



GRIFFITH UNIVERSITY POSTGRADUATE STUDENTS ASSOCIATION

Constitution

Adopted by GUPSA SGM
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1 INTERPRETATION

- 1) In this constitution, unless otherwise defined:
 - a. **By lot** means making a determination or choice by lottery. For example, this might include conducting a draw at random;
 - b. **Council** means the Griffith University Council.
 - c. **Postgraduate coursework degree** means a coursework degree or graduate certificate ordinarily requiring a bachelor's degree as prerequisite for admission, or as recognised by the Council.
 - d. **Postgraduate student** means a person who is enrolled in either a research higher degree or a postgraduate coursework degree of the University.
 - e. **Research higher degree** means a doctoral, higher doctoral, or research masters degree as recognised by the Council.
 - f. **Simple majority** means a resolution passed by a number of votes greater than 50% of the postgraduate students who are present and voting, including those legitimately present by proxy in the case of general meetings.
 - g. **Special resolution** means a resolution at a general meeting of the association passed by a number of votes equal to or greater than 75% of those postgraduate students present and voting, including those legitimately present by proxy.
 - h. **University** means Griffith University, Queensland, Australia.
 - i. **University Council** means the governing body of the University as established in the Griffith University Act 1998.
- 2) A word or expression that is not defined in this constitution, but is defined in the *Associations Incorporation Act 1981* or the *Griffith University Act 1998* has, if the context permits, the meaning given by the respective Act.

2 NAME

- 1) The name of the association is GRIFFITH UNIVERSITY POSTGRADUATE STUDENTS ASSOCIATION (***the association***).

3 OBJECTS

- 1) The objects of the association are:
 - a. to identify and service the common needs and interests of postgraduate students of the University;
 - b. to represent postgraduate students as a special interest group in the University and the community generally, both through direct representation within the University and affiliation with organisations which share this objective;
 - c. to facilitate communication between postgraduate students across the University through the sharing of information and activities of social, cultural and professional interest;
 - d. to administer and use such funds as may be made available to it from time to time.

4 POWERS

- 1) Subject to the *Griffith University Act 1998*, this constitution and any bylaws made pursuant to this constitution, the association has the powers of an individual.
- 2) The association may, for example:
 - a. enter into contracts;
 - b. acquire, hold, deal with and dispose of property;
 - c. make charges for services and facilities it supplies;
 - d. do other things necessary or convenient to be done in carrying out its affairs;
 - e. apply any grants and payments of money made by the University or any other agency which are made available to the association in accordance with the constitution for any specific purposes for which such grants may be made.
- 3) Exercise of any of the powers to enter into contracts, incur liabilities to parties outside of Griffith University and its controlled entities and the powers to acquire, hold, deal with and dispose of property are:
 - a. subject to compliance with the University's financial management and governance framework as it is in force from time to time and as if the relevant transaction was a transaction of the University; and
 - b. subject to the prior written approval of the Vice President (Corporate Services) or the holder of the office which succeeds the office of Vice President (Corporate Services) if such a succession occurs.
- 4) The association shall exercise its powers and use and apply its income and property solely in promotion of its objects.
- 5) The Association will operate on a not for profit basis and no portion of the income and property of the association shall be distributed, paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of profit or salary to or amongst the postgraduate students of the University.

5 POSTGRADUATE STUDENT RIGHTS

- 1) Subject to this constitution and any bylaws made pursuant to this constitution, postgraduate students of the University:
 - a. support the objects and bylaws of the association;
 - b. are entitled to attend and vote at general meetings of the association;
 - c. are entitled to vote in the election of members of the Board;
 - d. are eligible for election to the Board;
 - e. subject to the approval of the Board, may attend meetings of the Board as an observer, but not vote.

6 MEMBERSHIP OF THE BOARD

- 1) The Board of the association consists of a research officer, coursework officer, campus coordination officer, equity officer and international students officer.
- 2) The Board shall, at the first meeting of its term in office, elect a chairperson from among its elected members.
- 3) A member of the Board must be a postgraduate student of the University, with the exception of:

- a. elected Board members whom the University has certified to the secretary as having applied to the University for admission to higher degree candidature;
 - b. research higher degree candidates who have submitted their thesis but who wish to finish their term in office.
 - c. Members of the Board serving under this clause shall be deemed to have the status, rights, and privileges of postgraduate students in relation to the activities of the association while they continue in office.
- 4) The term of office for Board positions is from 1 June in the year of election until 31 May in the following year.
 - 5) A postgraduate student of the University may be appointed to a casual vacancy on the Board under clause 11.
 - 6) A Board member must exercise his or her powers and discharge his or her duties in good faith, in the best interests of the association for proper purpose and with a degree of care and diligence that a reasonable person would exercise in the circumstances.

