

Adelaide University Law Students' Society

Society Constitution

The Constitution of the Adelaide University Law Students' Society

Contents

Part 1—Preliminary

- 1—Society and affiliations
- 2—Objects of the Society
- 3—Interpretation
- 4—Assets of the Society
- 5—Indemnification of Committee members
- 6—Constitutional Regulations
- 7—Alterations of this Constitution
- 8—Dissolution of the Society
- 9—Assets upon dissolution of Society
- 10—Interpretation of this Constitution
- 11—Executive's power to rectify simple mistake
- 12—Operation of this Constitution

Part 2—Membership

- 13—Basic membership requirements
- 14—Eligibility to participate in competitions
- 15—Cross-institutional, non award and exchange students in competitions

Part 3—The Committee and Society

Division 1—Members of the Committee

- 16—The Committee
- 17—The Executive
- 18—Powers of the Executive
- 19—Co-opting of Committee members

Division 2—Meetings of the Committee

- 20—Meetings of the Committee
- 21—Notice of meetings
- 22—Minutes of meetings
- 23—Quorum for meetings
- 24—Transaction of business at Society Meetings
- 25—Chairing of meetings
- 26—Powers of the chair of meetings

Division 3—Powers and duties of Committee positions

- 27—The President

Society Constitution

Contents

- 28 —The Vice-President
- 29 —Director of Education
- 30 —Director of Careers and Sponsorship
- 31 —Director of Activities
- 32 —Director of Social Justice
- 33 —Director of Competitions
- 34 —Magazine Editor(s)
- 35 —Representatives and Coordinators
- 36 —Duty to assist Committee and other portfolios
- 37 —Constitutional Regulations for additional duties and powers

Division 4—Meetings of the Society

- 38 —Meetings of the Society
- 39 —Annual General Meeting
- 40 —Transaction of business at general meetings

Part 4—Financial transactions

- 41 —Procedure for financial transaction under prescribed amount
- 42 —Procedure for financial transactions equal to or over prescribed amount
- 43 —Prescribed amount

Part 5—Society Elections

- 44 —Vacancies of position
- 45 —Positions of student representation
- 46 —Timing of elections
- 47 —Conduct during elections
- 48 —Appointment of a Returning Officer
- 49 —Committee position nominations
- 50 —Acceptance of nominations
- 51 —Nomination for multiple positions
- 52 —Eligibility to vote in election
- 53 —Eligibility for nomination for position of President
- 54 —Eligibility for nomination for position of First Year Representative
- 55 —Eligibility for nomination for position of Mature-age Representative
- 56 —Notification of results

Part 6—Duration of Committee and positions

Division 5—Term of Committee

- 57 —Duration of term for elected Committee
- 58 —Resignation from the Committee

Division 6—Removal from Committee

- 59 —Division Preliminary
- 60 —Interpretation of Division
- 61 —Reasons for removal from Committee
- 62 —Process for removal from Committee
- 63 —Appeal of clause 62 removal from Committee
- 64 —Circumstances precluding a right to appeal under clause 63

Enactment history

Members of the Adelaide University Law Students' Society enacts as follows:

Part 1—Preliminary

1—Society and affiliations

The name of the Society shall be the Adelaide University Law Students' Society (*the AULSS*) and it shall affiliate and shall be affiliated with the Clubs Association and the Australian Law Students' Association (*ALSA*).

2—Objects of the Society

The objects of the Society shall include, but are not limited to—

- (a) promoting and fostering an active interest in matters affecting the study and practice of law among members of the Society, so as to advance member's understanding of the study of law and the legal profession;
 - (b) ascertaining and providing for the needs of members, whether that be social, cultural, academic, wellbeing or any other service which would be reasonably considered to be ancillary to the needs of members;
 - (c) facilitating a sense of identity between members both between themselves and in the wider institution, and to contribute to the well being and community of the Adelaide Law School;
 - (d) representing the interests of the members to the Faculty of Law, the University, the legal profession, ALSA and the broader legal and professional communities;
 - (e) actively defending and promoting issues of social justice, and to protect members against discrimination within the Adelaide Law School or the broader legal and professional communities;
 - (f) any other object of the Society, whether incidental to the proceeding objects or not, which the Executive identify as an object of the society under the Constitutional Regulations pursuant to sub-clause (2).
- (2) The Executive may prescribe any other objects in the form of a constitutional regulation.

