



MACQUARIE
University

CONSTITUTION

of

THE MACQUARIE UNIVERSITY

STUDENT REPRESENTATIVE COMMITTEE

(Approved by the Student Experience Committee on 21 March 2017)

(Amended by the Student Experience Committee on 29 May 2018)

(Amended by the Student Experience Committee 18 March 2020)

1. INTRODUCTION	4
1.1 Purpose of this constitution	4
1.2 Status of this constitution	4
1.3 Constitution commencement date	4
1.4 Dictionary of defined terms	4
2. CREATION OF THE SRC.....	4
2.1 Creation.....	4
2.2 Purpose of the SRC.....	5
2.3 Functions and powers	5
3. MEMBERSHIP	5
3.1 SRC composition.....	5
3.2 Member eligibility	6
3.3 Term duration	7
3.4 Constitution compliance	7
3.5 Members' duties	7
3.6 Operation of SRC	7
3.7 Appointment and Election Procedures.....	7
4. SUBCOMMITTEES.....	8
4.1 Authority to establish.....	8
4.2 Eligibility	8
4.3 General.....	8
5. CONSULTATION BETWEEN THE SRC AND THE UNIVERSITY	8
5.1 Consultation	8
5.2 Information	8
6. REPORTING.....	8
7. RESOURCES.....	9
7.1 Resources	9
7.2 Procedure.....	9
8. DELEGATION BY VICE-CHANCELLOR, EXECUTIVE DIRECTOR, STUDENT ENGAGEMENT AND REGISTRAR AND SECRETARY.....	9
9. GIVING OF NOTICES	9
9.1 How notices may be given	9
9.2 Multiple notices	10
10. ANNUAL REVIEW OF SRC	10
10.1 Timing of review	10
10.2 Variation and termination	10
11. INTERPRETATION OF THIS CONSTITUTION	10
11.1 Dictionary	10
11.2 Construction.....	15
SCHEDULE 1	18

DUTIES OF SRC MEMBERS.....	18
SCHEDULE 2.....	22
OPERATION OF THE SRC AND SRC SUBCOMMITTEES.....	22
SCHEDULE 3.....	32
VACATION OF OFFICE	32
SCHEDULE 4	34
MEETING PROCEDURES	34
SCHEDULE 5	41
APPOINTMENT AND SELECTION PROCEDURES.....	41
SCHEDULE 6.....	45
EQUITY AND DIVERSITY REPRESENTATIVE FUNCTIONS	45
SCHEDULE 7.....	47
PROGRAMMES AND BUDGETS OF THE SRC.....	47
SCHEDULE 8.....	49
REPORTS AND RECOMMENDATIONS OF THE SRC	49

CONSTITUTION
of
MACQUARIE UNIVERSITY STUDENT REPRESENTATIVE COMMITTEE

PART 1 – INTRODUCTION

1. INTRODUCTION

1.1 Purpose of this constitution

The purpose of this constitution is to provide for a student representative committee at the University and to set out arrangements for its operation.

1.2 Status of this constitution

This constitution is binding on all SRC Members and SRC Subcommittee Members.

1.3 Constitution commencement date

This constitution, as consolidated and amended, commences on 21 March 2017.

1.4 Dictionary of defined terms

The dictionary at the end of this constitution is part of it.

[Note: The dictionary defines certain terms used in this constitution.]

A definition in the dictionary applies to all of this constitution, including, its schedules unless a contrary intention appears.

Terms defined in the dictionary are identified in this constitution by having an upper case first letter.]

PART 2 – SRC

2. CREATION OF THE SRC

2.1 Creation

- (a) A committee of Students must be created with the name “Macquarie University Student Representative Committee”.
- (b) The SRC and the SRC Subcommittees will be governed by this constitution.

[Note: The Macquarie University Student Representative Committee is referred to in this constitution as the “SRC”.]

2.2 Purpose of the SRC

The purpose of the SRC is to provide a means for:

- (a) the University to effectively consult with the Student Community on matters within the Terms of Reference; and
- (b) the Student Community to effectively present its views and concerns to the University on matters within the Terms of Reference,

through a broad representative group of Students who are the best available for that purpose.

2.3 Functions and powers

(a)

(i) The SRC has the following functions:

- (A) to consult with, advise and make recommendations to the University (through the Vice-Chancellor, the Executive Director, Student Engagement and Registrar and the Student Experience Committee) about any matter within its Terms of Reference;
- (B) to advance the education and wellbeing of the Student Community;
- (C) to represent the Student Community to enable communication between:
 - (I) the University; and
 - (II) the Student Community and the Major Student Organisations; and
- (D) any other functions conferred on it by the Vice-Chancellor after consultation with the SRC.

