



# Constitution

Bond University Student Association Incorporated

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# 1. Preliminary

## 1.1. Definitions

In this Constitution:

- 1.1.1. **Act** means the *Associations Incorporation Act 1981* (Qld) and includes any amendment or re-enactment of it or any legislation passed in substitution for it;
- 1.1.2. **Association** means Bond University Student Association Incorporated;
- 1.1.3. **Candidate** refers to an individual who fulfils the criteria for candidacy in an election of the Management Committee and self-nominates for a designated position or is nominated for a position in accordance with these rules;
- 1.1.4. **Casual vacancy** refers to a previously filled position within the Management Committee that becomes vacant during the term in office by lack of candidature, resignation or otherwise;
- 1.1.5. **Day** refers to a calendar day;
- 1.1.6. **Election by-laws** refers to the document detailing election processes for candidates to sign their adherence;
- 1.1.7. **Senior Executive Members** refers to the President, Treasurer and Secretary of the Association;
- 1.1.8. **Full Executive** refers to the President, Treasurer, Secretary and Vice President(s) of the Association;
- 1.1.9. **General Meeting** includes special and annual general meetings of the Association;
- 1.1.10. **Management Committee** refers to the Senior Executive Members, Vice President(s) and Directors, and other members of the Management Committee who may be appointed in terms of these Rules;
- 1.1.11. **Management Committee Elect** refers to the Senior Executive Members, Vice President(s), Directors, and other members referred to in these Rules who have been elected but have not yet commenced their twelve-month term in accordance with these Rules;
- 1.1.12. **Member** of the Association means any individual referred to in Rule 4;
- 1.1.13. **Special Resolution** means a resolution that has been passed at a general meeting by a least 75% of the members of the Association present and entitled to vote on the resolution;
- 1.1.14. **Students** means all individuals who are admitted and enrolled in at least one subject at Bond University, and all individuals who have been enrolled in at least one subject at Bond University but are currently on a leave of absence with the intention of returning to Bond University to complete their studies;
- 1.1.15. **University** means Bond University Limited.

## **1.2. Interpretation**

- 1.2.1. Reference to:
  - 1.2.1.1. The singular includes the plural, and the plural includes the singular.
- 1.2.2. Except so far as the contrary intention appears in this Constitution:
  - 1.2.2.1. The singular includes the plural, and the plural includes the singular.
  - 1.2.2.2. An expression or word has in this Constitution the same meaning as in the Act; and
  - 1.2.2.3. If an expression or word is given different meanings for the purposes of different provisions of the Act, the expression has, in a provision of this Constitution that deals with a matter dealt with by a particular provision of the Act, the same meaning as in that provision of the Act.
- 1.2.3. “Including” and similar expressions are not words of limitation.

## **2. Objects**

- 2.1. The objects of the Association are to:
  - 2.1.1. advance and promote the interests of students;
  - 2.1.2. represent the views of students to the University, individuals, bodies, or any other group within and outside the University;
  - 2.1.3. provide, conduct, and/or manage cultural, sporting, welfare, recreational, social, arts, advocacy or any such activities, services, amenities and/or facilities which are in the interests of or for the benefit of students. For the avoidance of doubt, this may include fundraising for the Association’s activities;
  - 2.1.4. promote and generally further the aims, objects, and interests of the University, where they are consistent with the interests of students;
  - 2.1.5. fund and support all clubs and societies affiliated with the Association in a fair and equitable manner; and
  - 2.1.6. do such things which shall benefit students or are incidental or conducive to the attainment of any or all these objects.
- 2.2. In attaining the objects of the Association, the Association shall always remain independent of any religious or political organisation.

### **3. Powers**

- 3.1. Subject to the Act, this Constitution, and for achieving the objects of the Association, the Association has all the powers of an individual and a body corporate.
- 3.2. The Association may, for example:
  - 3.2.1. enter into contracts;
  - 3.2.2. acquire, hold, dispose of, and deal with, property;
  - 3.2.3. charge for services and facilities it supplies;
  - 3.2.4. raise funds for the purposes of conducting the Association's affairs and related activities from time to time; and/or
  - 3.2.5. do other things necessary or convenient to be done in carrying out its affairs.
- 3.3. The Association shall use and apply its income and property solely in the promotion of its objects and in the exercise of its powers.

### **4. Membership**

- 4.1. Subject to Rule 6, the Association's members comprise all students who are admitted and enrolled in at least one subject at Bond University, and all students who have been enrolled in at least one subject at Bond University but are currently on a leave of absence with the intention of returning to Bond University to complete their studies.
- 4.2. Students who do not wish to be members of the Association may advise the Secretary in writing of this. The Secretary will, within seven (7) days, respond to this advice by removing them from the list of members. Subject to the subrules above, membership is automatically awarded to students upon enrolment being at either the beginning of a semester or at some point in time during the semester.
- 4.3. For clarification, when a person meets the requirements for graduation, their membership continues until the date of conferral, as dictated by the University Council

### **5. Membership fee**

- 5.1. There is no formal membership fee, though students' Student Services and Amenities Fee (SSAF) contributions primarily fund the Association.

