

Adelaide University Law Students' Society Incorporated

# Society Constitution

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## Part 1—Preliminary

### Division 1.1—The Society

#### 1—Name of the Society

The name of the Society shall be the Adelaide University Law Students' Society Incorporated (*AULSS* or *Society*).

#### 2—Affiliations

The AULSS:

- (a) shall be registered with the Adelaide University Union; and
- (b) may affiliate with the Australian Law Students' Association (*ALSA*).

#### 3—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 amongst members, to advance members' understanding of and engagement with 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) promoting both the individual and collective wellbeing of members as well as the development of a positive and cohesive community within 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; and
- (e) actively defending and promoting issues of social justice and equity, and protecting members from discrimination within the Adelaide Law School, the University and the broader legal and professional communities.

#### 4—Interpretation

In this Constitution, unless the contrary intention appears:

*academic day* means any days Monday to Friday, except public holidays, on which lectures are scheduled to be conducted by the University in the normal course of the academic year;

*AULSS office* means Room 1.06 in the Ligertwood Building at the University of Adelaide, North Terrace Campus;

*AULSS website* means the website connected to the aulss.org.au and aulss.org domains;

*authorised communication forum* means a forum through which the communications of the Society may be transmitted and includes:

- (a) the AULSS website;
- (b) the Society email;
- (c) the AULSS Facebook page;
- (d) the notice board outside the AULSS office;

*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 exercised when such a deadlock exists;

*circulating resolution* means a resolution on which votes are cast in writing by electronic or other means, outside a formal meeting of the Committee or Executive;

*Committee* means the Committee of the Society;

*Committee email* means the email address associated with the domain aulss.org.au that distributes emails to the Committee as a whole;

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

*Competitions Code of Conduct* means the Code of Conduct for Competitions which can be found on the AULSS website;

*Constitution* means the Constitution of the Society;

*Disability Support Access Plan* means a Disability Support Access Plan provided by the University of Adelaide;

*Executive* means the Executive of the Society as outlined in clause 16;

*Indigenous* means (subject to clause 68(2)), in relation to a member, a member of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander and is accepted as such by the community in which he or she lives;

*member* means a member of the Society;

*ordinary majority* means more than one half (1/2) of the Committee members, Executive or members present and entitled to vote as the case may be;

*ordinary resolution* means any resolution which is deemed to be resolved in the affirmative if approved by an ordinary majority;

*Society* means the Adelaide University Law Students' Society Incorporated;

*Society email* means the email address allstudents-v.lawss@student.adelaide.edu.au;

*special majority* means more than three quarters (3/4) of the Committee members, Executive or members present and entitled to vote as the case may be;

*special resolution* means any resolution which is deemed to be resolved in the affirmative if approved by a special majority;

*term* has the meaning given by clause 71;

*University* means the University of Adelaide; and

*valid apology* has the meaning given in clause 25.

## **5—Assets of the Society**

- (1) Any asset of, or revenue generated by the Society shall not be disbursed, spent or used in any other manner, except 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.

## **6—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 be provided except by special resolution of the Executive.

## **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, title in those assets shall pass to the Adelaide University Union.

## **10—Interpretation of this Constitution**

- (1) Notwithstanding any clause in this Constitution, the laws of the Commonwealth and the State of South Australia shall prevail to the extent of any inconsistency.
- (2) Subject to the laws of the Commonwealth and the State of South Australia and any Courts of competent jurisdiction, the Executive shall have the responsibility of interpreting this Constitution, following reasonable consultation with the Committee.
- (3) Any interpretation made under clause 10(2) shall be conclusive and binding on members.
- (4) The association shall have all the powers conferred by section 25 of the *Associations Incorporation Act 1985 (SA)*.

## **11—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 (7 August 1998).

## **Part 2—Membership**

### **12—Basic membership requirements**

- (1) To qualify as a member, a person must be:
  - (a) an undergraduate or postgraduate student of the University; and
  - (b) enrolled in a Bachelor of Laws.
- (2) A person completing the Graduate Diploma of Legal Practice with the University or the Law Society of South Australia is not eligible to be a member of the Society.
- (3) Clause 12(2) does not apply if the person concurrently satisfies clause 12(1).

