least:
 - 16.20.1. Five (5) consecutive academic days for annual elections on all major campuses and sites of the University at times stipulated in the Student Union Regulations, allowing maximum access to all students. The election need not be held simultaneously on all campuses and sites provided:
 - 16.20.1.1. The poll is declared two (2) days after the election by posting on the Official Notice Boards and the Student Union website.

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16.20.1.2. No declaration is made in respect to any contested position until all polling has ceased.

16.20.2. Three (3) consecutive academic days for by-elections on all major campuses of the University at times stipulated in the Student Union Regulations, allowing maximum access to all students. But if the election only involves one campus or site there is no need to have polling booths at any other campus.

Counting of votes

16.21. No votes can be counted until all voting ceases.

Disputes

16.22. Any claim of a breach of the Election Regulations must be presented to the Returning Officer within five (5) calendar days of the declaration of the poll, must be in writing and must be supported by at least two (2) members.

16.23. Upon receipt of an appeal the Returning Officer may dismiss the matter, uphold the appeal or convene an emergency meeting of the SUC Appeals Committee to hear the appeal.

16.24. No decision on an appeal, once made, may be subsequently overturned.

Declaration

16.25. The Returning Officer must declare the poll as soon as is practicable, after the close of the ballot by posting the results on the Official Notice Boards and Student Union website.

Ballot order

16.26. The order of the ballot must be as follows:

1. General Secretary
2. Education Officer
3. Welfare Officer
4. Activities Officer

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5. Sustainability Officer
6. Clubs and Societies Officer
7. Queer Officer
8. Indigenous Officer
9. Disabilities & Carers Officer
10. General Representatives;
11. Elections for other Representatives/Positions may be added to the same ballot paper.
12. Ballots for the positions of Women's Officer, Postgraduate Officer, Vocational Education Officer and campus-based positions (Coordinators and Representatives) shall be on individual ballots.

Order of counting

16.27. The order of counting must be as follows:

1. General Secretary
2. Education Officer
3. Welfare Officer
4. Activities Officer
5. Sustainability Officer
6. Clubs and Societies Officer
7. Queer Officer
8. Indigenous Officer
9. Disabilities & Carers Officer
10. Women's Officer

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11. International Officer
12. Postgraduate Officer
13. Vocational Education Officer
14. Brunswick Coordinator
15. Bundoora Coordinator
16. City Coordinator
17. Brunswick Representative
18. Bundoora Representative
19. City Representative
20. General Representatives
21. Elections for other Representatives/Positions added to the same ballot.

16.28 If in the order of counting a candidate who has nominated for more than one of the above positions is declared elected to the position of General Secretary, Education Officer, Welfare Officer, Activities Officer, Sustainability Officer, Clubs and Societies Officer, Queer Officer, Indigenous Officer, Disabilities & Carers Officer, Women's Officer, International Officer, Postgraduate Officer, Vocational Education Officer, Brunswick Coordinator, Bundoora Coordinator or City Coordinator then any votes cast for them in the position of campus based and General Representatives must be distributed according to their preferences marked on the ballot.

16.29 In addition, the next two (2) candidates standing for election to be elected as General Representatives in an Annual Election, receiving the highest votes are the Alternative General Representatives for their constituency. In the event that a General Representative vacancy occurs, the position is automatically filled by the first Alternative General Representative who received the highest vote in which all Representatives were elected. The Alternative General Representative then becomes a full voting member for the duration of the term of office of the SUC if they are called upon to fill a vacancy as defined in 11.5 of this Constitution.

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Method of Election and Counting

16.30 The method of all Elections shall be by optional preferential ballot and the method of counting and distribution of votes shall be by the proportional representation count. The definitive resource in determining method shall be as outlined in the current edition of *N.E Renton, 'Guide for Voluntary Associations'*.

16.31 All elections of the SUC shall be conducted by the Returning Officer in accordance with this Constitution and the Student Union Regulations.