## **6. When membership ends**

- 6.1. A person's membership ends when:
  - 6.1.1. they no longer satisfy the requirements of Rule 4; or
  - 6.1.2. the person advises the Secretary of the Association in writing that they no longer wish to be a member of the Association in accordance with Rule 4; or
  - 6.1.3. the majority of the Management Committee determines that the student's membership should be terminated because the student has conducted themselves in a manner which is considered to be injurious or prejudicial to the character or interests of the Association.
- 6.2. Before the Management Committee terminates a student's membership in accordance with Rule 6.1.3 above, the Management Committee must provide the student with a full and fair opportunity to show why their membership should not be terminated, including:
  - 6.2.1. an opportunity to be heard in person by a quorum of the Management Committee, with at least seven (7) days written notice to prepare their response prior to the relevant meeting begin held; and
  - 6.2.2. the right to obtain assistance with the preparation of their response; and
  - 6.2.3. the right to have a support person and/or interpreter (not acting as advocate or lawyer) accompany them to the meeting.
- 6.3. If, after considering the student's response in accordance with the subrules above, the Management Committee decides to terminate the student's membership, the Secretary of the Association must provide the member with written notice of this decision with brief reasons for the decision.
- 6.4. There is no appeal against the Management Committee's decision to terminate a student's membership. However, aggrieved members may lodge a grievance with the Secretary against the decision to terminate their membership, in accordance with these Rules. This may or may not lead to their reinstatement as a member of the Association.

## **7. Register of members**

- 7.1. The register of members will encompass all students who meet the requirements for membership in terms of Rule 4, except those who have resigned as members and/or whose membership has been terminated, and whose details are held under the University's Student Identification System.

## **8. Secretary**

- 8.1. A Secretary must be elected or, where applicable in terms of these Rules, appointed for the Association. The Secretary has responsibilities under the Act and Regulations and must ensure that forms and documents are submitted to the Office of Fair Trading.
- 8.2. The Secretary is the main registered contact point for the Association.
- 8.3. The Secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border.
- 8.4. The Secretary must be at least eighteen (18) years old.
- 8.5. The Secretary will be elected by the members of the Association in the same manner and at the same time that the members of the Management Committee are elected in accordance with these Rules.

## **9. Membership of the Management Committee**

- 9.1. The Management Committee of the Association consists of:
  - 9.1.1. President
  - 9.1.2. Treasurer
  - 9.1.3. Secretary
  - 9.1.4. Vice President (Education)
  - 9.1.5. Vice President (Representation)
  - 9.1.6. Vice President (Sport)
  - 9.1.7. Vice President (Communications)
  - 9.1.8. Vice President (Recreation)
  - 9.1.9. Any other directors or members, who are elected to the Management Committee, or appointed to fill a casual vacancy on the Management Committee, in accordance with these Rules.
- 9.2. There must be at least nine (9) but no more than twenty-one (21) members on the Management Committee at any one time.
- 9.3. All members of the Management Committee must be a member of the Association.
- 9.4. Members of the Management Committee will hold office for a period of twelve (12) months unless they resign or are removed from office in accordance with these Rules.
- 9.5. The Management Committee may appoint one or more subcommittees consisting of members of the Association considered appropriate by the committee to help with the conduct of the Association's operations.

## 10. Electing the Management Committee

- 10.1. Elections for all positions on the Management Committee must be held during the first five weeks of the University's September academic semester, at a date that the Management Committee determines to be appropriate within this time period.
- 10.2. Subject to Rule 9.4 above, members of the Management Committee Elect will hold office for a period of twelve (12) months, commencing three (3) weeks after the date of their election or at an earlier time which the Management Committee decides.
- 10.3. Members are required to qualify for membership of the Association for their respective period of office. Where a student cannot demonstrate their ability to do this, they may be removed from either candidacy or office. By self-nominating or standing for nomination for a position on the Management Committee, the nominee authorises the Secretary to undertake a check of their eligibility to hold office with Bond University at any time across their term of office.
- 10.4. A member of the Association may become a candidate for a position on the Management Committee in accordance with the following:
  - 10.4.1. candidacy may arise from self-nomination or nomination by another member of the Association;
  - 10.4.2. a candidate can only be nominated for a single position on the Management Committee at any one election;
  - 10.4.3. the candidate must adhere to the election by-laws and sign their agreement; and
  - 10.4.4. all nominations must be:
    - 10.4.4.1. in writing;
    - 10.4.4.2. state the position for which the candidate is being nominated;
    - 10.4.4.3. signed by the candidate and the member/s who nominated them; and
    - 10.4.4.4. given to the Secretary at least fourteen (14) days before the date upon which the election process begins.
- 10.5. A list of candidates' names must be made available to the Association's members at least seven (7) days before the date upon which the election process begins.
- 10.6. Candidates will be elected as follows:
  - 10.6.1. each member of the Association will have one (1) vote only;
  - 10.6.2. voting will be by secret ballot;
  - 10.6.3. candidates who receive the highest number of affirmative votes in relation to a particular position on the Management Committee will be elected to that position; and
  - 10.6.4. where a position is uncontested, if the candidate receives a greater number of negative votes than affirmative votes, another election will be held to fill the position in accordance with these Rules (with changes required by the context). This election must be held within three (3) weeks of the initial election.