### **13—Eligibility to participate in competitions**

- (1) Any member shall be eligible to enter the competitions run by the Society.
- (2) Any member who enters any competition agrees to participate in accordance with the 'Competitions Code of Conduct'.
- (3) Unless otherwise prescribed by the Executive in the form of a constitutional regulation, the prize for any member who wins a competition shall be the right to represent the AULSS at the next annual ALSA conference competitions, but such a right does not attract automatic funding, sponsorship or assistance and is not redeemable.

### **14—Cross-institutional, non-award and exchange students in competitions**

Cross-institutional, non-award and exchange students shall not be eligible to represent the AULSS at the annual ALSA conference competitions, nor shall they be able to compete in any competition run by the Society.

## Part 3—The Committee of the Society

### Division 3.1—Members of the Committee

#### 15—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 of its functions.
- (2) Subject to clause 18, 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 three Social Justice Representatives;
  - (f) an Equity and Wellbeing Officer;
  - (g) up to two Education Representatives;
  - (h) a Mature Age Student Representative;
  - (i) a Communications Representative;
  - (j) an IT Representative;
  - (k) up to three Magazine Editors;
  - (l) two First Year Representatives; and
  - (m) an Indigenous Representative.

#### 16—The Executive

There shall be an Executive of the Society, which shall be comprised of:

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

#### 17—Powers of the Executive

The Executive shall have the power to:

- (a) make decisions regarding the proper 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 properly incurred by the Society.
- (d) bind the Society to any future liabilities, expenses or debts;
- (e) create any policy or code of conduct, except the election procedure under Part 7;
- (f) convene a sub-committee in the furtherance of the Committee's duties;
- (g) exercise any other power of the Executive specified by this Constitution; and
- (h) approve any resolution or budget by circulating resolution distributed by the President.

## **18—Co-opting of Committee members**

- (1) Any person who is a member of the Society may be co-opted onto the Committee, including onto the Executive, in accordance with the process set out in sub-clause 18(2).
- (2) The following process shall apply for the purposes of co-option:
  - (a) No person may be co-opted on to the committee unless the Executive first approves, by ordinary resolution, the call for applications (including any requirements that will apply to those applications).
  - (b) Within a reasonable time of the approval under clause 18(2)(a), the President shall publicise the call for applications on all authorised communication forums.
  - (c) Applications shall be submitted to the President. The deadline for applications must be no earlier than 10 calendar days after the publication of the call for applications.
    - (i) By special resolution, the Executive may shorten this deadline, but in no circumstances may this deadline be less than 4 calendar days.
  - (d) The President shall confidentially collate and de-identify the applications received. For this clause 18, an application shall be considered de-identified if it does not contain the applicant's name, photograph, student number, age, gender or postcode.

Note: Age need not be removed from applications for the position of Mature Age Officer.
  - (e) The de-identified applications shall be circulated by the President amongst the Executive, who shall keep the applications confidential. The Executive shall co-opt the successful applicant by ordinary resolution and the reasons shall be provided in the President's report tabled at the next Committee meeting after the vacancy has been filled.
- (3) Eligibility requirements for co-option are the same as those that would apply to elections for the relevant position under Part 7.
- (4) An appointment under this clause will have effect from the time the name and position of the co-opted person is published on all authorised communication forums. The President is responsible for doing this within a reasonable time.
- (5) The Committee may co-opt members such that the Committee contains up to, but not more than, 6 members in addition to the those holding positions listed in clauses 15 and 16, at any given time.
- (6) No person shall be co-opted onto the Executive except to fill a casual vacancy of a position listed in clause 16.



- (7) This clause does not apply to the position of President.

## **Part 4—Meetings**

### **Division 4.1—Rules applying to all meetings**

#### **19—Location of meetings of the Society**

Any meeting of the Society described in this Part must be held at the University of Adelaide North Terrace Campus, and should, unless impractical to do so, be held in the Ligertwood Building on those grounds.

#### **20—Vice-President to call meetings in consultation with the President**

- (1) The Vice-President shall call all Committee meetings, Executive meetings and meetings of the Society.
- (2) Before calling or giving notice of any meeting under this Part, the Vice-President shall obtain the President's approval of all dates, times and locations of such meetings.
- (3) The Vice-President must call a meeting if requested by the President and the meeting complies with the relevant notice requirements.
- (4) If the President or the Vice-President refuses to call or approve meetings in accordance with this Constitution, then the other of the Vice-President or the President may call meetings that are approved by an ordinary majority of the Executive.