3—Interpretation

In this Constitution, unless the contrary intention appears:

academic day means any day so defined by the University of Adelaide;

AULSS office means any area so determined by the Executive of the Society to be the principal place of business for the Society, and published in the Constitutional Regulations;

AULSS website means the website accessed through the web domain aulss.org.au;

authorised communication forum means any means of communication so determined by the Executive of the Society to be a forum through which the communications of the Society are transmitted, and published in the Constitutional Regulations;

casting vote means a vote which may be exercised by the chair, in addition to their normal vote, to resolve a deadlock and which can only be resolved when such a deadlock exists;

Clubs Association means the Adelaide University Clubs Association Incorporation and any successors of the Adelaide University Clubs Association Incorporation;

Committee means the Committee of the Society;

Committee member means a member of the Committee of the Society;

Constitution means the Constitution of the Society;

Executive means the Executive of the Society as outlined in clause 17;

member means a member of the Society;

ordinary majority means any resolution which is deemed to be resolved in the affirmative if more than one half (1/2) of Committee present vote as such;

ordinary resolution means any resolution which is deemed to be resolved in the affirmative if more than one half (1/2) of members present vote as such;

Society means the Adelaide University Law Students' Society;

special majority means any resolution which is deemed to be resolved in the affirmative if more than three fourths (3/4) of Committee present vote as such;

special resolution means any resolution which is deemed to be resolved in the affirmative if more than three fourths (3/4) of members present vote as such;

4—Assets of the Society

- (1) Any asset of or revenue generated by the Society shall not be disbursed, or used in any other manner, unless solely in furtherance of the realisation of the objects of the Society.
- (2) No asset of or revenue generated by the Society shall be distributed to members except as bona fide compensation for expenses incurred on behalf of the Society.

5—Indemnification of Committee members

- (1) Subject to this clause, all Committee members acting in relation to any of the affairs of the Society shall be indemnified with respect to any legal action or claims made against the Committee member as a result of their acting in relation to the affairs of the Society.
- (2) Subject to this clause, any loss or damage sustained to the person or property of a Committee member shall be justly and reasonably compensated by the Society, provided that the loss or damage sustained was not a direct or indirect result of the negligence or fault of the Committee member.
- (3) Any indemnity or compensation provided under this clause shall only be granted where a Committee member was duly exercising a function provided for in this Constitution.
- (4) No indemnity or compensation provided for under this clause shall occur unless by special majority of the Executive.

6—Constitutional Regulations

- (1) Where the Constitution provides, and subject to any limitations provided in this Constitution, the President or the Executive (depending on the entity to whom the relevant clause provides the power to make constitutional regulations) may make regulations under the authority of this Constitution.
- (2) Where a regulation is made which is inconsistent with this Constitution, the Constitution shall prevail to the extent any inconsistency, and the inconsistent regulation invalidated.
- (3) The most recent document referred to in sub-clause (4) shall be made available on the AULSS website, and where any change is made to the Constitutional Regulations, the new document shall be promulgated on the AULSS website within 3 academic days.
- (4) Any constitutional regulations made under this Constitution shall be published in a document titled '*Constitutional Regulations [Year]*,' (**Constitutional Regulations**) where the year shall denote the year after the year the Committee takes office.

Note—

Because handover for the Committee occurs in December, but the year in which the newly elected Committee actually perform their duties as a Committee in essence occurs the following academic year, the Constitutional Regulations are to be titled with the year following handover.

- (5) A reference to a constitutional regulation includes multiple regulations.

7—Alterations of this Constitution

Any provision of this Constitution may be altered, or a new provision adopted, by special resolution passed at a General Meeting of members.

8—Dissolution of the Society

The Society may dissolve itself at any time by special resolution passed at a General Meeting of members.