(ii) The SRC may give advice and make recommendations whether or not the advice or recommendations have been requested.

(b) Subject to this constitution, the SRC has power to do anything which is necessary for or incidental to, the exercise of its functions but does not have power to employ or otherwise engage staff or to enter into contracts or to otherwise incur legal obligations.

3. MEMBERSHIP

3.1 SRC composition

(a) The SRC must to the extent practicable consist of:

- (i) at least one undergraduate Student or, if there are more than 10,000 undergraduate Students, one undergraduate Student for each 10,000 undergraduate Students, who is elected in a Student Election;
- (ii) at least one postgraduate Student or, if there are more than 10,000 postgraduate Students, one postgraduate Student for each 10,000 postgraduate Students, who is elected in a Student Election;

- (iii) one overseas Student, who is elected in a Student Election;
 - (iv) one undergraduate Student from each Faculty, who is elected in a Student Election;
 - (v) one postgraduate Student from each Faculty, who is elected in a Student Election;
 - (vi) the University Council Student Member;
 - (vii) seven Students comprising one Student from each E and D Group, who are appointed by the Selection Panel in accordance with Schedule 5;
 - (viii) two Students appointed by the Selection Panel to be MSO Representatives, in accordance with Schedule 5.
- (b) Clause 3.1(a) is subject to clause 3.3 and clause 3.4.

3.2 Member eligibility

- (a) A person cannot be and is not eligible to be a SRC Member, if the person:
- (i) is not a Student; or
 - (ii) during the previous two years has been convicted under the disciplinary procedures of the University of Serious Misconduct; or
 - (iii) in the case of an undergraduate or postgraduate coursework Student has not achieved the minimum rate of academic progress required under the University's rules; or
 - (iv) is a mentally incapacitated person; or

[Note: This provision refers to a person who is subject to compulsory treatment or protection procedures for mentally ill persons under mental health legislation. See section 21(1) of the Interpretation Act 1987 NSW and clause 11.2(c) of this constitution.]

- (v) is not or proposes not to be resident in a State of the Commonwealth of Australia, the Australian Capital Territory, the Northern Territory or the Jervis Bay Territory for substantially all of either of the First Two Sessions whilst in office, without the approval of the Chairperson; or
 - (vi) has served as a SRC Member, a Senate Student Member or University Council Student Member or any combination of any of them, for a period of two years in total during the four year period preceding the current year; or
 - (vii) is a fulltime employee of the University or any Controlled Entity.
- (b)
- (i) Only a Student who is a member of an E and D Group is eligible to be the E and D Representative for that E and D Group.
 - (ii) Only a Student who is a duly elected member of the governing body of a Major Student Organisation is eligible to be a MSO Representative.
- (c) Each E and D Representative has the applicable functions set out in Schedule 6.

- (d) If the University Council Student Member is not eligible under clause 3.2(a)(vi) he or she will have, with necessary adaptations, the same rights and obligations under this constitution, as a Student Senate Representative (as if a reference in this constitution to the Student Senate Representatives is to the University Council Student Member).
- (e) The University Council Student Member and any person who has been appointed or elected or proposed as a candidate for appointment or election as a SRC Member must promptly disclose to the Chairperson any event or circumstance which may make them ineligible to be a SRC Member, as the case requires.

3.3 Term duration

Subject to this constitution, the term of office of each SRC Member (other than one elected or appointed to fill a casual vacancy) will commence on 14 May in the year of the SRC Member's election or appointment of the SRC Member and end on the earlier of:

- (a) the second anniversary of the election or appointment of the SRC Member; or
- (b) the resignation by notice in writing of the SRC Member; or
- (c) the SRC Member being removed from office in accordance with this constitution; or
- (d) the SRC Member otherwise ceasing to be a member of the SRC.

3.4 Constitution compliance

A person elected or appointed as a SRC Member will not become a SRC Member unless and until they undertake, in a form approved by the Chairperson, to be bound by and comply with this constitution.

3.5 Members' duties

Schedule 1 sets out provisions relating to the duties of SRC Members and SRC Subcommittee Members.

3.6 Operation of SRC

Schedule 2 sets out provisions relating to the operation of the SRC and SRC Subcommittees.