#### **21—Quorum for meetings**

- (1) The quorum for any Committee meeting is half of the current Committee members plus one, including at least two members of the Executive.
- (2) The quorum for any Executive meeting is half of the current Executive membership plus one.
- (3) The quorum for any General Meeting of the Society is the number of members (including at least two members of the Executive) that is greater than 50% of the number of Committee Members as at the date of that General Meeting.
- (4) At the discretion of the President, attendance by technology may be permitted at a Committee meeting or Executive meeting (but not a General Meeting of the Society) for the purposes of reaching quorum.

#### **22—Transaction of business at meetings**

- (1) No business shall be transacted at, and no resolution passed at any meeting, unless:
  - (a) a quorum is present at the time when the meeting proceeds with the business; and
  - (b) the business to be transacted or the resolution(s) to be passed were specified in the notice requirements; and
  - (c) the meeting is chaired by an Executive of the Society.

#### **23—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, then the Vice-President shall chair the meeting.
- (3) If the Vice-President is unavailable to chair a particular meeting, the members present and entitled to vote may elect one of the attending Committee members to chair the particular meeting.

## **24—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 voice a personal opinion on matters pertaining to the affairs of the Society.
- (2) The chair is entitled to propose or second any motion at the meeting.
- (3) The chair shall have a casting vote.

## **Division 4.2—Apologies for Committee meetings**

### **25—Definition of valid apology**

A *valid apology* for the purposes of this Part means:

- (a) in circumstances of illness:
  - (i) an apology accompanied by a medical certificate; or
  - (ii) where a medical certificate could not be obtained in time, an apology accompanied by a statement that a medical certificate will be provided, and such medical certificate is provided to the President no more than 48 hours after the Committee meeting;
- (b) in circumstances of travel, an apology accompanied by documentation showing that the Committee member will be interstate or overseas at the time of the meeting;
- (c) an apology accompanied by a true explanation that the Committee member is attending another AULSS-related meeting or event, and a description of such meeting or event, and the event does not relate to AULSS sporting initiatives; or
- (d) an apology in circumstances where a student is registered under a Disability Support Access Plan, and is accompanied by the Disability Support Access Plan.

### **26—Providing apologies**

- (1) A Committee member who is unable to attend a Committee meeting must provide a valid apology to the Vice-President:
  - (a) no later than 7 calendar days before the meeting; or
  - (b) in the event of something unforeseen (including illness), as soon as practicable.
- (2) If the Vice-President is provided with an apology that is not a valid apology, the Vice-President must refer the apology to the President. The President can accept the apology as a valid apology if and only if the particular circumstances suggest it is just and reasonable to do so.

## **27—Automatic lapse of valid apology**

No apology shall be a valid apology if it is received more than 14 calendar days after the meeting to which the apology applies.

## **28—Failure to attend meetings without valid apology**

- (1) If a Committee member fails to attend three meetings, consecutive or not, without providing a valid apology, that Committee member shall automatically cease to be a Committee member and will not be eligible to be co-opted for the remainder of that Committee's term.
- (2) If a Committee member fails to attend five meetings for the duration of the Committee's term, regardless of whether any of these were valid apologies, that Committee member shall cease to be a Committee member at the discretion of the Executive, and if removed will not be eligible to be co-opted for the remainder of that Committee's term.

## **Division 4.3—Committee Meetings**

### **29—Notice requirements for Committee meetings**

- (1) The Vice-President must, at least 7 calendar days before a Committee meeting:
  - (a) publish on the AULSS website:
    - (i) the date, time and location of the Committee meeting;
    - (ii) a statement that the meeting is open to all members; and
  - (b) send to all Committee members, via the Committee email:
    - (i) the date, time and location of the Committee meeting.
- (2) The Vice-President must, at least 3 calendar days before a Committee Meeting:
  - (a) publish on the AULSS website the agenda and related documents; and
  - (b) send to all Committee members, via the Committee email, the agenda and any related documents as an attachment to that email
- (3) The Vice-President must, by the first academic day of semester 1 each year:
  - (a) publish a schedule of meeting dates for the year on the website (which may be subject to change in accordance with the notice requirements in clause 29(1)); and
  - (b) send a schedule of those meeting dates as an attachment to the:
    - (i) Society email; and
    - (ii) Committee email.