- 10.7. The election will be conducted by a duly appointed neutral officer who must not be a member of the Association and who has been selected by the Management Committee prior to the commencement of the election ballot process.
- 10.8. The Management Committee may appoint an election subcommittee to facilitate the campaigning process and related events.
- 10.9. The Management Committee will remain neutral and without bias in the nomination and voting process of the election.
- 10.10. If an incumbent Management Committee member has been nominated as a candidate, that Management Committee member will be excluded from any internal discussions, communications and/or decisions regarding the election of a candidate to the position for which they have been nominated.

## **11. Resignation or removal from office of Management Committee member**

- 11.1. A Management Committee member may resign from the Management Committee by giving written notice of resignation to the Secretary or to the President, where the Secretary wishes to resign.
- 11.2. The resignation takes effect fourteen (14) days after the date on which the resignation notice is received, unless exceptional circumstances arise necessitating that the resignation takes effect earlier.
- 11.3. A member of the Management Committee shall have their office declared vacant or be removed from office in the following circumstances:
  - 11.3.1. resignation;
  - 11.3.2. death;
  - 11.3.3. upon the recommendation of the Vice Chancellor or University Registrar;
  - 11.3.4. upon the Chair of the Management Committee at a meeting of the Management Committee determining that a member has:
    - 11.3.4.1. been absent without a satisfactory reason from two (2) consecutive meetings or any three (3) meetings;
    - 11.3.4.2. not met, or at any point during their term failed to meet, the standards associated with being a fit and proper person;
    - 11.3.4.3. failed to comply with their duties under the Act; and/or
    - 11.3.4.4. failed to fulfil their duties as set out in this Constitution and/or as otherwise provided for and/or agreed in their portfolio, contained in Schedule A to this Constitution.
- 11.4. Prior to a determination being made by the Chair of the Management Committee in terms of this Rule, the member who is facing removal must be:
  - 11.4.1.1. provided with information about the allegation against them;
  - 11.4.1.2. afforded a reasonable opportunity to be heard by a quorum of the Management Committee, in writing and/or in person; and
  - 11.4.1.3. given an opportunity to have a support person (not acting as advocate or lawyer) assist them with preparing their response

and/or accompany them to the relevant meeting of the Management Committee.

- 11.5. Prior to making the determination, the Chair must be satisfied that a special majority of the Full Executive of the Management Committee is supportive of the removal.
- 11.6. Where a person who is removed as a member of the Management Committee holds office on one or more subcommittees of the Association, the removal shall apply to all offices held.
- 11.7. A member who has been removed from office or who has resigned shall not be eligible to be a member of the Management Committee until the expiration of one (1) year from the date on which they vacated that position, unless they pursue a grievance process in accordance with these Rules which results in their reinstatement.
- 11.8. A member has no right of appeal against their removal from office under this Rule. However, they may lodge a grievance in accordance with these Rules. The grievance process may or may not lead to their reinstatement.
- 11.9. Where a person has been removed as a member of the Management Committee, the Secretary must inform the members of the Association in writing, within fourteen (14) days of the removal determination being made by the Chair of the Management Committee.

## **12. Casual Vacancies on the Management Committee**

- 12.1. If a casual vacancy arises in the Management Committee of the Association:
  - 12.1.1. within the first two (2) months of the initial election held in terms of these Rules and the election by-laws, the candidate for that position who achieved the second highest number of votes in the initial election will be appointed to fill the vacancy. Where the second candidate is unavailable or unwilling to be appointed to that position, or where there is no such candidate, a by-election will be held in accordance with these Rules and the election by-laws to fill the position (with changes required by the context);
  - 12.1.2. between two (2) and nine (9) months after the initial election at which the current Management Committee was appointed, a by-election must be held within four (4) weeks of the vacancy arising to fill the position vacated in accordance with the process provided for in the election by-laws (with changes required by the context);
  - 12.1.3. within three (3) months of the next annual election, the remaining members of the Management Committee shall appoint a person to the position in accordance with the following process:
    - 12.1.3.1. members of the Association shall be invited to apply for the position within two (2) weeks of the vacancy arising; and
    - 12.1.3.2. a meeting of the Management Committee will be called to consider the applications and to appoint the applicant who receives the majority of votes from the Management Committee members who are present at that meeting, subject to the quorum

requirements provided for in Schedule B to this Constitution. In the event of a tie, the President shall have the casting vote.

- 12.2. The continuing members of the Management Committee may act despite a casual vacancy on the Management Committee.

