

South West Institute of TAFE Student Association Inc

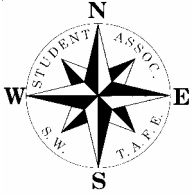
Amended May 2005

Statement of Purpose

The Aim of the Association will be to advance the social, educational and general welfare of members using principles of social justice and equal opportunity.

The objectives of the Association will be to:

- i) provide and maintain information, services, programs, facilities and equipment for the benefit and use of present and future members of the Association at minimal cost;
- ii) encourage the South West Institute of TAFE and other agencies to support and assist the Association in the achievement of i) above;
- iii) provide a recognised means of communication between the student body and Institute authorities and other bodies;
- iv) ensure the effective representation of the student body in Institute decision-making processes;
- v) maintain and improve students' rights.



South West Institute of TAFE Student Association Inc

Constitution

(Rules of the Association)

1.0 Name

- 1.1 The name of the Association is the South West Institute of TAFE Student Association Incorporated (in these rules called the Association)

2.0 Definitions

"The Institute" means the South West Institute of TAFE.

"Member" means a member of the Association.

"S.R.C." means the Student Representative Council.

"The Act" means the Associations Incorporation Act, 1981.

"The Executive" means the Executive of the SRC.

"General Meeting" means a meeting of members convened in accordance with rule 11.

3.0 Membership.

- 3.1 Membership of the Association will be open to all students of the Institute enrolled in the current calendar year.
- 3.2 Membership remains current until the commencement of teaching in the following year except in the case of members of the SRC who will retain membership until replaced in accordance with rule 7.3.
- 3.3 Students may elect not to become members of the Association or to resign their membership at any time.

4.0 Fees

- 4.1 Association fees will be established for the following year by a meeting of the SRC held in the second half of the year.
- 4.2 Association fees, if required, are payable on enrolment for a course of study conducted by the Institute.

5.0 Register of members.

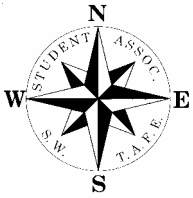
- 5.1 A register of members will be kept and maintained on behalf of the Association by the Student Records Office of the Institute.

6.0 Powers of the Association

- 6.1 Subject to this Constitution the Association will have all the powers necessary to achieve its Objectives.

7.0 Student Representative Council (SRC).

- 7.1 The affairs of the Association will be managed by the SRC, which will be empowered to assist the Association to achieve its Objectives.
- 7.2 Only members of the Association will be eligible for membership of the SRC, which will comprise:
 - 7.2.1 One representative for every 40,000 Student Contact Hours or part thereof in each teaching department calculated on the previous year's enrolments. Student representatives will be elected by and from the students of the Department.
 - 7.2.2 One Campus representative elected by and from students enrolled at the Portland Campus;



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- 7.2.3 One Campus representative elected by and from students enrolled at the Hamilton Campus;
- 7.2.4 Up to eight coopted members nominated by the elected members.
- 7.3 Members of the SRC hold office from the beginning of the first meeting of the SRC after their election until the beginning of the first meeting of the newly elected SRC in the following year.
- 7.4 A person ceases to be a member of the SRC:
 - 7.4.1 If he or she resigns from the SRC;
 - 7.4.2 If he or she misses two consecutive meetings of the SRC without adequate excuse;
 - 7.4.3 If he or she is removed by a motion, of which the member has notice, passed by a two thirds majority at a meeting of the SRC;
 - 7.4.4 At the expiry of their term of office as outlined in 7.3;
 - 7.4.5 If he or she ceases to be a member of the Association.
- 7.5 When a member ceases to be a member of the SRC they may be replaced by a representative elected in the same way as the member to be replaced.
- 7.6 A quorum of the SRC is 6.
- 7.7 The SRC must hold at least 5 meetings a year.
- 7.8 A meeting of the SRC must be called by the Secretary if the President or 4 members of the SRC request one.
- 7.9 The SRC may delegate any of its powers to an individual, a sub-committee or a working group, except as provided in 14.5.
- 7.10 The SRC may from time to time delegate its authority on the Portland and Hamilton campuses to sub-committees of students elected by and from students on the campus in accordance with guidelines laid down by the SRC on a year by year basis.
 - 7.10.1 The Campus Representatives, elected as outlined in 7.2.2 and 7.2.3, will preside at Campus sub-committee meetings and represent the campus on the SRC.
 - 7.10.2 A quorum of the Portland and Hamilton Campus sub-committees will be 4.
- 7.11 The SRC will determine its own procedure.
- 7.12 Meetings of the SRC will be held at a time which allows for the maximum attendance by student representatives.
- 7.13 At least 8 days notice of a meeting of the SRC must be given to members of the SRC.
- 7.14 Apprentice members of the SRC will be allowed to nominate an alternative member with similar status to attend SRC meetings and to vote on their behalf.
- 7.15 Employees other than casual employees working for, or on behalf of, the Association, are not eligible for membership of the Student Representative Council.

