

RULES of the

**CANBERRA INSTITUTE OF TECHNOLOGY STUDENT ASSOCIATION Incorporated**

1	Interpretation .....	3
2	Objects .....	4
PART II - MEMBERSHIP.....		4
3	Membership .....	4
4	Membership entitlements not transferable .....	4
5	Cessation of membership.....	5
6	Termination of membership .....	5
7	Members' liabilities .....	5
8	Disciplining of members .....	5
PART III - THE COUNCIL.....		5
9	Powers of the Council.....	5
10	Membership of Council.....	6
11	Returning Officer .....	6
12	Duties of the Returning Officer.....	7
13	Election of Council Members .....	7
14	Election of the Executive .....	8
15	Vacancies .....	8
16	Removal of Council members.....	8
17	Removal of Executive Members .....	9
18	Council meetings and quorum.....	9
19	Delegation by Council to Sub-committee .....	9
20	Voting and decisions .....	10
PART IV - GENERAL MEETINGS .....		11
21	Annual General Meetings - holding of.....	11
22	Annual General Meetings - calling of and business at.....	11

23	General Meetings - calling of.....	11
24	Notice .....	12
25	General Meetings - procedure and quorum.....	12
26	Presiding member.....	13
27	Adjournment.....	13
28	Making of decisions .....	13
29	Voting.....	14
	<b>PART V - MISCELLANEOUS .....</b>	<b>14</b>
30	Funds - source .....	14
31	Funds - management .....	14
32	Alteration of objects and rules .....	14
33	Common seal.....	14
34	Service of notices .....	15
35	Surplus property .....	15
36	Affiliation.....	15
37	Auditor .....	15
38	Honorariums.....	15
39	Public Officer .....	15
40	Insurance .....	16

## **PART I - PRELIMINARY**

### **1 Interpretation**

(a) In these rules, unless a contrary intention appears:

"Association" means Canberra Institute of Technology Student Association Incorporated;

"Associate Member" means any person admitted to membership pursuant to Rule 3(d);

"Campus" means a campus where Students of the CIT attend;

"CITAC" means the Canberra Institute of Technology Advisory Council;

"CIT" means the Canberra Institute of Technology;

"Council" means the Council of the Association as duly constituted under this Constitution;

"Councillor" means a member of the Council of the Association;

"Director" means the Chief Executive Officer & Director of the CIT or that persons nominee;

"Executive" means the Executive of the Association;

"Faculty" means a faculty of the CIT;

"Financial year" means year ending 31 December;

"Member" means a Student who has elected to be a Member;

"Returning Officer" means a person appointed pursuant to rule 11;

"Student" means an enrolled student as determined from time to time by CIT;

"the Act" means the *Associations Incorporation Act 1991*; and

"the Regulations" means the *Associations Incorporation Regulations*.

(b) In these rules, unless a contrary intention appears:

(i) a reference to a function includes a reference to a power, authority and duty;

(ii) a reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty;

(iii) the provisions of the *Interpretation Act 1967* apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act; and

(iv) where, in respect of any matter, this Constitution makes no provision and that matter is dealt with under the Act or the Regulations, the provisions of the Act or Regulations shall apply as if they were provisions of this Constitution.

## **2 Objects**

- (a) The objects of the Association shall be:
  - (i) to represent its Members and provide a communication channel with the CIT and to the community at large;
  - (ii) to provide services and facilities for the benefit of its Members and others;. and
  - (iii) to promote the social, cultural, recreational interaction and development of its Members and others.

## **PART II - MEMBERSHIP**

### **3 Membership**

- (a) The membership of the Association shall comprise:
  - (i) Members;
  - (ii) Associate Members
  - (iii) Honorary Members
- (b) The Annual General Meeting may elect a person who has rendered exceptional and meritorious service to the Association as an Honorary Member provided that:
  - (i) any proposal for Honorary Membership must be made by any five members to a meeting of the Council before the next Annual General Meeting,
  - (ii) the Council shall consider the proposal and may submit a motion to the Annual General Meeting to grant Honorary Membership,
  - (iii) adequate notice of such a motion shall be given as provided in these rules, and
  - (iv) the motion must be approved by at least four-fifths of members voting at that Annual General Meeting,
- (c) The Council shall determine the criteria for Associate and Honorary Membership at its absolute discretion.
- (d) For the avoidance of doubt where a Members enrolment at CIT is terminated that person is no longer eligible as a Member but may be admitted as an Associate or Honorary Member.