17. ANNUAL GENERAL MEETING

17.1 The SUC must convene an annual general meeting of the members of the Student Union, to be held within five months after the end of the financial year under clause 12.2

17.2 All students may attend and speak at the Annual General Meeting but only students who are members may vote.

Business of the annual general meeting

17.3 The ordinary business of the annual general meeting is to consider the financial statements and accompanying audit report submitted to the members by the SUC in accordance with clause 12.19.

17.4 The only other business that may be considered at the annual general meeting is a motion to appoint or remove the Student Union's auditor.

Certification

17.5 Under section 100(3) of the Associations Act, at, or as soon as practicable after, the conclusion of the annual general meeting a member of the SUC must certify in the form approved by the Registrar that:

17.5.1 the member attended the annual general meeting; and

17.5.2 the financial statements were submitted to the members of the association at the annual general meeting.

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- 17.6 Under section 102 of the Associations Act, the Registered Contact (as defined in clause 30) must lodge with the Registrar the annual statement, financial statements, and auditor's report as soon as practicable after the conclusion of the annual general meeting (and by no later than one month after the AGM).
- 17.7 The procedural requirements for annual general meetings are otherwise the same as for meetings of the SUC as set out in clauses 6.10 to 6.14.
- 17.8 Notice and quorum requirements for annual general meetings are set out in clauses 26.6 and 26.7.

18 STUDENT GENERAL MEETINGS

- 18.1 The SUC may by resolution passed by a two thirds majority convene a student general meeting.
- 18.2 The resolution must state the motion or motions to be considered by the student general meeting.
- 18.3 The SUC must convene a student general meeting on the request in writing of at least three hundred (300) students.
- 18.4 The request:
- 18.4.1 must state the motion or motions to be considered by the student general meeting;
 - 18.4.2 may consist of multiple copies of the same document;
 - 18.4.3 must include the names, student numbers and signatures of the students making the request;
 - 18.4.4 must be given to the General Secretary or, in their absence, the President.
- 18.5 If a student general meeting is requested in accordance with clause 18.3 and 18.4 then the meeting must be held within 14 calendar days of the request having been received.
- 18.6 Resolutions passed by a student general meeting are binding on the SUC and general meetings of members held in accordance with 26.

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- 18.7 Student general meetings may not overturn any decision made by a quorate referendum.

Notice

- 18.8 At least five (5) academic days' notice of:
- 18.8.1 the date, time and place of a student general meeting;
 - 18.8.2 the motion or motions to be considered (in accordance with clause 18.2 or 18.4.1)

must be displayed on the Official Notice Boards of the Student Union and published via the normal publicity channels of the Student Union.

Business at student general meetings

- 18.9 The only business which be conducted at a student general meeting is the business set out in the notice.

Quorum at student general meetings

- 18.10 Quorum at a student general meeting is at least two hundred and fifty (250) students as a total of both components under section 18.12 of this Constitution plus those attending and voting using technology under clause 18.17 when applicable.

Proceedings at student general meetings

- 18.11 The General Secretary is entitled to chair student general meetings, or in their absence the President is entitled to chair. In their absence, or in the event both of them decline to chair, the meeting may appoint someone else to chair the meeting by resolution.
- 18.12 Student general meetings must be held in two components as follows:
- 18.12.1 one (1) component at the Bundoora campus; and
 - 18.12.2 one (1) component on the City campus;
- 18.13 All students are entitled to vote at student general meetings.

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- 18.14 Proxies are not allowed.
- 18.15 Voting is to be by show of hands.
- 18.16 Resolutions require a two-thirds majority of students to vote in favour to be passed.
- 18.17 The SUC may decide to permit students to attend and vote at general meetings using technology. If it does:
 - 18.17.1 the General Secretary may give supplementary instructions for participating in the meeting using technology at least two (2) days before the meeting is held;
 - 18.17.2 motions may be determined by any method of voting as determined by the chair that allows students to indicate whether they are in favour of or against the motion.