### **13. Functions and duties of the Management Committee**

- 13.1. Subject to these rules or a resolution of the Association members carried at a general meeting, the members of the Management Committee have:
- 13.1.1. the powers of the Association detailed in these Rules;
  - 13.1.2. the general control and management of the administration of the affairs, property and funds of the Association; and
  - 13.1.3. the roles and responsibilities listed in their portfolios in Schedule A to this Constitution. These portfolios are subject to change on an ad hoc basis by a simple majority of the current members of the Management Committee.
- 13.2. Where there is disagreement about the meaning of these Rules or any matter relating to the Association on which the Rules or the Association's by-laws are silent, a simple majority of the Senior Executive members of the Management Committee have the authority, subject to any relevant laws, regulations or related Rules or by-laws to determine the meaning of the Rules or by-laws or the outcome of the matter.
- 13.3. When performing their functions and exercising their powers under this Constitution and in accordance with their portfolios, the Management Committee must comply with its duties under the Act, including but not limited to:
- 13.3.1. exercising their powers and discharging their duties with the degree of care and diligence that a reasonable person would exercise in their position, under the circumstances; and
  - 13.3.2. acting in good faith in the best interests of the Association, for a proper purpose and without a material personal interest in the matter; and
  - 13.3.3. not using their position or information obtained in the fulfilment of their functions and exercise of their powers under these Rules, to gain a personal benefit (or a benefit for another) or to cause detriment to the Association.
- 13.4. Nothing contained in these Rules should be construed as purporting to limit the obligations and duties of the Management Committee members under the Act.

## **14. Meetings of the Management Committee**

- 14.1. Subject to this Rule and the sub-rule governing special meetings of the Management Committee, the Management Committee may meet and conduct its proceedings as it considers appropriate.
- 14.2. The Management Committee must meet at least once every two (2) months to exercise its functions.
- 14.3. Meetings are to be scheduled and called by the Secretary of the Association in writing.
- 14.4. The President of the Association is the Chair at Management Committee meetings. The President may delegate this role to the Secretary or the Treasurer.
- 14.5. The quorum for and adjournment of all Management Committee meetings is governed by Schedule B to this Constitution.
- 14.6. A question or motion arising at a Management Committee meeting is to be decided by a majority vote of the Management Committee members present at the meeting and, if the votes are equal, the Chair of the meeting has the casting vote.
- 14.7. A Management Committee member must not vote on a question about an issue, contract, or proposed action regarding the Association's activities if the member has an interest in the issue, contract or proposed action, and if the member does vote the member's vote must not be counted.

### **14.8. Special Meetings of the Management Committee**

- 14.8.1. If the Secretary receives a written request signed by at least three (3) members of the Management Committee, the Secretary must call a special Management Committee meeting within two (2) weeks of the request.
- 14.8.2. The request must include the reasons for the request and the business which is proposed to be conducted at the meeting.
- 14.8.3. The Secretary must give each Management Committee member at least fourteen (14) days' written notice of a special meeting of the Management Committee.
- 14.8.4. A notice of a special meeting must state:
  - 14.8.4.1. the day, time and place of the meeting; and
  - 14.8.4.2. the business to be conducted at the meeting.
- 14.8.5. The President is to preside as chairperson at the meeting. The President may delegate this role to the Secretary or the Treasurer.

## **15. Delegation of Management Committee powers**

- 15.1. Subject to this Rule the Management Committee may delegate the whole or part of its powers to a subcommittee consisting of the Association members considered appropriate by the Management Committee.
- 15.2. A subcommittee may only exercise delegated powers in accordance with the Management Committee's directives.
- 15.3. A subcommittee may elect a chairperson for its meetings.
- 15.4. If a chairperson is not elected, or if the chairperson is not present within ten (10) minutes after the time fixed for a meeting, the members present may choose one of their number to be chairperson of the meeting.
- 15.5. A subcommittee may meet and adjourn as it considers appropriate, provided it completes the tasks assigned to it within the required time periods.
- 15.6. A motion or question arising at a subcommittee meeting is to be decided by a majority vote of its members present at the meeting and, if the votes are equal, the chairperson has the casting vote.

## **16. Acts not affected by defects or disqualification**

- 16.1. Subject to the law, an act performed by the Management Committee, a subcommittee or a person acting as a member of the Management Committee in good faith is taken to have been validly performed.
- 16.2. This Rule applies even if the act was performed when:
  - 16.2.1. there was a defect in the appointment of a member of the Management Committee, subcommittee or person acting as a member of the Management Committee, but the Management Committee was not aware of the defect; or
  - 16.2.2. a Management Committee member, subcommittee member or person acting as a member of the Management Committee was disqualified from being a member, but the Management Committee was not aware of the disqualification.

## **17. Resolutions of Management Committee without meeting**

- 17.1. A written resolution signed by a 75% majority of the current members of the Management Committee is as valid and effectual as if it had been passed at a Management Committee meeting that was properly called and held.
- 17.2. A resolution obtained in accordance with this Rule may consist of several documents.

## **18. Annual general meetings**

- 18.1. An annual general meeting must be held:
  - 18.1.1. at least once each year; and
  - 18.1.2. during the first five (5) weeks of the September academic semester.