9—Assets upon dissolution of Society

Where, upon dissolution of the Society, the liabilities of the society have been discharged, and assets remain, those assets shall pass to the Clubs Association Trust Fund.

10—Interpretation of this Constitution

- (1) Subject to the laws of the Commonwealth and the State of South Australia and any Courts under which the jurisdiction of this Constitution lies, the Executive shall have the sole right of interpretation of this Constitution, and any ruling by the Executive is conclusive and binding on members.
- (2) Any interpretations made as a result of the Executive exercising their power under this clause shall be promulgated on at least one authorised communication forum.

11—Executive’s power to rectify simple mistake

- (1) The Executive, by special majority, may rectify any mistake in this Constitution, provided that the changes made by the Executive to this Constitution in exercising their power under this clause does not materially alter the operation of this Constitution or any of its provisions.
- (2) In this clause *mistake* means a typographical or formatting error which occurred as a result of editing this Constitution before printing or promulgation, but does not include such an error where the error may, if altered or changed, even with evidence to the contrary, result in the provisions of this Constitution being applied differently.

12—Operation of this Constitution

This Constitution will have effect as of the seventh day of the eighth month of the year one thousand nine hundred and ninety-eight (7th August 1998).

Part 2—Membership

13—Basic membership requirements

- (1) To qualify as a member, a person must be—
 - (a) enrolled in at least one course offered by the Adelaide Law School; or
 - (b) enrolled in a Bachelor of Laws; and
 - (c) an undergraduate or postgraduate student of the University.
- (2) A person completing the Graduate Diploma of Legal Practice with the University or the South Australian Law Society is not eligible to be a member of the Society.
- (3) Sub-clause (2) does not apply if the person concurrently satisfies sub-clause (1).
- (4) The Executive may prescribe further membership requirements under this clause in the form of a constitutional regulation, including the providing for the payment of a fee.

14—Eligibility to participate in competitions

- (1) Any member shall be eligible to enter any of the competitions run by the Society.
- (2) The Executive, on advice of the Director of Competitions, may prescribe further requirements or terms and conditions under this clause in the form of a constitutional regulation.
- (3) Any member who enters any competition agrees, by virtue of participating in that competition, to be bound by the rules of this Constitution for that competition, including any constitutional regulations or codes of conduct.
- (4) Unless otherwise prescribed by the Executive in the form of a constitution regulation, the prize for any member who wins a competition shall be the right to represent the AULSS at the annual ALSA conference competitions, but such a right does not attract automatic funding and is not redeemable.

15—Cross-institutional, non award and exchange students in competitions

Unless otherwise prescribed by the Executive in the form of a constitutional regulation or constitutional regulations, cross-institutional, non-award and exchange students shall not be eligible to represent the Law School at the annual ALSA conference competitions.

Part 3—The Committee and Society

Division 1—Members of the Committee

16—The Committee

- (1) All the functions, powers and conduct of the Society shall be vested in the Committee, which shall be responsible to the members in the performance of any functions.
- (2) Subject to clause 19, the Committee shall comprise of—
 - (a) the Executive;
 - (b) up to three Activities Representatives;
 - (c) up to three Careers and Sponsorship Representatives;
 - (d) up to four Competitions Representatives;
 - (e) up to two Social Justice Representatives;
 - (f) up to two Education Representatives;
 - (g) a Mature Age Student Representative;
 - (h) an IT Officer;
 - (i) up to three Magazine Editors;
 - (j) one male First Year Representative; and
 - (k) one female First Year Representative.
- (3) In this clause, *the Executive* shall mean the positions listed in clause 17.

17—The Executive

There shall be an Executive of the Committee, which shall be comprised of the—

- (a) President;
- (b) Vice-President;
- (c) Director of Education;
- (d) Director of Careers and Sponsorship;
- (e) Director of Activities;
- (f) Director of Competitions;
- (g) Director of Social Justice.