19 REFERENDA OF THE RMIT UNIVERSITY STUDENT UNION

- 19.1 The SUC may by resolution passed by a two thirds majority convene a referendum.
- 19.2 The resolution must state the question or questions to be put to the referendum.
- 19.3 The SUC must convene a referendum on the request in writing of at least 500 students.
- 19.4 The request:
 - 19.4.1 must state the question or questions to be put to referendum;
 - 19.4.2 may consist of multiple copies of the same document;
 - 19.4.3 must include the names, student numbers and signatures of the students making the request;
 - 19.4.4 must be given to the General Secretary or, in their absence, the President.
- 19.5 If a referendum is requested in accordance with clauses 19.3 and 19.4 above:

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- 19.5.1 the SUC must hold the referendum within 20 academic days of the request having been received.

Referendum notice

- 19.6 At least ten (10) academic days' notice of:

- 19.6.1 the dates, time and places of voting for the referendum, and;

- 19.6.2 the question or questions to be put,

must be given to students through the normal publicity channels of the Student Union.

Referendum voting

- 19.7 All students are entitled to vote in referendums.

- 19.8 Voting must be by secret ballot.

- 19.9 Voting must be open for at least three days.

- 19.10 Voting must be held, at a minimum, at RMIT City, Bundoora and Brunswick campuses.

- 19.11 Decisions of referendums are binding on the Student Union if:

- 19.11.1 at least eight hundred (800) students cast a vote;

- 19.11.2 not more than twenty-five percent (25%) of the votes cast are informal; and

- 19.11.3 a simple majority of votes are cast in favour.

- 19.12 The SUC may by regulation make further rules governing the procedure for Student Union Referenda, provided they do not contravene the requirements of this Constitution or the Associations Act.

20 REGULATIONS OF THE RMIT UNIVERSITY STUDENT UNION

- 20.1 The SUC may by resolution passed by a two-thirds majority make regulations

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to give effect to this constitution

- 20.1.1 At least 7 days' Notice in writing must be given to the General Secretary prior to the meeting of the SUC at which any proposed amendment or repealing of any Regulations of the Student Union is to be considered.
- 20.1.2 At least 5 academic days' notice in writing must be given to members of the SUC prior to the meeting of the SUC at which any proposed amendment or repealing of any Regulations of the Student Union is to be considered.
- 20.1.3 The Notice must specify in full the proposed resolution and must be displayed on the Official Notice Boards of the Student Union and published via the normal publicity channels of the Student Union at least 5 calendar days ahead of the SUC meeting at which the proposed resolution is to be considered.

21 DISCIPLINE OF MEMBERS

- 21.1 The SUC must make regulations for the disciplining of members.
- 21.2 The discipline regulations:
 - 21.2.1 must require procedural fairness to be applied; and
 - 21.2.2 may include the suspension and expulsion of members for serious misconduct.

22 GRIEVANCE PROCEDURE

- 22.1 In order to comply with section 55 of the Associations Act, the SUC must be regulation establish a grievance procedure for dealing with disputes under this constitution between:
 - 22.1.1 a member and another member, and;
 - 22.1.2 a member and the Student Union (or a Student Union body).
- 22.2 Under section 55 of the Associations Act, the grievance procedure must provide that:

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- 22.2.1 the person or each of the members of the body conducting the grievance procedure must not have a personal interest in the dispute, or be biased in favour of or against any party;
- 22.2.2 each party is given a reasonably opportunity to be heard;
- 22.2.3 a party may appoint another person to act on its behalf in the grievance procedure.

23 VALIDITY OF ACTS

- 23.1 If it is afterwards discovered that there was some defect in the appointment or election of a person as a member of the SUC, or that a person so appointed or elected was ineligible, all acts done at any meeting of the SUC or a Sub-Committee of the SUC or by any person acting as a member of the SUC are as valid as if that person had been duly appointed or elected and was eligible to be a member of the SUC.