### **4 Membership entitlements not transferable**

A right, privilege or obligation which a person has by reason of being a member of the Association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates upon cessation of the person's membership.

## **5 Cessation of membership**

- (a) A person ceases to be a member of the Association if the person:
  - (i) dies or, in the case of a body corporate, is wound up; or
  - (ii) resigns from membership of the Association by lodging with the Public Officer written notice of resignation.

## **6 Termination of membership**

- (a) Membership of any member may be terminated by expulsion by Council.
- (b) Any member whose membership is terminated shall forthwith cease to have any right or interest in the assets or property of the Association.
- (c) Membership shall only be terminated under this rule 6 and rule 8 in accordance with the disciplinary and appeal provisions contained in the Act.

## **7 Members' liabilities**

The liability of a member to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding up of the Association is limited to the amount, if any, unpaid by the member in respect of membership of the Association as required by rule 7.

## **8 Disciplining of members**

In relation to the disciplining of Members the provisions of the Act as amended from time to time shall apply.

## **PART III - THE COUNCIL**

### **9 Powers of the Council**

The Council, subject to the Act, the Regulations, these rules, and to any resolution passed by the Association in General Meeting:

- (a) shall control and manage the affairs of the Association;
- (b) may exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in General Meeting;
- (c) has power to perform all such acts and do all such things as appear to the Council to be necessary or desirable for the proper management of the affairs of the Association;
- (d) shall facilitate the establishment of sub committees;
- (e) may employ persons upon terms and conditions and remuneration with delegations as determined by the Council from time to time;

- (f) may buy, sell, supply and deal in goods and service of any kind; and
- (g) may acquire and improve premises and accommodation which may be needed for carrying out and promoting the objects of the Association.

## **10 Membership of Council**

- (a) The Council of the Association shall comprise:
  - (i) nine (9) elected Councillors who will represent the student body and each of whom shall be elected pursuant to rule 13 or appointed in accordance with subsection 10(g);
  - (ii) the Financial and Commercial Services Co-ordinator of CITSA;
  - (iii) the Student Services Co-ordinator of CITSA; and
  - (iv) the Director
- (b) The Executive of the Association shall be:
  - (i) the Chair;
  - (ii) the Vice Chair;
  - (iii) one additional person elected pursuant to rule 10(a)(i)
  - (iv) the Financial and Commercial Services Co-ordinator; and
  - (v) the Student Services Co-ordinator.
- (c) Each Councillor shall, subject to these rules, hold office until the conclusion of the Annual General Meeting following the date of the Councillors election, but is eligible for re-election.
- (d) The position of Chair and Vice-Chair shall be limited to 3 terms and for the avoidance of doubt a casual appointment shall be regarded as 1 term.
- (e) The functions of the Executive shall be determined by Council.
- (f) In the event of a vacancy in the membership of the Council, the Council may appoint a Member of the Association to fill the vacancy and the Member so appointed shall hold office, subject to these rules, until the conclusion of the Annual General Meeting next following the date of the appointment.
- (g) A person is not eligible to simultaneously hold more than one (1) Executive position on the Council.
- (h) For the avoidance of doubt the Chair, Vice Chair and the Councillors elected pursuant to rule 10(a)(i) at the date of their election must be Members.

## **11 Returning Officer**

The Executive shall appoint a Returning Officer to conduct any election.

## **12 Duties of the Returning Officer**

- (a) The Returning Officer shall at least four (4) weeks before the election of the Councillors pursuant to rule 10(a)(i) post notices at each Campus advertising the election by:
  - (i) stating the day on which nominations open, which shall be at least two (2) weeks before the election;
  - (ii) stating the day and time that nominations close, which shall be at least one (1) week before the election and not less than seven (7) days after the nominations open; and
  - (iii) stating the day of the election.
- (b) The Returning Officer shall receive all nominations for election of the Councillors and they must be in writing, signed by two Members and accompanied by the written consent of the candidate (which shall be endorsed on the nomination form).
- (c) The Returning Officer will accept nominations from nominees who:
  - (i) are Members;
  - (ii) are not current employees of the Association; and
  - (iii) do not have outstanding debts with the Association.
- (d) The Returning Officer shall prepare voting slips in accordance with the Standing Orders, for the election and prepare a list of nominees for the available positions for display at the election in each Association office.
- (e) The Returning Officer, on accepting the appointment, shall be ineligible to stand for any position in the election.
- (f) The Returning Officer
  - (i) may appoint such assistant officers as are deemed necessary.
  - (ii) Inform the Executive of any appointment(s).
- (g) On the appointment of any assistant officers pursuant to rule 12(f) those persons shall be subject to Rule 12(e).
- (h) The Returning Officer shall announce the results of the election within three days by posting notices on all Institute campuses.
- (i) The Returning Officer, on announcing the results of an election, shall destroy all ballot papers and not communicate the breakdown of voting to any person.
- (j) The Returning Officer will conduct the election of the Executive at the first Council meeting after the Annual General Meeting in accordance with Rule 14.