18—Powers of the Executive

- (1) The Executive shall have the power to—
 - (a) make decisions regarding the disbursement of Society monies;
 - (b) impose or prescribes fees and, or charges for any activity or service offered by the Society;
 - (c) pay all charges and expenses incurred by the Society and bind the Society to any future liabilities, expenses or debts;
 - (d) create any policy or code of conduct, except the election procedure under Part 5;
 - (e) convene a sub-committee in the furtherance of the Committee's duties;

- (f) exercise any other power of the Executive specified by this Constitution.

19—Co-opting of Committee members

- (1) subject to sub-clause (2), any person who is a member of the Society may be co-opted onto the committee upon the joint consent of the President and the relevant Director to whom the co-opted person will answer.
- (2) If the co-opted person is to sit as a member of the Executive, the Executive must with the consent of the President, approve the co-option by ordinary majority at a meeting or by circulating resolution.
- (3) The appointment will have effect from the time the name and position of the co-opted person is published on at least one authorised communication forum within a reasonable time.

Division 2—Meetings of the Committee

20—Meetings of the Committee

- (1) Meetings of the Committee or the Executive may be called at any time by the President or the Vice-President on consultation with the President.
- (2) Notwithstanding sub-clause (1), the President shall call a meeting at least once a month in the months of March to October inclusive.
- (3) The Executive may, at its discretion conduct any business of the Society during the meetings of the Committee in accordance with this Constitution.
- (4) Nothing in this Constitution shall require, but does not prohibit, the Executive to meet independently of the Committee.

21—Notice of meetings

- (1) Notice of any meeting shall be given at least 5 academic days prior to the meeting being held. Such notice shall appear on at least one authorised communication forum.
 - (a) In the case of—
 - (i) an Executive meeting, all members of the Executive must be notified by an authorised communication forum of the meeting;
 - (ii) a Committee meeting, all Committee members must be notified by an authorised communication forum of the meeting;
 - (iii) any other meeting, all members of the Executive must be notified by an authorised communication forum of the meeting, but this does not extend to include meetings of individual portfolios.
- (2) Where notice is not given in accordance with sub-clause (1), no decisions made at such a meeting shall be actioned or acted upon until ratified at a meeting which is held in compliance with sub-clause (1).

22—Minutes of meetings

Minutes of meetings shall be made available upon the request by any member of the Society within 5 academic days of the request.

23—Quorum for meetings

The quorum for any meeting of the Society shall be 4 members of the Executive holding office at the time of the meeting. No business shall be transacted, or resolution passed, unless a quorum is present.

24—Transaction of business at Society Meetings

Except where this Constitution provides, any business of the—

- (a) Committee shall be resolved by ordinary resolution of Committee members in any Committee meeting.
- (b) Executive shall be resolved by ordinary resolution of the Executive in any Executive meeting.

25—Chairing of meetings

- (1) All meetings shall be chaired by the President, unless the President is unable or unwilling to chair a particular meeting.
- (2) If the President is unable or unwilling to chair a particular meeting, the particular meeting may elect one of the attending Committee members to chair the particular meeting.

26—Powers of the chair of meetings

- (1) The chair of any meeting is required to act in a fair and impartial manner in all matters pertaining to the person's capacity as chair. This clause does not limit the chair's right to personal opinion on matters pertaining to the affairs of the Society.
- (2) The chair is entitled to propose or second any motion at a Society meeting.
- (3) The chair shall have a casting vote.

Division 3—Powers and duties of Committee positions

27—The President

Notwithstanding the other provisions of this Constitution, the President shall have the following powers and duties:

- (a) To act as the official representative of the Society in all public matters and affairs and in a private capacity within the Society, and to do so with the intention of uphold the provisions of this Constitution and advance the Society's public interest.
- (b) To coordinate the business of the Committee and Executive, and to ensure that such business is executed effectively and professionally.
- (c) To represent the interests of the members to all relevant bodies and the wider community.
- (d) To be the undergraduate student representative on the Law School Board and any other such University committees as appointed to by the Dean of the Law School.
- (e) To attend, as a representative of the Society, as near as practicable, all functions, competitions and meetings organised by the Society.
- (f) To ensure compliance with, and enforce the provisions of this Constitution, and to reprimand or initiate any other disciplinary action required to fulfil such a duty.