7 THE SECRETARY

- 1) The Clubs Coordinator and SRC Liaison Officer of the University, or equivalent, shall be the secretary of the association.
- 2) The secretary shall have the right to attend all meetings of the Board and shall have rights of audience and debate.
- 3) The secretary is not entitled to vote at Board meetings or general meetings of the association.
- 4) The secretary's functions include, but are not limited to:
 - a. calling meetings of the association, including preparing notices of meetings and of the business to be conducted at each meeting in consultation with the chairperson of the Board;
 - b. keeping minutes of each meeting;
 - c. keeping copies of all correspondence and other documents relating to the association.

8 ELIGIBILITY FOR ELECTION TO THE BOARD

- 1) Subject to the provisions of this clause, postgraduate students of the University are eligible for nomination for election to the Board.
- 2) Only postgraduate students who are enrolled in a research higher degree of the University during their term of office shall be eligible for nomination for the position of research officer.
- 3) Only postgraduate students who are enrolled in a postgraduate coursework degree or graduate certificate of the University during their term of office shall be eligible to stand for election to the position of coursework officer.
- 4) Only postgraduate students who are members of one or more equity groups (including but not limited to women, Aboriginal or Torres Strait Islander students, queer students or students with disabilities) shall be eligible to stand for election to the position of equity officer.
- 5) Only postgraduate students who are international students shall be eligible to stand for election to the position of international students officer.
- 6) A person is not eligible to be elected as a member of the Board if:

- a. the person has been convicted:
 - i. on indictment; or
 - ii. summarily and sentenced to imprisonment, other than in default of payment of a fine; and
 - iii. the rehabilitation period in relation to the conviction has not expired; or
 - b. under the *Bankruptcy Act 1966 (Cwlth)* or the law of an external territory or another country, the person is an undischarged bankrupt; or
 - c. the person has executed a deed of arrangement under the *Bankruptcy Act 1966 (Cwlth)*, part X or a corresponding law of an external territory or another country and the terms of the deed have not been fully complied with; or
 - d. the person's creditors have accepted a composition under the *Bankruptcy Act 1966 (Cwlth)*, part X or a corresponding law of an external territory or another country and a final payment has not been made under the composition; or
 - e. the person appears on any Australian register of persons who are disqualified from managing a corporation or being a responsible person for a legal entity; or
 - f. the person is under the age of 18 years.
- 7) In this section, rehabilitation period has the meaning given in the *Criminal Law (Rehabilitation of Offenders) Act 1986*.
- 8) Candidates must make and give a written statement that they are eligible for election.

9 ELECTING THE BOARD

- 1) Elections for positions on the Board must be held annually on a date approved by the Board between the months of March and May in accordance with this constitution and any bylaws made under this constitution.
- 2) Notice of the election dates must be provided to students at least 28 days before the election.
- 3) A candidate for election to the Board is to be nominated as follows:
 - a. the secretary calls for nominations for Board positions at least 28 days before the election;
 - b. any two postgraduate students of the University may nominate another postgraduate student of the University (the ***candidate***) to serve as a member of the Board;
 - c. the nomination must:
 - i. be in writing; and
 - ii. be signed by the candidate and the postgraduate students who nominated him or her; and
 - iii. given to the secretary at least 14 days before the election.
- 4) The University may appoint a Returning Officer to conduct the annual elections in accordance with this constitution and any bylaws made under this constitution.
- 5) Elections are to be conducted by voluntary and secret ballot and may use an electronic voting system approved by the University.
- 6) Each postgraduate student of the University entitled to vote may vote for one candidate for each vacant position on the Board.

- 7) If there are two or more candidates for any position on the Board and two or more candidates receive an equal highest number of votes, the election result is determined by lot.
- 8) If there is only one candidate for a position on the Board, the candidate is declared elected unopposed.
- 9) If there are no candidates nominated for any position, the position will be deemed a casual vacancy on the Board under clause 11.
- 10) A list of the candidates' names, together with each candidate's statement relating to his or her experience and qualifications to be a member of the Board, if provided by the candidate, must be made available to postgraduate students at least seven days immediately preceding the election.