3.7 Appointment and Election Procedures

Schedule 5 sets out provisions relating to the appointment and election of SRC Members.

PART 3 – SRC SUBCOMMITTEES

4. SUBCOMMITTEES

4.1 Authority to establish

The SRC may, and must if directed to do so by the Vice-Chancellor or the Student Experience Committee, establish subcommittees of the SRC to assist it in connection with the exercise of any of its functions and may, if approved by the Chairperson, delegate the exercise of any of its functions to such a subcommittee.

4.2 Eligibility

All the members of a SRC Subcommittee, must be SRC Members unless otherwise approved by the Chairperson.

4.3 General

The provisions of Schedules 1, 2, 3 and 4 and the SRC Charter will apply, with necessary adaptations, to each SRC Subcommittee, as if a reference to the SRC was to each SRC Subcommittee, and to each SRC Subcommittee Member, as if a reference to a SRC Member was to a SRC Subcommittee Member.

PART 4 – CONSULTATION AND COMMUNICATION

5. CONSULTATION BETWEEN THE SRC AND THE UNIVERSITY

5.1 Consultation

The SRC and the University must undertake regular formal consultation in accordance with this constitution and the NSR Protocols about the use of proceeds from any Student Amenities Fees and any other matter within the Terms of Reference.

5.2 Information

- (a) The University must provide to the SRC any information that it reasonably requires for the purpose of carrying out its functions.
- (b) The University is not obliged to provide any information if it is confidential or to do so would be a breach of an obligation of the University or would otherwise, in the opinion of the Vice-Chancellor, not be in the interests of the University.

6. REPORTING

The SRC must provide reports in accordance with the provisions of Schedule 8.

PART 5 – MISCELLANEOUS

7. RESOURCES

7.1 Resources

The University must, at its expense, provide adequate and reasonable support resources and infrastructure for the SRC to carry out its functions.

7.2 Procedure

The SRC Resources to be provided by the University for any year must be determined in accordance with Schedule 7.

8. DELEGATION BY VICE-CHANCELLOR, EXECUTIVE DIRECTOR, STUDENT ENGAGEMENT AND REGISTRAR AND SECRETARY

The Vice-Chancellor, the Executive Director, Student Engagement and Registrar and the Secretary may delegate any function or power they may have under this constitution to any person other than the Chairperson, any alternate of the Chairperson or any SRC Member or SRC Subcommittee Member.

9. GIVING OF NOTICES

9.1 How notices may be given

(a) A notice or other communication to any person relating to this constitution may be given:

- (i) personally; or
- (ii) by sending it to the University email address of the intended recipient; or
- (iii) by sending it to an alternative email address (if any) nominated by the intended recipient; or
- (iv) in the case of a University staff member, posting it by prepaid post to the intended recipient addressed to that person by name and position to the University's North Ryde campus.

(b)

- (i) A notice or other communication sent by post is taken to be given 3 Working Days after it is posted.
- (ii) A notice or other communication sent by email is taken to be given at 9.00am (Sydney time) on the next Working Day after it is sent.

(c) A defect in a notice of a meeting will not invalidate the meeting.

9.2 Multiple notices

If more than one copy of a notice or other communication is sent it will be taken to be given when one of them is first received.

10. ANNUAL REVIEW OF SRC

10.1 Timing of review

- (a) The University Council must review the operation of the SRC to determine whether it is fulfilling its purpose as stated in clause 2.2 and whether its effectiveness can be improved.
- (b) A review for a particular year must be completed at least fifteen Working Days before the date of the first scheduled meeting of the University Council in the following year.
- (c) Any submissions for consideration by the University Council relating to a review must be provided to the secretary of the Student Experience Committee at least ten Working Days before the last scheduled meeting of the Student Experience Committee before the scheduled meeting of the University Council at which the review of the SRC is to be considered.

10.2 Variation and termination

The Vice-Chancellor may, after consultation with the Student Experience Committee, by written notice to the Chairperson, terminate, vary or replace this constitution and otherwise abolish the SRC whenever the Vice-Chancellor thinks appropriate.