28—The Vice-President

Notwithstanding the other provisions of this Constitution, the Vice-President shall have the following powers and duties:

- (a) To maintain proper records of the Society for all its affairs.
- (b) To take minutes of meetings and ensure that notice of meetings is validly executed, and, where appropriate, prepare agendas, reports, papers and other documentation relevant to any meetings called.
- (c) To control, and authorise the control of, and to issue, or authorise the issue of receipts for all monies and finances of the Society in accordance with this Constitution.
- (d) To take all reasonable steps to ensure that such accounting records are kept correctly to record and explain the financial transaction and financial position of the Society.
- (e) To prepare and submit a balanced account to Members at the Annual General Meeting.
- (f) To prepare and submit a balanced account to the Committee at each Committee meeting unless the Committee does not require such accounts.
- (g) To ensure compliance with the processes outlined in this Constitution as well as any other relevant laws of the Commonwealth or States.
- (h) To be the Public Officer of the Society, and to manage the Society's relationship with any accounting firms.

29—Director of Education

Notwithstanding the other provisions of this Constitution, the Director of Education shall have the following powers and duties:

- (a) To actively coordinate and promote the Society's education policy on matters such as the curriculum, practical legal training, student grievances and other such issues as determined by the Committee.
- (b) To be the Society's ALSA Representative, and represent the Society at all ALSA council meetings, conferences and functions.
- (c) To endeavour to increase the profile of ALSA within the Law School, and accept responsibility for the conduct of all correspondence with ALSA.
- (d) To actively contribute to the maintenance and improvement of the wellbeing of Members, both physically and mentally.
- (e) To coordinate and organise post-graduate education events, including but not limited to the Graduate Diploma of Legal Practice.

30—Director of Careers and Sponsorship

Notwithstanding the other provisions of this Constitution, the Director of Careers and Sponsorship shall have the following powers and duties:

- (a) To organise presentations from local and interstate firms regarding legal careers, clerkships, and other law-related employment.
- (b) To organise and provide information regarding alternative careers for law graduates.

- (c) To publish an annual Careers Guide, detailing such information and other relevant knowledge regarding careers for law graduates.
- (d) To maintain existing sponsorship agreements and negotiate their renewal when appropriate.
- (e) To organise the annual Careers Fair.
- (f) To seek to secure sponsorship for the Society.

31—Director of Activities

Notwithstanding the other provisions of this Constitution, the Director of Activities shall organise social activities and events of the Society.

32—Director of Social Justice

Notwithstanding the other provisions of this Constitution, the Director of Social Justice shall have the following powers and duties:

- (a) To listen and respond to student complaints with respect to issues of discrimination.
- (b) To implement the Society's harassment policy and to ensure that Society events are organised in a manner consistent with that policy.
- (c) To ensure that all law students receive adequate information concerning the University Sexual Harassment Policy and that names of the sexual contact officers within the Law School are displayed.
- (d) To represent the Society on the Faculty Equal Opportunity Committee and other relevant University bodies.
- (e) To organise events relating to issues of social justice, and to advance the Members knowledge of issues facing the legal and wider community.

33—Director of Competitions

Notwithstanding the other provisions of this Constitution, the Director of Competitions shall have the following powers and duties:

- (a) To organise, convene and ensure the efficient running of such academic competitions as the Committee may, from time to time, direct.
- (b) To work with Director of Careers and Sponsorship to ensure that the requirements of any sponsorship agreements are met.
- (c) To propose any code of conduct for competitions.

34—Magazine Editor(s)

Notwithstanding the other provisions of this Constitution, the Magazine Editor(s) shall have the following powers and duties:

- (a) To produce a quarterly Hilarian magazine,
- (b) To oversee the publication of any such material as the Committee may direct.
- (c) To work with the Director of Careers and Sponsorship to ensure that any sponsorship advertising requirements are met.

35—Representatives and Coordinators

Notwithstanding the other provisions of this Constitution, the representatives and Coordinators shall assist the relevant Executive in the fulfilment of their duties.

36—Duty to assist Committee and other portfolios

In addition to the other provisions of this Division, all Committee members shall endeavour to assist each other in the performance of their duties, where this is appropriate, and shall assist in the regular staffing of the Society's office.