### **30—Number of Committee Meetings**

The Vice-President must call at least 8 Committee meetings between 1 December and 30 November the following year.

### **31—Executive to provide report on portfolio affairs**

The Executive must provide to the Vice-President a comprehensive report of the activities of their Portfolio no less than 4 calendar days before a Committee meeting.

### **32—Transaction of business at Committee Meetings**

Except where this Constitution provides otherwise, any business of the Committee shall be resolved by ordinary resolution of Committee members in a Committee meeting.

## **Division 4.4—Executive Meetings**

### **33—Notice requirements of Executive meetings**

- (1) The Vice-President must:
  - (a) at least 4 calendar days before an Executive meeting, send to all members of the Executive via email the date, time and location of the Executive meeting; and
  - (b) at least 2 calendar days before an Executive meeting, send to all members of the Executive via email the agenda and related documents for the meeting.
- (2) If the circumstances so require, the Vice-President can call an Executive meeting without complying with clause 33(1) or clause 19.
- (3) For an Executive meeting to be called under clause 33(2), the Vice-President must first receive written confirmation from all members of the Executive that they agree to dispense with compliance with clause 33(1).

### **34—Number of Executive Meetings**

There is no requirement in this Constitution for the Executive to meet for a particular number of meetings, or meet separately to the Committee.

### **35—Executive to provide report on portfolio affairs**

- (1) The Executive must, on the request of the President, provide to the Vice-President a comprehensive report of the activities of their Portfolio at least 4 calendar days before an Executive meeting.
- (2) The Vice-President can require reports to be submitted in a certain form or template, and shall make that form or template available to the Executive at least 28 calendar days before the Executive meeting.

### **36—Transaction of business at Executive Meetings**

The exercise of any powers of the Executive shall be by ordinary resolution of the Executive in an Executive meeting.

## **Division 4.5—General Meetings of the Society**

### **37—Notice requirements of General Meetings of the Society**

- (1) The Vice-President must, at least 21 calendar days before a General Meeting of the Society:
  - (a) publish on all authorised communication forums:
    - (i) the date, time and location of the General Meeting of the Society; and
    - (ii) a statement that the meeting is open to all members; and
    - (iii) a statement that the agenda and papers will be made available on the AULSS website, and will be advertised as being available, at least 10 calendar days before the General Meeting of the Society; and

- (b) send to all Committee members, via the Committee email:
  - (i) the date, time and location of the General Meeting of the Society; and
  - (ii) a statement that the meeting is open to all members; and
  - (iii) a statement that the agenda and papers will be sent as an attachment to the Committee email at least 10 calendar days before the General Meeting of the Society.
- (2) The Vice-President must, at least 10 calendar days before the General Meeting of the Society, ensure compliance with the statements made under clause 37(1)(a)(iii) and 37(1)(b)(iii).

### **38—Requirement to call General Meetings of the Society**

- (1) The Vice-President must call at least one annual meeting of all members (*Annual General Meeting*).
- (2) The calling and notice of the Annual General Meeting must comply with the *Associations Incorporation Act 1985 (SA)* as amended from time to time.
- (3) The agenda and related documents for the Annual General Meeting must include:
  - (a) reports of the Society's business for the term from the Executive;
  - (b) the minutes of the previous Annual General Meeting for confirmation (if any);  
and
  - (c) a balanced account for that financial year.
- (4) In addition to clause 38(1), a General Meeting must be held 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.

## **Part 5—Powers and duties of Committee positions**

### **39—The President**

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 interests;
- (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; and
- (f) to ensure compliance with the processes and obligations outlined in this Constitution as well as any other relevant laws of the Commonwealth or State.

### **40—The Vice-President**

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, to ensure that notice of meetings is validly given, and, where appropriate, to arrange the preparation of agendas, reports, papers and other documentation relevant to the 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 reasonable steps to ensure that such accounting records are kept so as to correctly 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 an account;
- (g) to ensure compliance with the processes outlined in this Constitution as well as any other relevant laws of the Commonwealth or State;
- (h) to be the Public Officer of the Society and to manage the Society's relationship with any accounting firms;

- (i) to organise and facilitate the selling and distribution of AULSS branded merchandise, unless the Executive agrees by ordinary resolution not to offer AULSS branded merchandise; and
- (j) to maintain and promote AULSS Law School Local Card deals, unless the Executive agrees by ordinary resolution not to offer Law School Local Cards.