8.0 SRC Executive

- 8.1 The Executive of the SRC will comprise:
 - 8.1.1 President;
 - 8.1.2 Vice-President;
 - 8.1.3 Treasurer;
 - 8.1.4 Secretary;
 - 8.1.5 Social Secretary.



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- 8.2 The Executive will be elected by and from members of the SRC at a meeting held prior to the end of April.
- 8.3 When a member of the Executive resigns they will be replaced by and from the members of the SRC.
- 8.4 The Executive will act as a permanent sub-committee of the SRC.
- 8.5 A quorum of the Executive sub-committee will be 3.
- 8.6 The Executive sub-committee will meet as required and will determine its own procedure.
- 8.7 Duties of members of the Executive will be determined from time to time by the SRC.
- 8.8 An honorarium may be paid to the office bearers of the Student Association that should not exceed more than 1.6% in total of the annual budget, and as approved by an SRC majority.

9.0 Elections

- 9.1 The SRC will appoint a Returning Officer to be responsible for all elections for positions in the Association.
- 9.2 Elections, other than by-elections, will take place prior to the end of March.
- 9.3 The Returning Officer will be responsible for conducting elections in a fair and equitable manner using an optional preferential system.

10.0 Annual General Meeting

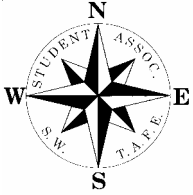
- 10.1 An Annual General Meeting of the Association will be held before the end of May each year.
- 10.2 The business to be conducted at the Annual General Meeting will include:
 - 10.2.1 Presentation for adoption of a financial statement prepared in accordance with the requirements of Section 30(3) of the Act;
 - 10.2.2 Confirmation of the minutes of the last Annual General Meeting;
 - 10.2.3 The President's report;
 - 10.2.4 The auditor's report;
 - 10.2.5 Such other business as has been notified to members.

11.0 General Meetings

- 11.1 A General Meeting of the Association must be called by the Secretary at the request of 25 members of the Association or by decision of the SRC.
- 11.2 Only business set out in the notice of meeting may be discussed at a general meeting.

12.0 Procedures for General Meetings

- 12.1 The Secretary of the Association, at least 14 days, or if a special resolution has been proposed at least 21 days, before the date fixed for holding a general meeting of the Association, must cause to be sent to members of the Association, a notice stating the place, date and time of the meeting and the nature of the business to be conducted at the meeting.
- 12.2 Notice of general meetings may occur as follows:
 - 12.2.1 posted on noticeboards
 - 12.2.2 published in Missing Link (SWITSA newspaper)



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12.2.3 published on SWITSA web page

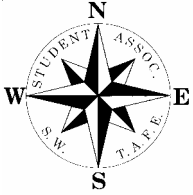
- 12.3 The President will preside at general meetings. In the absence of the President the Vice-President will preside. In the absence of both President and Vice-President the meeting must elect a person to preside.
- 12.4 A quorum at a general meeting is 25 members.
- 12.5 A simple majority of those voting at the meeting is required to pass a resolution except in the case of amendments to the Statement of Purpose or the Rules of the Association, in which case a three quarter majority is required.
- 12.6 The person presiding at a general meeting may adjourn the meeting and determine the place and time at which the meeting is to resume. The only business which may be discussed at an adjourned meeting is the unfinished business at the time of adjournment.
- 12.7 In the case of a tied vote the person presiding at the meeting shall be entitled to exercise a second or casting vote.
- 12.8 The person presiding at a general meeting will determine matters of procedure not covered in these rules.
- 12.9 Members are not entitled to vote by proxy.

13.0 Referendums

- 13.1 A referendum to decide the Association's position on a matter must be held at the written request of 100 members or by decision of the SRC.
- 13.2 Notice of a referendum must be posted at all campuses in all major student assembly areas within 30 days of the receipt of the petition from members or of the decision by the SRC.
- 13.3 Such notice shall specify:
 - 13.3.1 the issue to be decided;
 - 13.3.2 the times and locations at which voting will occur.

14.0 Finance

- 14.1 The funds of the Association may be derived from fees, donations, grants, proceeds of fund-raising activities, interest on investments and such other sources as the SRC may approve.
- 14.2 All money received for, or on behalf of the Student Association must be deposited in a bank account by the South West Institute of TAFE where it is held in trust for the Student Association.
- 14.3 All cheques must be signed by two executive members of the SRC.
- 14.4 All payments exceeding \$100 must be made by cheque.
- 14.5 Authority for payments which:
 - 14.5.1 exceed \$1000 must be made by the SRC;
 - 14.5.2 do not exceed \$1000 may be delegated to a sub-committee of the SRC;
 - 14.5.3 do not exceed \$300 may be delegated to an individual member of the SRC or to an officer working with, or for, the SRC.
- 14.6 The accounting period will be from 1st January to 31st December inclusive.