## **13 Election of Council Members**

- (a) The election of Councillors will be held prior to the Annual General Meeting in each academic year.

- (b) If insufficient nominations are received to fill all vacancies on the Council, the candidates nominated shall be deemed to be elected and further nominations shall be received at the Annual General Meeting.
- (c) If insufficient further nominations are received, any vacant positions remaining on the Council shall be deemed to be vacancies.
- (d) If the number of nominations are received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (e) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (f) The ballot for the election shall be conducted by means of a secret ballot under the 'Optional Preferential' method.
- (g) The term of office shall commence at the conclusion of the Annual General Meeting and terminate at the conclusion of the next Annual General Meeting.

#### **14 Election of the Executive**

- (a) The Executive shall be elected by the Councillors at the first meeting of Council after the Annual General Meeting.
- (b) The Executive shall be elected using the 'first past the post' system of voting.

#### **15 Vacancies**

For the purposes of these rules, a vacancy on Council occurs if the member:

- (a) dies;
- (b) ceases to be a member of the Association;
- (c) resigns from the Council;
- (d) is removed from Council pursuant to rule 18;
- (e) becomes an insolvent or is under administration within the meaning of the Corporations Law;
- (f) suffers from mental or physical incapacity;
- (g) is disqualified from Council under subsection 63 (1) of the Act;
- (h) is absent without the consent of the Council from three (3) consecutive meetings; or
- (i) if positions are not filled at the Annual General Meeting.

#### **16 Removal of Council members**

- (a) The Association in General Meeting may by resolution, subject to section 50 of the Act, remove any Councillor before the expiration of the Councillor's term of office.



- (i) The Councillor shall not be removed except by a resolution passed by a majority of two-thirds of the Members present at a General Meeting.
- (j) Where a Councillor is absent without explanation from any 3 consecutive meetings of the Council then the Council by ordinary resolution may declare that Councillor's position vacant.

### **17 Removal of Executive Members**

- (a) The Council may by resolution, subject to section 50 of the *Act*, remove any member of the Executive.
- (b) An Executive Member shall only be removed, by a resolution of 65 percent of the Councillors present and eligible to vote.

### **18 Council meetings and quorum**

- (a) The Council shall meet at least six (6) times in each calendar year at such place and time as the Council may determine.
- (b) Additional meetings of the Council may be convened by any Councillor.
- (c) Oral or written notice of a meeting of the Council shall be given by the Public Officer to each Councillor at least seven (7) days (or such other period as may be agreed upon by the Councillors) before the time appointed for the holding of the meeting.
- (d) Notice of a meeting given under subsection (c) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Councillors present at the meeting unanimously agree to treat as urgent business.
- (e) A majority of Councillors present constitute a quorum for the transaction of the business of a meeting of the Council
- (f) No business shall be transacted by the Council unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present the meeting stands adjourned to a time and place as determined by the members present.
- (g) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be dissolved and all agenda items referred to the Executive.
- (h) At meetings of the Council:
  - (i) the Chair or in the absence of the Chair, the Vice Chair shall preside; or
  - (ii) if the Chair and the Vice-Chair are absent, one of the remaining members of the Council may be chosen by the members present to preside.

### **19 Delegation by Council to Sub-committee**

- (a) The Council may, by instrument in writing, delegate to one or more sub-committees the exercise of such of the functions of the Council as are specified in the instrument, other than:

- (i) this power of delegation; and
  - (ii) a function which is a function imposed on the Council by the Act, by any other law of the Territory, or by resolution of the Association in General Meeting.
- (b) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised by the sub-committee in accordance with the terms of the delegation.
- (c) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances as may be specified in the instrument of delegation.
- (d) Notwithstanding any delegation under this rule, the Council may continue to exercise any function delegated.
- (e) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the Council.
- (f) The Council may, by instrument in writing, revoke wholly or in part any delegation under this rule.
- (g) Sub-committees may meet and adjourn as they think proper.