#### **41—Director of Education**

The Director of Education shall have the following powers and duties:

- (a) to actively coordinate and promote the Society's stance on matters such as the curriculum, practical legal training, student grievances and other such issues as determined by the Committee;
- (b) to promote any external education opportunities;
- (c) to coordinate and organise education events, including events in relation to the Graduate Diploma of Legal Practice; and
- (d) to direct the Education Representatives, First Year Representatives and Mature Age Student Representative.

#### **42—Director of Careers and Sponsorship**

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 organise the annual Careers Fair or any successor or substitute events;
- (e) to maintain existing sponsorship agreements and to negotiate their renewal when appropriate; and
- (f) to seek to secure further sponsorship where possible for the Society from both the legal profession, other professions and the wider community; and
- (g) to direct the Career and Sponsorship Representatives.

#### **43—Director of Activities**

The Director of Activities shall have the following powers and duties:

- (a) to organise social activities and events of the Society, including:
  - (i) Law Ball;
  - (ii) at least 1 alcohol-free social event; and
- (b) to direct the Activities Representatives.

#### **44—Director of Social Justice**

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 actively contribute to the maintenance and improvement of the wellbeing of members, both physically and mentally;
- (c) to ensure the Society complies with the University's 'Respect. Now. Always.' Policy and any successor policy against harassment;
- (d) to organise events relating to issues of social justice and equity, and to advance members' knowledge of issues facing the legal and wider community; and
- (e) to direct the Social Justice Representatives and Indigenous Representative.

#### **45—Director of Competitions**

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 the Director of Careers and Sponsorship to ensure that the requirements of any sponsorship agreements are met;
- (c) to enforce the Competitions Code of Conduct;
- (d) to coordinate any external competition delegations on behalf of the AULSS; and
- (e) to direct the Competitions Representatives.

#### **46—Director of Communications**

The Director of Communications shall have the following powers and duties:

- (a) to oversee and assist with, where appropriate, the Society's important communications with members, third parties or the public;
- (b) to work with the executive and ensure the Society's online presence is;
  - (i) compatible with the Society's objectives;
  - (ii) consistent across all media platforms;
  - (iii) up to date and well maintained; and
- (c) to direct the Communications Representative, IT Representative and Magazine Editor(s).

Nothing in this clause obliges the Society to obtain the Director of Communications' approval before communicating with members, third parties or the public.

#### **47—Magazine Editor(s)**

The Magazine Editor(s) shall have the following powers and duties:

- (a) to produce four Hilarian magazines, published on a quarterly basis; and
- (b) to work with the Director of Careers and Sponsorship to ensure that any sponsorship advertising requirements are met.

#### **48—IT Representative**

The IT Representative shall have the following powers and duties:

- (a) to manage the Society's information technology (which includes any computer or other electronic asset);



- (b) to manage the Society's email lists and computer-based services;
- (c) to ensure that the AULSS website is functional;
- (d) to advise the President on the steps that must be taken to maintain any IT-related registrations or subscriptions; and
- (e) to take reasonable steps to secure the Society's information technology, email lists, computer-based services and the AULSS website, including any data associated with the foregoing, from attacks, unauthorised access, unplanned disruption, loss or other fault.

#### **49—Equity and Wellbeing Officer**

The Equity and Wellbeing Officer shall have the following powers and duties:

- (a) to listen and respond to student complaints with respect to issues of discrimination;
- (b) to actively contribute to the maintenance and improvement of the wellbeing of members, both physically and mentally;
- (c) to ensure the Society complies with the University's 'Respect. Now. Always.' Policy and any successor policy against harassment;
- (d) to manage and oversee the Society's relationship with relevant bodies and initiatives including Lex Salus;
- (e) to facilitate, organise and encourage participation in AULSS Sports unless the Executive agrees by ordinary resolution not to offer AULSS Sports; and
- (f) to report to the Director of Social Justice.

#### **50—Indigenous Representative**

The Indigenous Representative shall have the following powers and duties:

- (a) to recognise and respond to the various issues facing Indigenous members within the Adelaide Law School;
- (b) to promote and further the rights and interests of Indigenous members;
- (c) to ensure that Indigenous issues are considered by the Committee;
- (d) to facilitate a stronger relationship between the Society and Indigenous members;
- (e) to act as the official liaison between the Society and the Adelaide Law School ATSI Co-ordinator.