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15.0 Books and records

- 15.1 The Secretary of the Association shall keep minutes of the resolutions and proceedings of each General Meeting and each SRC meeting in books provided for that purpose together with a record of the names of persons present at SRC meetings.
- 15.2 The Treasurer of the Association shall be responsible for ensuring that correct accounts and books showing the financial affairs of the Association are kept.
- 15.3 Any member may inspect the books and records of the Association on giving reasonable notice to the person responsible for the relevant documents.

16.0 Winding up

- 16.1 If the Association is wound up or its incorporation cancelled assets should not be distributed to members but should be held by the Institute to be made available to any successor of the Association, having similar purposes to the Association and recognised by the Institute Council.

17.0 Prohibition of distribution to members

- 17.1 The income and property of the Association must be used and applied solely for the promotion of its purposes and the exercise of its powers as set out in these rules.
- 17.2 No portion of the income or property of the Association may be distributed directly or indirectly to, or among, the members of the Association.
- 17.3 Nothing in this rule prevents the payment in good faith:
 - 17.3.1 of remuneration to any officer or employee of the Association;
 - 17.3.2 to any member of out of pocket expenses, money lent, reasonable and proper charges for the hire of goods by the Association, reasonable and proper rent for premises lent to the Association or the provision of services to the member, to which that member would be entitled in accordance with the purposes regardless of membership;
 - 17.3.3 of interest to any member in respect of money owing to that member.

18.0 Common Seal

- 18.1 The Common Seal of the Association must be kept by the Secretary.
- 18.2 Affixing the Common Seal must be authorised by the SRC and attested by the signatures of two Executive members of the SRC.

19.0 Discipline of members

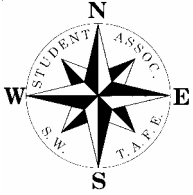
- 19.1 The Association does not have the power to discipline members.

20.0 Indemnity

- 20.1 Every member of the Association, member of the SRC, auditor, employee or agent of the Association shall be indemnified out of the property of the Association against any liability incurred by that person while acting in that capacity in defending any proceedings in which judgement is given in favour of that person; in which that person is acquitted; or in connection with any application in relation to such proceedings in which relief is granted to that person.

21.0 Changes to rules and statement of purpose

- 21.1 These rules and statement of purpose shall not be altered except in accordance with the procedure set out in rule 12.1.
- 21.2 No alteration made in accordance with this rule is effective unless:
 - 21.2.1 The alteration is approved by the Institute Council; or



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21.2.2 The Institute has not advised the Association whether the alteration is approved or not within three days of the next regular meeting of the Institute Council after the amendment was delivered to the office of the Director of the Institute.

22.0 Auditor

22.1 The SRC will appoint an auditor who will be responsible for auditing the accounts of the Association and the preparation of a report for submission to the Annual General Meeting of the Association.

23.0 Liquor licences

23.1 The Association may from time to time hold a licence for the serving and or sale of liquor pursuant to the Liquor Control Act Victoria in terms approved pursuant to that Act for the purposes of pursuing the objectives of the Association.

24.0 Raffles and Bingo permits

24.1 The Association may hold a licence issued by the Raffles and Bingo Permit Board for the purposes of pursuing the objectives of the Association.

25.0 Regulations

25.1 The SRC may make regulations consistent with this Constitution to assist in the running of the Association.

25.2 The following procedures will apply to the making of regulations:

25.2.1 The mover of the regulation proposed to be adopted, amended or withdrawn shall give 8 days notice of his or her intention to move the same and the secretary shall include the proposal in full in the notice convening a meeting of the SRC;

25.2.2 The proposal must be adopted by a two thirds majority of those members of the SRC present at the meeting;

25.2.3 The proposed regulation shall be reported to the next ensuing General Meeting of the Association and such regulation may be disallowed by a majority of members voting at the meeting.

26.0 Disputes and Mediation

26.1 The grievance procedure set out in this rule applies to disputes under these rules between:

26.1.1 a member and another member in relation to Association business,

26.1.2 or

26.1.3 a member and the Association.

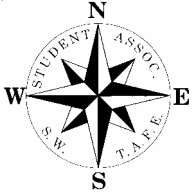
26.2 The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of both parties.

26.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend the meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

26.4 The mediator must be:

26.4.1 a person chosen by agreement between the parties, or,

26.4.2 in the absence of agreement:



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- 26.4.2.1 in the case of a dispute between a member and another member, a person appointed by the Student Representative Council, or
 - 26.4.2.2 in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 26.5 A member of the Association can be a mediator.
- 26.6 The mediator cannot be a member who is a party to the dispute.
- 26.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 26.8 The mediator, in conducting the mediation, must
- 26.8.1 give the parties to the mediation process every opportunity to be heard, and
 - 26.8.2 allow due consideration by all parties of any written statement submitted by any party, and
 - 26.8.3 Ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 26.9 The mediator must not determine the dispute.
- 26.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute
- 26.10.1 in accordance with Institute dispute resolution procedures, or
 - 26.10.2 In accordance with the Associations Incorporation Act otherwise at law.