## **19. Business to be conducted at the annual general meeting**

- 19.1. The following business must be conducted at each annual general meeting:
  - 19.1.1. presenting the Treasurer's Annual Report;
  - 19.1.2. receiving the statement of income and expenditure, assets, liabilities and mortgages, charges and securities affecting the property of the Association for the last financial year;
  - 19.1.3. receiving the auditor's report on the financial affairs of the Association for the last financial year;
  - 19.1.4. presenting the audited statement to the meeting for adoption;
  - 19.1.5. presenting the President's Annual Report;
  - 19.1.6. minuting election results for members of the Management Committee and formally appointing the Management Committee Elect; and
  - 19.1.7. appointing an auditor, for the purposes of fulfilling the Association's obligations under the Act, and in accordance with the requirements of the Act.

## **20. Special general meeting**

- 20.1. The Secretary must call a special general meeting of the Association by giving each member written notice of that meeting within fourteen (14) days after:
  - 20.1.1. being directed to call the meeting by a majority of the Management Committee; or
  - 20.1.2. being given a written request signed by at least the number of members of the Association equal to the quorum for a general meeting of the members as provided for in Schedule B to this Constitution; or
  - 20.1.3. being given a written notice of an intention to appeal against the decision of the Management Committee in relation to the disaffiliation of a formerly affiliated body of the Association; or
  - 20.1.4. being directed by the Senior Executive of the Association to call a special general meeting.

## **21. Notice of annual and special general meetings**

- 21.1. The Secretary must give at least fourteen (14) days' written notice of all general meetings to each Association member.
- 21.2. A notice of a general meeting must state:
  - 21.2.1. the date, time and venue of the meeting; and
  - 21.2.2. the business to be conducted at the meeting.

## **22. Procedure at a general meeting**

- 22.1. The quorum for general meetings is governed by Schedule B to this Constitution.
- 22.2. Subject to these Rules, at each general meeting:
  - 22.2.1. The President of the Association or, if there is no President or if the President is not present within fifteen (15) minutes after the time fixed for the meeting or the President is unable to act, another Senior Executive member or delegate is to preside as chairperson.
  - 22.2.2. The chairperson must conduct the meeting in a proper and orderly way.
  - 22.2.3. Each question, matter or resolution must be decided by a majority of votes of the members present, unless the resolution is a special resolution.
  - 22.2.4. Each member present and entitled to vote (or their proxy) is entitled to one (1) vote only and, in case of an ordinary resolution, if the votes are equal, the chairperson has a casting vote as well as a deliberative vote.
  - 22.2.5. Voting may be by a show of hands or a division of members, unless at least 20% of the members (or their proxies) present demand a secret ballot, which must be conducted in writing.
  - 22.2.6. If a secret ballot is held, the chairperson must appoint two (2) members to conduct the secret ballot in the way the chairperson decides.
  - 22.2.7. The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

## 23. Proxies at general meetings

- 23.1. A member may vote in person or by proxy.
- 23.2. An instrument appointing a proxy must be in writing, properly authorised and signed by the member appointing the proxy.
- 23.3. A proxy may be a member of the Association or another person.
- 23.4. The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- 23.5. If someone wants to give a member an opportunity to vote for or against a resolution, the instrument appointing a proxy must be in the following or like form:

I, (*insert name*) of (*insert address*), being a member of the Bond University Student Association Incorporated, appoint (*insert name, address and description*) as my proxy to vote on my behalf at the (*annual/special*) general meeting of the Association, to be held on (*date*) or at any adjournment of the meeting.

Signed:

Dated:

This form is to be used \*in favour of/against\* the resolution.

\*Strike out whichever is not wanted. (Unless otherwise instructed, the proxy may vote as the proxy considers appropriate.)

- 23.6. Each instrument appointing a proxy must be given to the Secretary at least twenty-four (24) hours before the start of the meeting or an adjourned meeting which has been reconvened at which the proxy named in the instrument proposes to vote.

## 24. Minutes of Management Committee meetings and general meetings of the Association

- 24.1. The Secretary must ensure:
  - 24.1.1. full and accurate minutes of all questions, matters, resolutions and other proceedings of each Management Committee meeting and each general meetings of the Association are entered in a minute book; and
  - 24.1.2. that the minute book for each general meeting is open for inspection at all reasonable times by any member who previously applies in writing to the Secretary for the inspection.
- 24.2. To ensure the accuracy of the minutes recorded under this Rule:
  - 24.2.1. the minutes of each Management Committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next Management Committee meeting, verifying their accuracy.
  - 24.2.2. the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting of the Association, verifying their accuracy.



## **25. Grievance procedure**

- 25.1. This Rule sets out a grievance procedure for dealing with a dispute between parties in accordance with s47A(1) of the Act.
- 25.2. The grievance procedure cannot be used to the extent that these Rules provide for an appeal process about the same issue.
- 25.3. An aggrieved party (who is a member of the Association) may initiate the grievance procedure by giving notice in writing of their grievance:
  - 25.3.1. To the other party; and
  - 25.3.2. If the other party is not the Association's Secretary, to the Association's Secretary.
- 25.4. For the avoidance of doubt, the aggrieved party may be one or more ordinary members of the Association, one or more members of the Association acting in their capacities as members of the Management Committee or the Management Committee itself, and the other party may be a member of the Management Committee and/or an ordinary member of the Association.
- 25.5. If two or more members initiate a grievance procedure in relation to the same subject matter, the Association's Secretary may deal with the disputes in a single process and the members must choose one of the members (who is also an aggrieved party) to represent them in the grievance procedure.
- 25.6. The parties to the grievance must attempt to resolve the matter in good faith.
- 25.7. If the parties to the grievance cannot resolve it within fourteen (14) days after the aggrieved party initiates the grievance procedure, the aggrieved party may, within a further twenty-one (21) days, ask the Association's Secretary to refer the matter to mediation.
- 25.8. Subject to the Rule below, if the aggrieved party reasonably asks the association's secretary to refer the dispute to mediation, the management committee must refer it within 14 days after the request.