## **20 Voting and decisions**

- (a) Questions arising at a meeting of the Council, Executive or any sub-committee appointed by the Council shall be determined by a majority of votes of the members of the Council, Executive or sub-committee present at the meeting and entitled to vote pursuant to this rule 20.
- (b) Upon any question arising at any meeting of the Council, the Executive or sub committee of the Council as the case may be, the following voting provisions shall apply:
  - (i) at meetings of the Council, the nine (9) elected Councillors who will represent the student body shall be entitled to one (1) vote each;
  - (ii) the Student Services Coordinator and the Financial Services Coordinator shall be entitled to a total of one vote at a meeting of the Executive or the Council and that vote shall be exercised as determined by the Financial Services Coordinator or in that persons absence by the Student Services Coordinator;
  - (iii) the Director shall be entitled to one (1) vote at meetings of the Council;
  - (iv) subject only to rule 20(b)(ii), upon any question arising at a meeting of the Executive or any sub-committee appointed by the Council, each person entitled to be present may exercise one (1) vote; and
  - (v) upon any question arising at a meeting of any sub committees appointed by the Council, each person entitled to be present may exercise one (1) vote.

- (c) In the event of an equality of votes on any question at a meeting of the Council or any sub-committees appointed by the Council, the person presiding may exercise a second or casting vote.
- (d) In the event of an equality of votes at a meeting of the Executive, the matter in dispute shall be resolved by a majority of votes at the next meeting of the Council.
- (e) Subject to subsection 17 (e), the Council may act notwithstanding any vacancy on the Council.
- (f) Any act or thing done or suffered, or purporting to have been done or suffered, by the Council or by a sub-committee appointed by the Council, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Council or sub-committee.

#### **PART IV - GENERAL MEETINGS**

##### **21 Annual General Meetings - holding of**

The Association shall, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of the Association, convene an Annual General Meeting of its members.

##### **22 Annual General Meetings - calling of and business at**

- (a) The Annual General Meeting of the Association shall, subject to the Act, be convened on such date and at such place and time as the Council thinks fit.
- (b) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:
  - (i) to confirm the minutes of the preceding Annual General Meeting and of any General Meeting held since that meeting;
  - (ii) to receive from the Council reports on the activities of the Association during the preceding financial year;
  - (iii) to receive and consider the statement of accounts and the reports that are required to be submitted to members pursuant to subsection 73(1) of the Act; and
  - (iv) to ratify the elected Councillors, and if necessary elect nominees to fill any vacant positions.
- (c) An Annual General Meeting shall be specified as such in the notice convening it in accordance with rule 25.
- (d) An Annual General Meeting shall be conducted in accordance with the provisions of this Part.

##### **23 General Meetings - calling of**

- (a) The Council may, whenever it thinks fit, convene a General Meeting of the Association.

- (b) The Council shall, on the requisition in writing of not less than 30 Members, convene a General Meeting of the Association.
- (c) A requisition of Members for a General Meeting:
  - (i) shall state the purpose or purposes of the meeting;
  - (ii) shall be signed by the members making the requisition;
  - (iii) shall be lodged with the Public Officer; and
  - (iv) may consist of several documents in a similar form, each signed by one (1) or more of the members making the requisition.
- (d) If the Council fails to convene a General Meeting within one (1) month after the date on which a requisition of Members for the meeting is lodged with the Public Officer, any one (1) or more of the Members who made the requisition may convene a General Meeting to be held not later than three (3) months after that date.
- (e) A General Meeting convened by a Member or Members referred to in subsection (d) shall be convened as nearly as is practicable in the same manner as General Meetings are convened by the Council and any Member who thereby incurs expense is entitled to be reimbursed by the Association for any reasonable expense so incurred.