37—Constitutional Regulations for additional duties and powers

The Executive, on advice of the President, may stipulate any further powers of duties for any position on the Committee in the form of a constitutional regulation or constitutional regulations.

Division 4—Meetings of the Society

38—Meetings of the Society

- (1) In this clause *due notice* requires—
 - (a) notice in writing specifying the business proposed to be conducted at the general meeting be posted on all authorised communication forums no less than 21 days prior to the general meeting; and
 - (b) must specify the time and location of the meeting; and
 - (i) the time specified must be an academic day; and
 - (ii) the locations specified must be within the grounds of the University;
 - (c) if further business is to be conducted at the general meeting, notice in writing specifying the additional business proposed to be conducted at the general meeting must be posted on all authorised communication forums no less than 7 days prior to the general meeting.
- (2) Not limiting the other sub-clauses of this clause, the Executive may, at their discretion, convene a general meeting of the Society's members by providing due notice of the meeting.
- (3) The President must convene a general meeting within 21 academic days of receiving a written request to do so by no less than 10 members of the society by providing due notice.

Note—

This clause complies with the requirements of the *Associations Incorporation Act 1985* (SA), which requires at least 21 days notice be given before any general meeting is held.

39—Annual General Meeting

The President must call at least one general meeting, by providing due notice, in the second semester of the academic year in which they held the office of President, to be called the *Annual General Meeting* for the purposes of—

- (a) receiving and presenting reports of the Society's business for the year from the Executive; and
- (b) to receive a balanced account for that year from the Vice-President.

40—Transaction of business at general meetings

No business shall be transacted at, and no resolution passed at any general meeting, unless—

- (a) at least 10 members are present at the time when the meeting proceeds with the business (*the quorum*), at least two of which are Executives; and
- (b) the business to be transacted or the resolution passed was specified in the notice provided in clause 38; and
- (c) the meeting was chaired by an Executive of the Society.

Part 4—Financial transactions

41—Procedure for financial transaction under prescribed amount

Any function or affair of the Society which involves an exposure to a liability less than the prescribed amount must be approved by the President (not necessarily at a Society meeting) and details of such transactions must be included in the President's report at the next Committee meeting.

42—Procedure for financial transactions equal to or over prescribed amount

Any function or affair of the Society which involves an exposure to a liability equal to or over the prescribed amount must be approved by the Executive by ordinary majority at a Committee or Executive Meeting.

43—Prescribed amount

The prescribed amount shall be \$500.00AUD.

Part 5—Society Elections

44—Vacancies of position

- (1) In the event of a vacancy in position, except for that of the position of President, the procedures under clause 19 shall be used to fill the position.
- (2) In the event of a vacancy for the position of President, the positions shall be filled by a vote of the Society's members, held in accordance with the relevant provisions of this Part.

45—Positions of student representation

- (1) Pursuant to clause 27 the President shall be the student representative to the Law School Board or any other committee convened by the Dean of the Law School. However, if the President is unwilling or unable to act in such a capacity, the Committee shall be responsible for the appointment or the election, and such election procedures, of another person, if any, to become the student representative for such events.
- (2) The number of undergraduate student representative on the Law School Board shall be determined by the President and the Dean of the Law School and prescribed in the form of a constitutional regulation.

46—Timing of elections

The elections of the Society shall be called at any time after 31 July in any calendar year upon advice of the President to the Returning Officer.

47—Conduct during elections

- (1) The elections of the Society shall be governed by the rules contained in the *Adelaide University Law Students' Society Election Rules*. These rules shall be subject to any limitations prescribed by this Constitution
- (2) A copy of the *Adelaide University Law Students' Society Election Rules* shall be made available on request of any member and shall be distributed, in electronic form, by the Returning Officer to any person running in an election.
- (3) Amendments to or the adoption of a new set of rules shall be by special majority.

48—Appointment of a Returning Officer

- (1) A Returning Officer, who shall be appointed by the Dean of Law upon the advice of the President, shall call for nominations and the seconding of nominations for the positions listed under clauses 16 and 17.
- (2) The returning officer shall be ineligible to run as a candidate and cannot have served on the Committee in at any stage during the academic year in which the elections are being held.