24 INDEMNITY

- 24.1 The Student Union indemnifies staff, appointed or elected Student Representatives of the Student Union and other members of the Student Union against any liability incurred in good faith by them in that capacity.

25 AMENDMENT OF THIS CONSTITUTION

- 25.1 Under section 50 of the Associations Act, this Constitution may only be amended by special resolution passed at a general meeting of members in accordance with clause 26 of this constitution, and which has previously been approved by:
 - 25.1.1 a Student General Meeting (in accordance with the section 18 of this Constitution), or
 - 25.1.2 a Referendum (in accordance with the section 19 of this Constitution).
- 25.2 A special resolution to change this Constitution may only be proposed in either of the following two ways:

Consideration by the SUC

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- 25.2.1 At least ten (10) academic days' notice of any proposed special resolution setting out an amendment to this Constitution must be forwarded to the General Secretary or, in their absence, the President.
- 25.2.2 The SUC must consider the proposed special resolution at its next meeting after the expiry of the minimum notice period.
- 25.2.3 The SUC must decide whether to put the proposed special resolution to either:
 - 25.2.3.1 Student General Meeting; or
 - 25.2.3.2 a Referendum
- 25.2.4 A decision made by the SUC pursuant to clause 25.2.3 must be carried by a two-thirds (2/3) majority.

Petition of Students

- 25.3 The SUC must convene either a Student General Meeting or a Referendum to consider proposed constitutional amendments on the request in writing of at least:
 - 25.3.1 in the case of a Student General Meeting, 300 students; or
 - 25.3.2 in the case of a Referendum, 500 students
- 25.4 The request:
 - 25.4.1 must state the proposed special resolution to change this constitution to be considered;
 - 25.4.2 must include the names, student numbers, emails and signatures of the students making the request; and
 - 25.4.3 must be given to the General Secretary or the President
- 25.5 The Student General Meeting or Referendum must be convened within 21 days of the receipt of the request
- 25.6 The proposed special resolution must be displayed on the Official Notice Boards and published via the normal publicity channels of the Student Union at least ten (10) academic days prior to its consideration at a Student General Meeting or Referendum.
- 25.7 In accordance with the Associations Act, the Registered Contact must apply to the Registrar for approval of the amendment within 28 days after the special

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resolution was passed by a general meeting of members held in accordance with clause 26.

- 25.8 In accordance with the Associations Act, an amendment to this constitution does not take effect until it has been approved by the Registrar.

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26 GENERAL MEETINGS OF MEMBERS

- 26.1 The Student Union is only required to hold one general meeting each year, being the annual general meeting held pursuant to clause 17.
- 26.2 Except for the annual general meeting, general meetings of the members of the Student Union may only be held to pass special resolutions.
- 26.3 Special resolutions may only be put to general meetings of members if authorised by a binding decision of:
- 26.3.1 a student general meeting in accordance with clause 18; or
 - 26.3.2 a referendum in accordance with clause 19.
- 26.4 The SUC must convene a general meeting of members as soon as practicable after a binding decision has been made authorising the passing of a special resolution.
- 26.5 At least 21 days' notice in writing of general meetings of members must be given to each member.
- 26.6 The notice must state:
- 26.6.1 the date, time and place of the meeting,
 - 26.6.2 (if applicable) the full proposed special resolution, and
 - 26.6.3 that it is intended that the resolution be proposed as a special resolution.
- 26.7 The quorum for general meetings of members is the presence in person of at least 1 member.
- 26.8 Proxies are not permitted at general meetings.
- 26.9 When a special resolution is put to the vote at a general meeting of members, all members present must vote in favour.
- 26.10 A special resolution passes if at least 75% of the members present vote in favour.

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- 26.11 If any member votes against a special resolution, the position held by that member becomes vacant in accordance with clause 3.16 (and in the case of SUC members, 11.1.11).
- 26.12 The procedure for general meetings of members is otherwise the same as for meetings of the SUC as set out in clauses 6.9 to 6.14.