#### **51—Representatives**

- (1) Notwithstanding the other provisions of this Constitution, the representatives shall assist the relevant Executive in the fulfilment of their duties.
- (2) Representatives are expected to attend the events of their portfolio.

#### **52—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 appropriate, and shall assist in the regular staffing of the Society's office.

## **Part 6—Financial transactions**

### **53—Procedure for financial transaction under prescribed amount**

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

### **54—Procedure for financial transactions equal to or over prescribed amount**

- (1) Any function, affair or decision of the Society which involves an expense or exposure to a liability equal to or over the prescribed amount must be approved by the Executive by ordinary resolution at a Committee or Executive Meeting.
- (2) Approval under clause 54(1) may be obtained by way of circulating resolution distributed by the President or Vice-President and shall be deemed effective as at the time and date that an ordinary majority is achieved.

### **55—Prescribed amount**

The prescribed amount shall be \$500.00AUD.

### **56—Financial year**

The Society's financial year shall begin on 1 July and end on 30 June the following year.

## Part 7—Society Elections

### 57—Vacancies of position

- (1) In the event of a vacancy in position, except for that of the position of President, the procedures under clause 18 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.

### 58—Positions of student representation

Pursuant to clause 39 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 have the power to appoint or elect, according to such election procedures as it may decide, another person to become the student representative for such events.

### 59—Timing of elections

- (1) 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.
- (2) The election must take place before the end of week 10 of semester 2 of the academic year.
- (3) There must be at least 14 calendar days between the calling of the election and the commencement of the election period.

### 60—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 the AULSS website 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 Election Rules shall be by special resolution of the Committee.

### 61—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 15 and 16, excluding First Year Representatives.
- (2) The Returning Officer shall be ineligible to run as a candidate and cannot have served on the Committee at any stage during the academic year in which the elections are being held.

### 62—Committee position nominations

Individual nominations (and not joint nominations) shall be accepted for all positions listed in clauses 15 and 16, except for the Magazine Editor(s), in which case joint nominations of no more than three members shall be accepted for that position.

### **63—Acceptance of nominations**

- (1) 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 the close of nominations.
- (2) The Returning Officer must not accept nominations from persons who are not members of the Society, nor from any cross-institutional, non-award or exchange students who are members.
- (3) The Returning Officer must only accept nominations that have been signed by the nominee.

### **64—Nomination for multiple positions**

A member must only nominate for one position.

### **65—Eligibility to vote in election**

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

### **66—Eligibility for nomination for the position of President**

- (1) To be eligible to nominate for the position of President, a person must:
  - (a) have previously officially served in one of the positions listed in clauses 15 and 16; and
  - (b) not have been removed from the Committee at any time in any year; and
  - (c) not have contravened any provisions of the *Corporations Act 2001* (Cth) or committed any indictable offence of any law of the Commonwealth or the States or Territories of Australia.
- (2) If no person satisfies clause 66(1)(a), then that clause shall not apply.

### **67—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 the University at any stage prior to the year in which they nominate for the position of First Year Representative.

### **68—Eligibility for nomination for position of Indigenous Representative**

- (1) In order to be eligible to nominate for the position of Indigenous Representative, the member must be Indigenous.
- (2) In the event of uncertainty as to a member's eligibility for the position of Indigenous Representative, the Society shall defer to any University records or processes to determine whether that member is Indigenous.

### **69—Eligibility for nomination for position of Mature Age Representative**

In order to be eligible to nominate for the position of Mature Age Representative, the member must not have attended secondary school in the three years prior to when they commenced their Bachelor of Laws at the University.

**70—Notification of results**

- (1) The Returning Officer shall notify all candidates in the election and the serving President at the time of the election of the results of the election by email within 3 academic days after the close of polls.
- (2) The President shall post the results of the election on all authorised communication forums within 24 hours of receipt of the results from the Returning Officer.

## Part 8—Duration of Committee and positions

### Division 8.1—Term of Committee

#### 71—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 (*term*), upon which date the Committee members shall vacate their positions.
- (2) Notwithstanding clause 71(1), the First Year Representatives shall take office immediately upon election, and their term in office shall expire on the 30th of November the year in which they were elected.