## **24 Notice**

- (a) Except where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Public Officer shall, at least 14 days before the date fixed for the holding of the General Meeting, shall post notices at all Campuses specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (b) Where the nature of the business proposed to be dealt with at a General Meeting requires a special resolution of the Association, the Public Officer shall, at least 21 days before the date fixed for the holding of the General Meeting, cause notice to be posted in the manner provided in subsection (a) specifying, in addition to the matter required under that subsection, the intention to propose the resolution as a special resolution.
- (c) No business other than that specified in the notice convening a General Meeting shall be transacted at the meeting. (d) A Member desiring to bring any business before a General Meeting may give notice in writing of that business to the Public Officer who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the member.
- (e) For the avoidance of doubt, only members shall give notice of business to the Public Officer.

## **25 General Meetings - procedure and quorum**

- (a) No item of business shall be transacted at a General Meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (b) 20 members present in person (being members entitled under these rules to vote at a General Meeting) constitute a quorum for the transaction of the business of a General Meeting.

- (c) If within half an hour after the appointed time for the commencement of a General Meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by posting notices at all Campuses before the day to which the meeting is adjourned) at the same place.
- (d) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 10) shall constitute a quorum.

## **26 Presiding member**

- (a) The Chair, or in the absence of the Chair, the Vice-Chair, shall preside at each General Meeting of the Association.
- (b) If the Chair and the Vice-Chair are absent from a General Meeting, the Members present shall elect one (1) of their number to preside at the meeting.

## **27 Adjournment**

- (a) The person presiding at a General Meeting at which a quorum is present may, with the consent of the majority of Members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (b) Where a General Meeting is adjourned for 14 days or more, the Public Officer shall post notices of the adjourned meeting at all Campuses stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (c) Except as provided in subsections (a) and (b) fo this Rule 27, notice of an adjournment of a General Meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **28 Making of decisions**

- (a) A question arising at a General Meeting of the Association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost and an entry to that effect has been made in the minute book of the Association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (b) At a General Meeting of the Association, a poll may be demanded by the person presiding or by not less than three (3) Members present in person or by proxy at the meeting.
- (c) Where the poll is demanded at a General Meeting, the poll shall be taken:
  - (i) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or

- (ii) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

## **29 Voting**

- (a) Subject to subsection (c) of this Rule 29, upon any question arising at a General Meeting of the Association only Members shall be eligible to vote and a Member has one (1) vote only.
- (b) All votes shall be given personally and for the avoidance of doubt proxies shall not be permitted.
- (c) In the case of an equality of votes on a question at a General Meeting, the person presiding is entitled to exercise a second or casting vote.
- (d) For the avoidance of doubt only students who have elected to be Members are eligible to vote.

## **PART V - MISCELLANEOUS**

### **30 Funds - source**

- (a) All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- (b) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

### **31 Funds - management**

- (a) Subject to any resolution passed by the Association in General Meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Council determines.

### **32 Alteration of objects and rules**

Neither the objects of the Association referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act.

### **33 Common seal**

- (a) The common seal of the Association shall be kept as determined by the Council from time to time.
- (b) The common seal shall only be affixed according to the Law and as determined by the Council.

### **34 Service of notices**

- (a) For the purpose of these rules, a notice may be served by or on behalf of the Association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (b) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

### **35 Surplus property**

- (a) At the first General Meeting of the Association, the Association shall pass a special resolution nominating:
  - (i) another Association for the purpose of paragraph 92 (1) (a) of the Act; or
  - (ii) a fund, authority or institution for the purpose of paragraph 92 (1) (b) of the Act, in which it is to vest its surplus property in the event of the dissolution or winding up of the Association.
- (b) An Association nominated under subsection (a) (i) must fulfil the requirements specified in paragraph 92 (2) of the Act.

### **36 Affiliation**

The Association may affiliate with such kindred bodies having similar or substantially similar objects as may be approved by the Council.

### **37 Auditor**

- (a) The Auditor shall be appointed by the Council in accordance with the provisions in the Act.

### **38 Honorariums**

The members may on the recommendation of the Council grant at any General Meeting an honorarium to any Member or members of the Association for services rendered to the Association.

### **39 Public Officer**

- (a) The Council of the Association shall appoint a person to be the Public Officer of the Association and, if that office at any time becomes vacant, appoint a person to fill that vacancy.
- (b) The Public Officer shall fulfil the requirements of the Act in so far as the Association is concerned.

## **40 Insurance**

The Council of the Association shall ensure that appropriate insurance cover is effected over all the assets, activities and operations of the Association and, in particular but without limiting the generality of the foregoing, that adequate policies of insurance are entered into in respect of public risk, worker's compensation, personal liability and directors and officers cover.