27 WINDING UP

- 27.1 The Student Union may be wound up voluntarily by special resolution in accordance with s. 125 of the Associations Act.
- 27.2 If the Student Union is wound up voluntarily or by a court;
- 27.2.1 its incorporation is cancelled
 - 27.2.2 the surplus assets of the Student Union must not be distributed to any member.
- 27.3 The surplus assets must be given to an entity that
- 27.3.1 has a similar purpose to the Student Union; and
 - 27.3.2 also prohibits the distribution of any surplus, income and assets to its members to at least as great an extent as the Student Union;
- subject to section 132 of the Associations Act.
- 27.4 If the Student Union is wound up voluntarily, the Student Union Council must by resolution passed by an absolute majority decide the entity to which its surplus assets are to be given.
- 27.5 In this clause “entity” includes body, trust and fund.

28 NOT FOR PROFIT

- 28.1 The Student Union must not distribute any surplus, income or assets directly or indirectly to its members. Clause 28.1 does not prevent the Student Union from paying its members:
- 28.1.1 reimbursement for expenses properly incurred by them; and
 - 28.1.2 for goods supplied and services provided by them;

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if this is done in good faith and on terms no more favourable than if the member were not a member.

29 LEGAL CAPACITY AND POWERS

- 29.1 The Student Union has the legal capacity of an incorporated body.
- 29.2 The Student Union has power to do all things incidental or conducive to the attainment of its purposes.
- 29.3 The Student Union may only:
 - 29.3.1 exercise its powers; and
 - 29.3.2 use its income and assets (including any surplus);for its purposes.

30 REGISTERED CONTACT

- 30.1 The SUC must appoint the Governance & Operations Manager of the Student Union to be the Registered Contact of the Student Union for the purposes of the Associations Act.
- 30.2 If there is a vacancy in the position of Governance & Operations Manager, the SUC may appoint another person to be the Registered Contact for the purpose of the Associations Act.
- 30.3 In accordance with the Associations Act, the SUC must fill any vacancy in the position of Registered Contact within 14 days.
- 30.4 In accordance with the Associations Act, the Registered Contact, must notify the Registrar within 14 days of appointment.
- 30.5 In accordance with the Associations Act, the person last notified to the Registrar remains the Registered Contact until a new person is notified.

31 REGISTERED ADDRESS

- 31.1 The registered address of the Student Union for the service of documents is the address of the Student Union Office, City Campus.
- 31.2 In accordance with the Associations Act, the Student Union must notify the Registrar within 14 days of any change of registered address.

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32 SPECIAL RULE FOR NATURAL DISASTERS, STATE OF EMERGENCY AND PUBLIC HEALTH ORDERS

General meetings and student general meetings

32.1 Despite anything in this constitution in the event of a natural disaster, state of emergency or public health order, which prevents the Student Union from convening student general meetings, general meetings, or annual general meetings in person as required by this constitution, the SUC may, by resolution, resolve to:

32.1.1 instead of holding the meeting on campus as required by this constitution, hold the meeting using any suitable electronic platform, that gives members (and students, in the case of student general meetings) as a whole reasonable opportunity to participate;

32.1.2 if the meeting has already been called:

32.1.2.1 postpone the meeting, in which case fresh notice should be sent for the date of the postponed meeting;
and/or

32.1.2.2 hold the meeting using any suitable electronic platform that gives members (and students, in the case of student general meetings) as a whole a reasonable opportunity to participate.

Elections and referenda

32.2 Despite anything in this constitution, in the event of a natural disaster, state of emergency or public health order, which makes it impossible for the Student Union to hold elections and referendums on campus as required by this constitution, the SUC may, by resolution, resolve to:

32.2.1 hold the election online using any suitable electronic platform approved by the returning officer;

32.2.2 hold the referendum online using any suitable electronic platform.