## **26. Grievance procedure not continued in particular circumstances**

- 26.1. This Rule applies if -
  - 26.1.1. A member initiates a grievance procedure in relation to a dispute and the Association or Association's Management Committee is the respondent party to the dispute; or
  - 26.1.2. The aggrieved party asks the Association's Secretary to refer the dispute to mediation.
- 26.2. The Association's Secretary does not have to pursue the grievance procedure provided for in these Rules if:
  - 26.2.1. before the grievance procedure was initiated, a process had started to take action against the aggrieved party or to terminate the aggrieved party's membership (which process had not been finalised), in accordance with these Rules and the dispute relates to that process or to a matter relevant to that process; or

- 26.2.2. the dispute or grievance could reasonably be considered frivolous, vexatious, misconceived or lacking in substance or the dispute relates to a matter that has already been the subject of a grievance procedure.

## **27. Appointment of mediator**

- 27.1. Subject to Rule 26 above, if a dispute is referred to mediation:
  - 27.1.1. The parties to the dispute must agree upon a mediator of their choice to conduct the mediation; or
  - 27.1.2. If the parties are unable to agree on the appointment of a mediator within fourteen (14) days after the dispute is referred to mediation, a mediator must be appointed by the University Registrar or delegate.
  - 27.1.3. To be eligible for appointment as a mediator, a person must be:
    - 27.1.3.1. independent to the dispute; and
    - 27.1.3.2. a staff member of the University who is adequately trained and experienced in dispute resolution.

## **28. Conduct of mediation**

- 28.1. If a mediator is appointed under this procedure, the mediator must commence the mediation process as soon as possible following their appointment and endeavour to complete the mediation within twenty-eight (28) days of their appointment.
- 28.2. The mediator -
  - 28.2.1. must give each party to the dispute a fair and equal opportunity to be heard on the matter;
  - 28.2.2. must comply with the principles of natural justice;
  - 28.2.3. must not act as arbitrator or adjudicator; and
  - 28.2.4. during the mediation, may see the parties, with or without their representatives or support persons (where applicable), together or separately.
- 28.3. The parties to the dispute must act reasonably and genuinely in the mediation and help the mediator to start and finish the mediation within the time required by these Rules.
- 28.4. If the mediator cannot resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **29. Support for party during grievance procedure**

- 29.1. A party to a dispute is entitled to have a support person accompany them to any meetings or mediation process which takes place in the course of the grievance procedure.
- 29.2. If a party invites a person under this Rule to be their support person, the party must give written notice of the support person's attendance at meetings and/or mediation to each of the following entities -
  - 29.2.1. the other party to the dispute;

- 29.2.2. the Management Committee; and
  - 29.2.3. if a mediator has been appointed before the party appoints the support person, the mediator.
- 29.3. A support person may not advocate for or represent the party to the dispute, but may provide support, interpretation assistance (where applicable) and advice before and during the grievance process to that party.

### **30. Electronic conduct of grievance procedure**

- 30.1. Any meeting or mediation session required under the grievance procedure may be conducted by electronic means if the parties to the dispute and, for a mediation, the mediator agrees.

### **31. By-laws**

- 31.1. The Management Committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the Association.
- 31.2. A by-law may be set aside by a vote of members by simple majority at a general meeting of the Association.
- 31.3. All by-laws will be made available on the Association's webpage, or to any member upon request following submission in writing to the Secretary.

### **32. Alteration of rules**

- 32.1. Subject to the Act, these Rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- 32.2. However, an amendment, repeal or addition is valid only if it is registered with the Office of Fair Trading in accordance with the Act.

### **33. Funds and accounts**

- 33.1. The funds of the Association must be kept in an account in the name of the Association in a financial institution decided by the Management Committee.
- 33.2. Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the Association.
- 33.3. All amounts must be deposited in the Association's bank account as soon as practicable after receipt.
- 33.4. All expenditure must be approved or ratified at a Management Committee meeting.
- 33.5. The Treasurer must, as soon as practicable after the end of each financial year, ensure a statement containing the following particulars is prepared:
- 33.5.1.1. the income and expenditure for the financial year just ended.
  - 33.5.1.2. the Association's assets and liabilities at the close of the year;
- and

- 33.5.1.3. the mortgages, charges and securities affecting the property of the Association at the close of the year.
- 33.6. The auditor must examine the statement prepared under these Rules and present a report about it to the Secretary before the next annual general meeting following the financial year for which the audit was made.
- 33.7. The income and property of the Association must be used solely in promoting the Association's objects and exercising the Association's powers.