49—Committee position nominations

Individual nominations (and not joint nominations) shall be accepted for all positions listed in clauses 16 and 17, except for the magazine editor(s), in which case joint nominations of no more than three members shall be accepted for that position.

50—Acceptance of nominations

- (1) Subject to sub-clause (3), the returning officer must accept any nomination which has been seconded if the nomination is sent to the Returning Officer, or any other relevant

person involved in the receipt of nominations, within 6 academic days of the call for nominations.

- (2) The Returning Officer must not accept any nomination if the nomination is sent to the Returning Officer, or any other relevant person involved in the receipt of nominations, after 6 academic days of the call for nominations.
- (3) The returning officer must not accept nominations for persons who are not members of the Society or from any cross-institutional, non-award or exchange students who are members.

51—Nomination for multiple positions

- (1) If a member is nominated for more than one position, then the Returning Officer must inform the nominee of the positions for which they have been nominated within 3 academic days after the period for nominations has closed.
- (2) A member nominated for multiple positions must select one position to run as a candidate for by providing notice to the Returning Officer of which position they wish to run for. If the member nominated for multiple positions fails to do so, they will be taken to be running for the position they were last nominated for.

52—Eligibility to vote in election

A person may not vote in an election of the Society unless they are a member of the Society.

53—Eligibility for nomination for position of President

- (1) In order to be eligible to nominate for the position of President, a person must—
 - (a) have previously officially served in one of the positions prescribed in clauses 16 or 17; and
 - (b) not have been removed from the Committee under Part 5; and
 - (c) not have contravened any provisions of the *Corporations Act 2001* (Commonwealth) or committed any indictable offence of any other law of the Commonwealth or the States.
- (2) If no person satisfies sub-clause (1)(a), then that clause shall not apply.

54—Eligibility for nomination for position of First Year Representative

The Director of Education shall not accept nominations for the position of First Year Representative unless the nominee has never been enrolled in a Bachelor of Laws at any stage prior to the year in which they nominate for the position of First Year Representative.

55—Eligibility for nomination for position of Mature-age Representative

In order to be eligible to nominate for the position of Mature-age Representative, the person must not have attended a tertiary education institute for at least two consecutive calendar years following their graduation from secondary education or leaving secondary school.

56—Notification of results

- (1) The Returning Officer shall notify all candidates in the election and the President at the time of the election of the results of the election by email within 3 academic days after the close of the election.

Society ConstitutionPart 6—Duration of Committee and positions

- (2) The President shall post the results of the election on at least one authorised communication forum within 3 academic days of receipt of the results under sub-clause (1).

Part 6—Duration of Committee and positions

Division 5—Term of Committee

57—Duration of term for elected Committee

- (1) The terms of each Committee and its elected Committee members shall be from the 1st of December the year in which that Committee was elected to the 30th of November the following calendar year.
- (2) Notwithstanding sub-clause (1) the First Year Representative(s) shall take office immediately upon election, and their term of office shall expire on the 30th of November the year in which they were elected.

58—Resignation from the Committee

- (1) Any Committee member may resign from their position on the Committee upon providing the President with a letter of resignation.
- (2) Subject to sub-clause (3), the Committee member who provided a letter of resignation under sub-clause (1) shall wholly cease to be a member of the Committee effective immediately.
- (3) The President may, in good faith, require the resigning Committee member to complete any duties which were being completed by the resigning Committee member at the time of their resignation, or otherwise assist the incoming committee with the transition process.

Division 6—Removal from Committee

59—Division Preliminary

- (1) This division aims to provide for a process of removal for any Committee members which are failing to properly execute the duties which they were elected to fulfil, or are acting in a manner which is to the detriment of the Society.
- (2) The division should not be interpreted to operate as solely punitive, but also where necessary to protect the image and candour of the Society a preventative measure to remove Committee members who can reasonably be foreseen will act to the detriment of the Society.