#### 72—Resignation from the Committee

- (1) Any Committee member may resign from their position on the Committee upon providing the President with a written letter of resignation sent via email.
- (2) Subject to clause 72(3), the Committee member who provided a letter of resignation under clause 72(1) shall wholly cease to be a member of the Committee effective immediately upon receipt of the letter by the President.
- (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 members of the current or incoming Committee with the transition process.
- (4) The resigning Committee member shall return to the Society all Society property, documents, login information and other information upon request by the President.
- (5) A Committee Member will be automatically removed from the Committee upon completion of their undergraduate study in a Bachelor of Laws degree, or any other instance in which they are no longer enrolled in a Bachelor of Laws.
  - (a) A Committee Member subject to clause 72(5) is not subject to the ordinary resignation procedure outlined in this clause.

### Division 8.2—Removal from Committee

#### 73—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 Constitution under clause 75 or 28;

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

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

#### 74—Reasons for removal from Committee

- (1) A person may be removed from the Committee, and cease to be a Committee member, if that Committee member has:

- (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) executed a power of this Constitution they did not have the right to execute; or
  - (d) harassed or acted inappropriately to another Committee member; or
  - (e) intentionally contravened a provision of the Constitution; or
  - (f) interfered, to the detriment of the Society, with the affairs of the Society; or
  - (g) led another person to believe that they had authority to do something they did not have authority to do; or
  - (h) misappropriated any assets or monies of the Society to the benefit of themselves or another; or
  - (i) neglected to execute their duties under this Constitution; or
  - (j) used Society funds without authorisation or for unauthorised purposes.
- (2) The Executive may prescribe further reasons for removal from the Committee by special resolution at a Committee meeting.

### **75—Process for removal from Committee**

- (1) Any removal under clause 28 or clause 75 may be appealed under the process outlined in this Part.
- (2) Any member of the Executive may request that the President, or in the event of the President being the contravening member, the Vice-President, calls a meeting of the Executive to determine whether a Committee member suspected of breaching clause 74 (*contravening Committee member*) should be removed from the Committee under this division. Such a request must not be made without reasonable cause.
- (3) Where a meeting is requested under clause 75(2), 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*).
- (4) At the first meeting, members of the Executive shall vote on whether or not the contravening Committee member should be removed from the Committee, which shall require a special majority.
- (5) If a special resolution is passed under clause 75(4), the President must inform the contravening Committee member in writing of the intention to remove the contravening Committee member from the Committee (*notice of intention to remove*) within 5 academic days of the first meeting occurring. That notice must contain:
  - (a) all reasons for the decision to remove the Committee member from the Committee; and
  - (b) a statement that the Committee member has 3 academic days to respond to the reasons provided in the notice.
- (6) If a response is provided to the President's message under clause 75(5), the President must convene a meeting of the Executive (the *second meeting*) within 3 academic days of the response to consider the responses given by the contravening Committee member.

- (7) 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 its decision in good faith in the best interests of the Society.
- (8) Any member that is removed from the Committee shall return to the Society all Society property, documents, login information and other information.
- (9) Removal shall take effect immediately following the resolution at the second meeting, unless appealed.
- (10) 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 except for the purposes of a fair hearing of their case.

#### **76—Appeal of clause 75 or 28 removal from Committee**

- (1) A removed Committee member may appeal a decision made under clause 75 or 28 by written request to the President within 10 academic days.
- (2) Upon receipt of the request under clause 76(1), the President must call a Committee meeting for the removed Committee member to appeal their removal.
- (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 a reasonable chance to present information, call a secret vote for Committee members to vote on whether the removed Committee member's removal should be confirmed, or whether the removed Committee member should be reinstated.
- (5) The appeal of the removal of the removed Committee member shall fail unless a special majority votes in favour of reinstating them.
- (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 75(6).
- (7) Notwithstanding any laws of the Commonwealth or the State of South Australia, a decision made under this clause 76 cannot be appealed.



## **Enactment history**

Version 2 of 2018 – changes of 23/7/2018 special general meeting adopted.

Version 1 of 2018 – changes of 5/3/2018 special general meeting adopted.

Version 1 of 2017 – changes of 26/10/2017 Annual General Meeting adopted.

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

*No further enactment history dates*