## **34. Documents**

- 34.1. The Management Committee must ensure the safe custody of books, documents, instruments of title and securities of the Association.

## **35. Financial year**

- 35.1. The financial year of the Association closes on 30 June in each year.

## **36. Distribution of surplus assets to another entity**

- 36.1. This Rule applies if the Association:
  - 36.1.1. is wound up under Part 10 of the Act; and
  - 36.1.2. it has surplus assets.
- 36.2. The surplus assets must not be distributed among the Association members.
- 36.3. The surplus assets must be given to another entity:
  - 36.3.1. having objects similar to the Association's objects; and
  - 36.3.2. the rules of which prohibit the distribution of the entity's income and assets to its members.
- 36.4. In this Rule, 'surplus assets' has the meaning given to it by section 92(3) of the Act.

## **37. Affiliated bodies**

- 37.1. Student clubs, societies and organisations may apply to the Management Committee to affiliate with the Association.
- 37.2. Applications for affiliation:
  - 37.2.1. should be submitted in writing to the Management Committee and include the documentation prescribed by the Recreation Pod of the Association; and
  - 37.2.2. will be considered by the Recreation Pod of the Association having regard to the objects and supporting documentation of the applicant. Decisions to approve the application will be determined by the Recreation Pod of the Association.

- 37.3. Once a body has been approved by the Management Committee of the Association, the affiliation continues indefinitely until such time as the body is disaffiliated in terms of these Rules.
- 37.4. All affiliated bodies are required to maintain a list of their active members.
- 37.5. Affiliated bodies are eligible to receive funding from the Association; the amount of which is determined by the Management Committee, taking into account the proposed and/or actual budget and expenditure of the affiliated body, fairness and equity to all affiliated bodies, and any other relevant factors.
- 37.6. Affiliated bodies may be disaffiliated by the Management Committee provided reasonable notice is given on any one of the following grounds:
  - 37.6.1. inactivity for three (3) consecutive semesters; or
  - 37.6.2. bringing the affiliated body, the Association or Bond University into disrepute; or
  - 37.6.3. failing to respond to reasonable requests from the Management Committee.
- 37.7. Applicant bodies for affiliation and affiliated bodies may appeal against a rejection by the Management Committee of the body's application for affiliation with the Association or against disaffiliation by showing cause in writing to the Managing Committee within fourteen (14) days of notice being given of the relevant decision.

### **38. Liability of Management Committee members**

- 38.1. A Management Committee member is not liable to the Association for any loss or expense incurred by the Association unless the loss or expense resulted from their wilful act or omission.
- 38.2. The Association will indemnify and keep indemnified all Management Committee members against all expenses, losses or liabilities that they incur in the bona fide performance of their functions and duties as Management Committee members.
- 38.3. For the purposes of this clause, Management Committee members include members of subcommittees appointed in accordance with this Constitution.

# SCHEDULE A

## PORTFOLIOS OF MANAGEMENT COMMITTEE MEMBERS

### 1. President

1.1. The President must, subject to the Constitution of the Association:

- 1.1.1. represent students on relevant bodies, including committees of the University or, after consultation with the Management Committee, appoint members of the Association to such bodies;
- 1.1.2. be the official spokesperson of the Association and shall conduct all formal liaison between the Association, the Association's members, and the administration of the University;
- 1.1.3. authorise and release all notices of the Association;
- 1.1.4. make a report of the activities of the Association to the Annual General Meeting of the Association and to the University Council;
- 1.1.5. manage the day to day affairs of the Association;
- 1.1.6. chair meetings of the Association as required under this Constitution;
- 1.1.7. pursuant to section 13.2 of the Constitution, have the power to interpret the Constitution of the Association;
- 1.1.8. take such other action as they consider necessary in the interests of members of the Association.

### 2. Secretary

2.1. The Secretary must, subject to the Constitution of the Association:

- 2.1.1. ensure that minutes of meetings of the Management Committee and general meetings comply with section 24 of the Constitution;
- 2.1.2. prepare official notices regarding general meetings and elections of the Association;
- 2.1.3. pursuant to section 13.2 of the Constitution, have the power to interpret the Constitution of the Association;
- 2.1.4. be responsible for informing members of the Management Committee about their responsibilities under this Constitution;
- 2.1.5. be responsible for facilitating the grievance management procedure under section 25 of this Constitution;
- 2.1.6. take such other action as they consider necessary in the interests of members of the Association.

### 3. Treasurer

3.1. The Treasurer must, subject to the Constitution of the Association:

- 3.1.1. oversee the financial affairs of the Association;
- 3.1.2. be responsible for leading the Management Committee's determination of funds allocated to affiliated bodies in accordance with section 37 of the Constitution;
- 3.1.3. prepare and present such reports as are required under this Constitution;
- 3.1.4. arrange for the books and accounts of the Association to be audited and presented in accordance with section 33 of the Constitution;
- 3.1.5. pursuant to section 13.2 of the Constitution, have the power to interpret the Constitution of the Association;
- 3.1.6. take such other action as they consider necessary in the interests of members of the Association.