10 RESIGNATION, REMOVAL OR VACATION OF OFFICE OF BOARD MEMBER

- 1) A member of the Board may resign from the Board by giving written notice of resignation to the secretary.
- 2) The resignation takes effect at:
 - a. the time the notice is received by the secretary; or
 - b. if a later time is stated in the notice, the later time.
- 3) A member of the Board is automatically removed from office if that member is absent from two Board meetings during their term in office without leave of the Board.
- 4) A member of the Board may be removed from office at a general meeting of the association if a simple majority of the postgraduate students present and voting at the meeting vote in favour of removing the member.
- 5) Before a vote of postgraduate students is taken about removing the Board member from office, the Board member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- 6) A Board member has no right of appeal against the Board member's removal from office under this clause.
- 7) A Board member immediately vacates office if that person:
 - a. is no longer eligible to be a Board member under clause 8 of this constitution; or
 - b. becomes a mentally ill or incapable person within terms of the *Mental Health Act 2000*, or one whose person or estate is liable to be dealt with or controlled in any way under the laws relating to mental health; or
 - c. dies.

11 VACANCIES ON THE BOARD

- 1) If a casual vacancy happens on the Board, the continuing members of the Board may appoint another postgraduate student of the University to fill the vacancy until the next annual election.
- 2) The continuing members of the Board may act despite a casual vacancy on the Board.
- 3) However, if the number of Board members is less than the number fixed under clause 14(1) as a quorum of the Board, the continuing members may act only to:

- a. increase the number of Board members to the number required for a quorum;
or
- b. call a general meeting of the association.

12 FUNCTIONS OF THE BOARD

- 1) Subject to this constitution, any bylaws made pursuant to this constitution or a resolution of the postgraduate students of the University carried at a general meeting, the Board has the general control and management of the administration of the affairs of the association and the Board may exercise the powers of the association.
- 2) The Board has authority to interpret the meaning of this constitution and any matter relating to the association on which the constitution is silent, but any interpretation must have regard to the *Griffith University Act 1998*, including any regulation made under that Act.

13 MEETINGS OF THE BOARD

- 1) Subject to this clause, the Board may meet and conduct its proceedings as it considers appropriate.
- 2) The Board must meet at least once every two months to exercise its functions.
- 3) The Board must decide how a meeting is to be called.
- 4) Notice of a meeting is to be given in the way decided by the Board.
- 5) The Board may hold meetings, or permit a Board member to take part in its meetings, by using any technology that reasonably allows the Board member to hear and take part in discussions as they happen.
- 6) A Board member who participates in the meeting as mentioned in subclause (5) is taken to be present at the meeting.
- 7) A question arising at a Board meeting is to be decided by a simple majority vote of members of the Board present at the meeting and, if the votes are equal, the question is decided so as to maintain the status quo.
- 8) A member of the Board must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does have an interest in the contract or proposed contract, the interest must be declared and the member must not participate in discussion or debate about the contract or proposed contract.
- 9) The chairperson is to preside at Board meetings.
- 10) If the chairperson is not present within 15 minutes after the time fixed for a Board meeting, the Board members present may choose one of their number to preside as chairperson at the meeting.
- 11) The president of the Gold Coast Association of Postgraduates from Griffith University Gold Coast, experts in residence at the University and members of the University Council are welcome to attend Board meetings of the association as non-voting observers and contributors.

14 QUORUM FOR, AND ADJOURNMENT OF, BOARD MEETING

- 1) At a Board meeting, a number of Board members representing more than 50% of the number of positions on the Board form a quorum.

- 2) If there is no quorum within 30 minutes after the time fixed for a Board meeting:
 - a. the meeting is to be adjourned for at least one day; and
 - b. the members of the Board who are present are to decide the day, time and place of the adjourned meeting.
- 3) If, at an adjourned meeting mentioned in subclause (2), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

15 SPECIAL MEETING OF THE BOARD

- 1) If the secretary receives a written request signed by at least 33% of the members of the Board, the secretary must call a special meeting of the Board by giving each member of the Board notice of the meeting within 14 days after the secretary receives the request.
- 2) A request for a special meeting must state:
 - a. why the special meeting is called; and
 - b. the business to be conducted at the meeting.
- 3) A notice of a special meeting must state:
 - a. the day, time and place of the meeting; and
 - b. the business to be conducted at the meeting.
- 4) A special meeting of the Board must be held within 14 days after notice of the meeting is given to the members of the Board.