60—Interpretation of Division

In this division, unless the contrary intention appears—

removed Committee member means a Committee member who has been removed from the Committee due to a contravention of this division under clause 62;

secret vote means a vote whereby the identity of the voters cannot be determined;

special majority means specifically for this division 5 members of the Executive

61—Reasons for removal from Committee

- (1) A person may be removed from the Committee, and ceased to be a Committee member for any of the following reasons. The Committee member—
 - (a) acted in a way which brought the society into disrepute; or

-
- (b) attempted, whether successfully or not, to conduct business of the Society in private or with the intention of ensuring another Committee member or the Committee was unaware that the business was being conducted; or
 - (c) did something they did not have authority or authorisation to do; or
 - (d) executed a power of this Constitution they did not have the right to execute; or
 - (e) failed to attend two consecutive meetings without reasonable excuse; or
 - (f) harassed or acted inappropriately to another Committee member; or
 - (g) intentionally contravened a provision of the Constitution; or
 - (h) interfered, to the detriment of the Society, with the affairs of the Society; or
 - (i) lead another person to believe that they had authority to do something they did not have authority to do; or
 - (j) misappropriated any assets or monies of the Society to the benefit of themselves or another; or
 - (k) neglected to execute their constitutional duties; or
 - (l) used Society funds without authorisation or for unauthorised purposes.
- (2) The Executive may, by general majority, prescribe further reasons for removal from the Committee in the form of a constitutional regulation or constitutional regulations.

62—Process for removal from Committee

- (1) Any member of the Executive may request the President, or in the event of the President being the contravening member, the Vice-President, call an Executive meeting to determine whether a Committee member (*contravening Committee member*) should be removed from the Committee under this division.
- (2) Where a meeting is requested under clause (1), the President, or the Vice-President as the case may be, must call a meeting within 10 academic days of the request (*the first meeting*).
- (3) At the first meeting, members of the Executive shall vote on whether or not the contravening Committee member should be removed from the Committee by special majority.
- (4) If a special majority is passed under sub-clause (3), the President must inform the contravening Committee member of their intention to remove the contravening Committee member from the Committee within 5 academic days of the first meeting occurring.
 - (a) The notice must contain all reasons for the decision to remove the Committee member for the Committee; and
 - (b) Give the Committee member 3 academic days to respond to the reasons provided in the notice.
- (5) If a response is given under sub-clause (4), the President must convene a meeting of the Executive (*the second meeting*) within 3 academic days of the response to consider the responses made by the contravening Committee member in relation to the reasons given by the Executive in the notice to the contravening Committee member.
- (6) The Executive must, after the second meeting, determine by special majority whether the Committee member should be removed from the Committee. The Executive must, in reaching their decision, make the correct and preferable decision for the Society.

- (7) The removal shall take effect immediately following the resolution, unless appealed.
- (8) If the Committee member who is being considered for removal is a member of the Executive, that member of the Executive does not need to be informed of any Executive meeting which is required to occur under this division and is not entitled to attend such meetings.

63—Appeal of clause 62 removal from Committee

- (1) A removed Committee member may appeal the decision made under clause 62 by written request to the President within 10 academic days.
- (2) Upon receipt of the request under sub-clause (2), the President must call a Committee meeting pursuant to Division 2 for the removed Committee member to appeal the decision made under clause 62.
- (3) Any Committee member and the removed Committee member may present information at the meeting in relation to the conduct of the removed Committee member.
- (4) The chair must, after giving all Committee members reasonable chance to present information, call a secret vote for Committee members to vote on whether the removed Committee member should be removed or reinstated.
- (5) The appeal of the removal of the removed Committee member shall fail unless three quarters of the valid votes cast in the secret ballot express a desire to reverse the decision of under clause 62, in which case the removed Committee member shall be reinstated.
- (6) A person may not appeal under this clause if they did not provide a response to the notice of intention to remove under clause 62(4)(b).
- (7) Notwithstanding any laws of the Commonwealth or the State of South Australia, a decision made under this clause cannot be appealed against.

Enactment history

Version 1 of 2016 – changes of 29/11/2016 special general meeting adopted.

No further enactment history dates