#### **4. Education Pod**

4.1. The Education Pod must, subject to the Constitution of the Association:

- 4.1.1. represent students on relevant bodies, including committees of the University;
- 4.1.2. identify higher education learning and teaching issues and collaborate with the University to address these;
- 4.1.3. convene the Association's Education and Academic Affairs Advisory Council in accordance with section 15 of the Constitution;
- 4.1.4. support international and postgraduate students in their transition to, and success at, university;
- 4.1.5. take such other action as they consider necessary in the interests of the members of the Association.

#### **5. Representation Pod**

5.1. The Representation Pod must, subject to the Constitution of the Association:

- 5.1.1. provide general advice and support to students involved in university academic, administrative, and disciplinary decision-making processes;
- 5.1.2. engage in the development and enhancement of university policies and procedures to ensure student rights (including access to advocacy) and responsibilities are clearly articulated and that the student perspective is actively provided;
- 5.1.3. lead the Association's commitment to accessibility and inclusion, wellbeing, sustainability, and First Nations initiatives;
- 5.1.4. take such other action as they consider necessary in the interests of the members of the Association.

#### **6. Sport Pod**

6.1. The Sport Pod must, subject to the Constitution of the Association:

- 6.1.1. facilitate sporting activities and events;
- 6.1.2. support the leadership, governance and administration of sport-based affiliated bodies;
- 6.1.3. coordinate student participation in intervarsity sporting competitions;
- 6.1.4. liaise with the Management Committee with respect to the administration of funding and affiliation of sport-based student clubs and societies;
- 6.1.5. take such other action as they consider necessary in the interests of the members of the Association.

#### **7. Communications Pod**

7.1. The Communications Pod must, subject to the Constitution of the Association:

- 7.1.1. connect students with events, initiatives and information via various communications channels;
- 7.1.2. design, edit and distribute student publications;
- 7.1.3. be responsible for obtaining sponsorship of the Association and its activities, and for maintaining relations with those sponsors;
- 7.1.4. take such other action as they consider necessary in the interests of the members of the Association.

#### **8. Recreation Pod**

8.1. The Recreation Pod must, subject to the Constitution of the Association:

- 8.1.1. plan and lead the Orientation Week, Club Sign on Day, and arts activities of the Association;
- 8.1.2. facilitate other social activities and events;
- 8.1.3. support the leadership, governance and administration of affiliated bodies;
- 8.1.4. liaise with the Management Committee with respect to the administration of funding and affiliation of student clubs and societies;
- 8.1.5. convene the Association's Bondstock Subcommittee in accordance with section 15 of the Constitution;
- 8.1.6. convene the Association's Arts Subcommittee in accordance with section 15 of the Constitution;
- 8.1.7. take such other action as they consider necessary in the interests of the members of the Association.



# **SCHEDULE B**

## **QUORUMS AND ADJOURNMENT OF MEETINGS**

### **1. Quorum for, and adjournment of, general meetings of the Association**

- 1.1. The quorum for a general meeting of the Association is 41 members of the Association, who must include at least one Senior Executive Member (or their delegate) of the Management Committee of the Association.
- 1.2. For the purposes of determining the quorum for a meeting, the term member includes a proxy of a member.
- 1.3. Subject to the Rules governing adjournment of meetings below, no business may be conducted at a general meeting unless a quorum of members is present when the meeting proceeds to business.
- 1.4. The quorum must remain present for the duration of the items for decision on the meeting agenda.
- 1.5. If a quorum is not present within 30 minutes after the time fixed for a general meeting, the meeting is to be adjourned to:
  - 1.5.1. the same day, time and place in the following week; or
  - 1.5.2. a day, time and place decided by a simple majority of the Management Committee members present at the meeting.
- 1.6. If, at a meeting which has been reconvened following an adjournment, a quorum is not present within 30 minutes after the time fixed for the reconvened meeting, the members present form a quorum.
- 1.7. The chairperson may, with the consent of any meeting at which a quorum is present and must, if directed by a majority of the meeting, adjourn the meeting to another time and date.
- 1.8. If a meeting is adjourned in terms of these Rules, only the business left unfinished at that meeting may be considered and/or conducted when the adjourned meeting is reconvened.
- 1.9. Reasonable written notice to reconvene a meeting which has been adjourned must be given to all members of the Association, by the Secretary, stating:
  - 1.9.1. the time, date and place of the meeting; and
  - 1.9.2. the business to be conducted at the meeting.

### **2. Quorum for, and adjournment of, Management Committee Meetings**

- 2.1. At a Management Committee meeting, more than 50% of the members currently sitting on the Management Committee form a quorum.
- 2.2. If a quorum is not present within 30 minutes after the time fixed for a Management Committee meeting, the meeting is to be adjourned to:
  - 2.2.1. the same day, time and place in the following week; or
  - 2.2.2. a day, time and place decided by the members of the Management Committee who are present at the meeting, taking into consideration the availability of all members of the Management Committee.
- 2.3. If, at an adjourned meeting which has been reconvened, a quorum is not present within 30 minutes after the time fixed for the reconvened meeting, the members present form a quorum.



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