16 MINUTES OF BOARD MEETINGS

- 1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each Board meeting are entered in a minute book.
- 2) To confirm the accuracy of the minutes, the minutes of each Board meeting must be signed by the chairperson of the meeting, or the chairperson of the next Board meeting, verifying their accuracy.

17 DELEGATION

- 1) The Board may delegate all or any of its powers and authorities, duties and functions to any person or to any subcommittee except:
 - a. the power to delegate;
 - b. a function that is a duty imposed on the Board by the *Griffith University Act 1998* or by any other law; and
 - c. its duties in relation to the adoption of the annual budget.
- 2) Despite any delegation under this rule, the Board may continue to exercise all its functions, including any function that has been delegated and remains accountable for the exercise of those functions at all times.

18 APPOINTMENT OF SUBCOMMITTEES

- 1) The Board may appoint subcommittees consisting of postgraduate students of the University considered appropriate by the Board to help with the conduct of the association's operations.

- 2) A member of a subcommittee who is not a member of the Board is not entitled to vote at Board meetings.
- 3) A subcommittee may elect a chairperson of its meetings.
- 4) If a chairperson is not elected, or if the chairperson is not present within 15 minutes after the time fixed for a meeting, the subcommittee members present may choose one of their number to be chairperson of the meeting.
- 5) A subcommittee may meet and adjourn as it considers appropriate.
- 6) A question arising at a subcommittee meeting is to be decided by a simple majority vote of the subcommittee members present at the meeting and, if the votes are equal, the question is decided so as to maintain the status quo.

19 ACTS NOT AFFECTED BY DEFECTS OR DISQUALIFICATIONS

- 1) An act performed by the Board, a subcommittee or a person acting as a member of the Board is taken to have been validly performed.
- 2) Subclause (1) applies even if the act was performed when:
 - a. there was a defect in the appointment of a member of the Board or subcommittee; or
 - b. a Board or subcommittee member was disqualified from being a Board or subcommittee member.

20 RESOLUTIONS OF THE BOARD WITHOUT MEETING

- 1) A written resolution agreed in writing by each member of the Board is as valid and effectual as if it had been passed at a Board meeting that was properly called and held.
- 2) Such a resolution may be validly transmitted and signed electronically.
- 3) A resolution mentioned in subclause (1) may consist of several documents in like form, each agreed in writing by one or more members of the Board.

21 ANNUAL GENERAL MEETINGS

- 1) An annual general meeting of the association must be held:
 - a. at least once each year; and
 - b. within six months after the end date of the association's financial year.
- 2) The following business must be conducted at each annual general meeting of the association:
 - a. receiving the association's financial statement for the last financial year;
 - b. presenting the financial statement to the meeting for adoption.

22 NOTICE OF GENERAL MEETING

- 1) The secretary may call a general meeting of the association.
- 2) The secretary must give at least 14 days notice of the meeting to each postgraduate student of the University.
- 3) The Board may decide the way in which the notice must be given.
- 4) However, notice of a meeting called to hear and decide a proposed special resolution of the association must be given in writing.

- 5) A notice of a general meeting must state the business to be conducted at the meeting.

23 QUORUM FOR, AND ADJOURNMENT OF, GENERAL MEETING

- 1) The quorum for a general meeting is 25 postgraduate students of the University.
- 2) No business may be conducted at a general meeting unless there is a quorum present.
- 3) If there is no quorum within 30 minutes after the time fixed for a general meeting:
 - a. the meeting is to be adjourned for at least seven days; and
 - b. the Board is to decide the day, time and place of the adjourned meeting.
- 4) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.
- 5) If a meeting is adjourned under subclause (4), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.
- 6) The secretary is not required to give notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.
- 7) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

24 PROCEDURE AT GENERAL MEETING

- 1) A postgraduate student may take part and vote in a general meeting in person, by proxy or by attorney.
- 2) A postgraduate student who participates in a meeting as mentioned in subclause (1) is taken to be present at the meeting.
- 3) At each general meeting:
 - a. the chairperson is to preside; and
 - b. if there is no chairperson or if the chairperson is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the postgraduate students present must elect another Board member to be chairperson of the meeting; and
 - c. the chairperson must conduct the meeting in a proper and orderly way.