33 START-UP PERIOD

33.1 In this clause, “the start-up period” means the period from when the Student Union is incorporated until 31 December 2021

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33.1.1 In this clause and clause 34:

“the Unincorporated Association” means the RMIT Student Union Council;

“Office Bearers of the Unincorporated Association” means the officer bearers of the RMIT Student Union Council

- 33.2 Despite anything in clause 3, during the start-up period, the members of the Student Union are the members of the Unincorporated Association.
- 33.3 During the start-up period, the members of the committee for the purposes of the Associations Act are the members of the Student Union Council of the Unincorporated Association (in this clause, “**the Interim Committee**”).
- 33.4 During the start-up period, the governing members for the purposes of clause 3.2 are the Office Bearers of the Unincorporated Association
- 33.5 During the start-up period, the Interim Committee may exercise all powers of the Student Union on its behalf.
- 33.6 The quorum for meetings of the Interim Committee is the presence of one half plus one of the total voting members of the Interim Committee.
- 33.7 During the start-up period, the provisions of the constitution and regulations only apply:
- 33.7.1 as required by the Associations Act; and
 - 33.7.2 subject to any modifications that the Interim Committee considers necessary; or
 - 33.7.3 as determined by the Interim Committee.

34 TRANSITIONAL

- 34.1 Despite clause 12.2, the first financial year of the Student Union is from the date of incorporation of the Student Union to 31 December 2022.
- 34.2 Despite clause 17, the Student Union is not required to hold an annual general meeting in 2021.
- 34.3 At the conclusion of the start-up period, the members of the Student Union are those members as set out in clause 3.

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35 DEFINITIONS

In this Constitution, unless inconsistent with the context or subject matter:

Academic Day means a day on which classes are conducted by the University in either/or the Vocational Education or Higher Education sector.

Consecutive academic days shall preclude any Saturday or Sunday where classes may be conducted.

Academic Year means a calendar year consisting of academic days

The Associations Act means the Associations Incorporation Reform Act 2012 (Vic)

Affirmative Action means recognition and acceptance of the fact that it is not sufficient to make specific acts of discrimination unlawful. Further steps are needed to relieve the effects of past discrimination, eliminate present discrimination and to ensure that future discrimination does not occur. For the purposes of this Constitution affirmative action does not mean a quota system.

Alternative General Representatives are those students deemed eligible to fill vacancies in general representative positions in order determined by ballots conducted in annual general elections.

Annual Statements means the annual accounts and auditor's report thereon including annual income and expenditure statements and balance sheets.

Brunswick campus means the Brunswick campus/site of RMIT and any other site determined by RMIT or deemed by regulation

Bundoora campus means the Bundoora East and West campus/site of RMIT and any other site determined by RMIT or deemed by regulation.

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| Bundoora East campus | means the Bundoora East campus/site of RMIT and any other site determined by RMIT or deemed by regulation. |
| Bundoora West campus | means the Bundoora West campus/site of RMIT and any other site determined by RMIT or deemed by regulation. |
| Carer | means anyone who provides unpaid support to a family member, partner or close friend who needs help because of their illness, frailty, disability, mental health problem or an addiction and who cannot cope without their support. |
| Casual Vacancy | means a vacancy however occurring in the office of any member of the SUC other than by the retirement of such member on expiration of their term of office. |
| City campus | shall mean the campuses/sites located in the CBD including Carlton, or deemed by regulation. |
| Compulsory Fee | means a prescribed annual subscription fee paid by students upon enrolment as determined by the Council of the University. |
| Constitution | means this Constitution of the RMIT University Student Union Council Incorporated |
| Co-ordinator | means the Bundoora, Brunswick and City Co-ordinators elected at the Annual Elections of the Student Union Council. |
| Disability | <p>Disability means an ongoing experience of one or more of, the following: physical, intellectual, psychiatric, mental health, sensory or neurological impairment, learning disabilities, long-term chronic medical conditions, developmental and/or autism spectrum disorders, which</p> <ul style="list-style-type: none">- causes a substantially reduced capacity in their ability to participate in university life;- requires ongoing or long-term episodic support. |

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| Equal Opportunity | means that it is unlawful and prohibited to discriminate on the basis of sex, sexuality, race, age, disability, ethnicity, religion or political beliefs. |
| Financial member | means an enrolled student at RMIT who has paid the specified entrance, membership or subscription fee, as determined by the SUC. |
| Full Time Student | means any person who is enrolled in an approved course at the University and is defined as a full-time student by the Registrar of the University. |
| General Secretary | means the General Secretary elected in accordance with section 4.1.2 of this Constitution. |
| Industrial Agreement | means an Industrial Agreement negotiated between authorised student representatives of the RMIT University Student Union and the relevant Union representing employees, or employees, covering the terms and conditions of employees. |
| International Student | is a person who is not a citizen or permanent resident of Australia who is an enrolled student at RMIT. Where any doubt exists international students shall be defined based on the enrolment status recorded by RMIT University, Academic Registrar |
| Joint Ticket | means more than one eligible students running together on one ticket for an elected position of the Student Union Council, in accordance with Regulations prescribing joint tickets. |
| Members | the Student Union has two (2) types of members, Governing Members and Financial Members, as prescribed in clause 3.1 of this constitution. Unless a form of membership is specified, the term 'members' shall mean 'all members' (governing members and financial members), unless it is clear from the |

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context that it is a specific type of member, or that it means the actual members of the Student Union Council that is being referred to.

Officer means a student elected to designated position within the Student Union Council (SUC). This includes students elected to General Representative and campus representative positions.

Official Notice Board(s) means the physical official Notice Board/s and digital equivalent/s designated by the SUC

Part-Time Student means any person who is enrolled in an approved course at the University and is defined as a part-time student by the Registrar Regulations of the University.

Political Party means a Body or Organisation , which stands candidates for public office in either National, State or Municipal Elections, and shall not be deemed to include single issue groups and coalitions.

President means the President of the SUC who shall be the President of the RMIT University Student Union.

Publication means material published by the Student Union. Publications may be hard copy or electronic as appropriate to the situation/ requirements.

Queer student means a student who identifies as lesbian, gay, bisexual, intersex, transgender or queer or any other recognised Queer/LGBTQIA+ identity.

Quorum means minimum number of members needed to be present throughout a meeting in order to transact any legal and/or

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binding business.

Registrar

means that person defined by the University Council as the Academic Registrar of the University.

Regulations

means the Regulations of the RMIT University Student Union Council

Registered Contact

means the Governance & Operations Manager as set out in clause 30

RMIT Council

means the Council of the RMIT University.

RMIT University Student Union

means the incorporated association specified in this Constitution.

RMIT

means RMIT University.

RMITV

means the RMITV department of the RMIT University Student Union, whose business/trading name shall be the RMITV. RMITV includes Student Community Television Inc.

RUSU

means the RMIT University Student Union Inc.

Secretariat

means the Secretariat of the SUC, the composition as defined in the Constitution, and purpose and function thereof as defined in Regulation.

Simple Majority

means a vote of fifty percent (50%) plus 1 of eligible votes present at the meeting.

Staff

means any person employed by the Student Union as determined in the Industrial Agreement.

Student Card

means the card identifying a person as a student and issued as such by RMIT University.

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| Student | means any person enrolled in a course of study prescribed by the RMIT University Council or its subsidiaries. This excludes enrolment at offshore campuses of RMIT University. Confirmation of student enrolment and student status is determined through the Academic Register. |
| SUC | means Student Union Council, which is the governing body of the Student Union. |
| University | means RMIT University. |
| Unincorporated Association | means the RMIT Student Union Council |
| Vocational Education | means the Vocational Education sector, which is inclusive of students who study in associate degrees, foundation studies, vocational education (formerly defined as TAFE) and VCE students; or as otherwise defined and updated by the university. |
| Woman student | means a student who is a person who identifies and lives as a woman. |