25 VOTING AT GENERAL MEETING

- 1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a simple majority of votes of the postgraduate students present and voting.
- 2) Each postgraduate student present and entitled to vote is entitled to one vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.
- 3) The method of voting is to be decided by the Board.
- 4) However, if at least 20% of the postgraduate student present demand a secret ballot, voting must be by secret ballot.

- 5) If a secret ballot is held, the chairperson must appoint two postgraduate students to conduct the secret ballot in the way the chairperson decides.
- 6) 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.

26 SPECIAL GENERAL MEETING

- 1) The secretary must call a special general meeting by giving each postgraduate student of the University notice of the meeting within 14 days after:
 - a. being directed to call the meeting by the Board; or
 - b. being given a written request signed by:
 - i. at least 33% of the members of the Board when the request is signed; or
 - ii. at least the number of postgraduate students equal to double the number of positions on the Board when the request is signed plus one; or
- 2) A request mentioned in subclause (1)(b) must state:
 - a. why the special general meeting is being called; and
 - b. the business to be conducted at the meeting.
- 3) A special general meeting must be held within 28 days after the secretary:
 - a. is directed to call the meeting by the Board; or
 - b. is given the written request mentioned in subclause (1)(b).

27 PROXIES

- 1) An instrument appointing a proxy must be in writing and be in the following or similar form:

[Name of association]:
 I, _____ of _____ being
 a postgraduate student of the University, appoint _____ of _____
 as my proxy to vote for me on my behalf at the (annual) general meeting
 of the association, to be held on the _____ day of _____ 20____
 and at any adjournment of the meeting.
 Signed this _____ day of _____ 20____
 Signature _____

- 2) The instrument appointing a proxy must be signed by the appointor or the appointor's attorney properly authorised in writing.
- 3) A proxy must be a postgraduate student of the University.
- 4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- 5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.
- 6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.
- 7) If a postgraduate student wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form:

[Name of association]:

I, _____ of _____ being
a postgraduate student of the University, appoint _____ of _____
as my proxy to vote for me on my behalf at the (annual) general meeting of the
association, to be held on the _____ day of _____ 20_____
and at any adjournment of the meeting.

Signed this _____ day of _____ 20_____

Signature _____

This form is to be used *in favour of/*against [*strike out whichever is not wanted*] the
following resolutions:

[*List relevant resolutions*]

28 MINUTES OF GENERAL MEETINGS

- 1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- 2) To confirm the accuracy of the minutes:
 - a. the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - b. the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- 3) If asked by a postgraduate student of the University, the secretary must, within 28 days after the request is made:
 - a. make the minute book for a particular general meeting available for inspection by the postgraduate student at a mutually agreed time and place; and
 - b. give the postgraduate student copies of the minutes of the meeting.
- 4) The association may require the postgraduate student to pay the reasonable costs of providing copies of the minutes.

29 BYLAWS

- 1) The Board may make, amend or repeal bylaws, consistent with this constitution, for the internal management of the association.
- 2) A bylaw may be set aside by a vote of postgraduate students at a general meeting of the association.

30 ALTERATION OF CONSTITUTION

- 1) This constitution may be amended, repealed or added to by a special resolution carried at a general meeting.
- 2) However, an amendment, repeal or addition is valid only if it is approved by the University Council.

31 GENERAL FINANCIAL MATTERS

- 1) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

32 DOCUMENTS

- 1) The Board must ensure the safe custody of books and documents of the association.

33 FINANCIAL YEAR

- 1) The end date of the association's financial year is 31 December in each year.

34 WINDING UP

- 1) A motion to wind up the association must be passed by a special resolution carried at a general meeting and then passed by a referendum of postgraduate students of the University by a two-thirds majority, subject to at least 33% of the postgraduate students of the University who are entitled to vote having voted in the referendum.

35 DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- 1) This clause applies if the association:
 - a. is wound-up; and
 - b. has surplus assets or any property whatsoever after satisfaction of all its debts and liabilities;
- 2) The surplus assets must not be distributed among the postgraduate students of the University.
- 3) The surplus assets must be given to the University to be held in trust to be used for the purposes of establishing some other student organisation:
 - a. that is recognised by the University;
 - b. that has objects similar to the association's objects;
 - c. the constitution of which prohibits the distribution of the entity's income and assets to its members.