PART 6 – DICTIONARY AND INTERPRETATION

11. INTERPRETATION OF THIS CONSTITUTION

11.1 Dictionary

In this constitution including the Schedules to it:

Aboriginal and Torres Strait Islander Student means a Student who:

- (a)
 - (i) is a member of the Aboriginal race of Australia; and
 - (ii) identifies as an Aboriginal person; and
 - (iii) is accepted by the Aboriginal community as an Aboriginal person; or
- (b)
 - (i) is a descendant of an indigenous inhabitant of the Torres Strait area; and
 - (ii) identifies as a Torres Strait Islander; and
 - (iii) is accepted by the Torres Strait Islander community as a Torres Strait Islander.

Aboriginal and Torres Strait Islander Students Representative means a representative of the Aboriginal and Torres Strait Islander Students contemplated by clause 3.1(a)(vii) and Schedule 6.

Amenities Fees means the proceeds of student amenities and services fees levied from time to time by the University.

Appointed Member means a SRC Member appointed under this constitution.

Approved Procedure means a procedure approved by the University for the preparation and presentation of a programme and budget for SRC Activities.

Approved Programme and Budget means a programme and budget for the conduct of SRC Activities and SRC Subcommittee expenditure approved in accordance with this constitution for a particular year or other relevant period.

Assistant Chairperson means the assistant chairperson of the SRC contemplated by clause 4 of Schedule 2.

Assistant Secretary means the assistant secretary of the SRC contemplated by clause 5 of Schedule 2.

CALD Student means a Student who is an Australian citizen or permanent resident and who was born overseas or who speaks a language other than English at home.

CALD Students Representative means a representative of the CALD Students contemplated by clause 3.1(a)(vii) and Schedule 6.

Chairperson means the chairperson of the SRC contemplated by clause 1 of Schedule 2.

Confidential Information means:

- (a) the proceedings and deliberations of the SRC or a SRC Subcommittee; and
- (b) any information otherwise relating to the University obtained by a person in their capacity as a SRC Member or SRC Subcommittee Member and which is not in the public domain.

Controlled Entity means a controlled entity of the University as defined in the Macquarie University Act 1989 NSW.

Deputy Chairperson means the deputy chairperson of the SRC contemplated by clause 1 of Schedule 2.

Distance Student means a Student who is enrolled entirely in external units of study.

Distance Students Representative means a representative of the Distance Students contemplated by clause 3.1(a)(vii) and Schedule 6.

Executive Director, Student Engagement and Registrar means the Executive Director, Student Engagement and Registrar of the University and includes any delegate of that person.

E and D Groups means:

- (a) the Women Students; and
- (b) the GLBTIQ Students; and
- (c) the Aboriginal and Torres Strait Islander Students; and
- (d) the SWD Students; and
- (e) the CALD Students; and
- (f) the Distance Students; and
- (g) the RR Students.

E and D Students means Students who are members of an E and D Group.

E and D Representative means a representative of the E and D Students, contemplated by clause 3.1(a)(vii).

Elected Members means the SRC Members elected by the student community in accordance with this constitution.

Electronic Meeting means a meeting or group communication at which some or all of the participants participate by means of a technology that permits each participant to communicate with other participants.

Faculty means a faculty of the University and includes any faculty resulting from amalgamation, division or other reorganisation or change to the faculties of the University.

First Two Sessions means the first two Sessions in any year.

General Counsel means the general counsel from time to time of the University or, if there is none, a lawyer nominated by the Vice-Chancellor.

GLBTIQ Student means a Student who identifies as gay, lesbian, bisexual, transsexual, transgender, intersex or queer or who is unsure of their sexual identity.

GLBTIQ Students Representative means a representative of the GLBTIQ Students contemplated by clause 3.1(a)(vii) and Schedule 6.

HESA means the Higher Education Support Act 2003.

Major Student Organisation has the same meaning as in the NSR Protocols and includes a student organisation at the relevant point in time:

- (a) which has had at least 50 members throughout the preceding twelve months;
- (b) at least 75% of whose members were Students throughout the preceding twelve months;
- (c) which has been in existence for at least three years; and
- (d) which is affiliated with the University pursuant to an affiliation agreement.

Misconduct means conduct prohibited by any by-law, rule, code of conduct, policy, procedure or direction, from time to time of the University Regulation.

MSO Representative means a representative of the Major Student Organisations contemplated by clause 3.1(a) (viii).

NSR Protocols means the National Student Representation Protocols set out in chapter 3 of the Student Services Amenities, Representation and Advocacy Guidelines under HESA and includes any variation or replacement of them.

Operational Expenditure means all costs reasonably and properly incurred by the University in funding SRC Activities and SRC Subcommittee expenditure pursuant to an Approved Programme and Budget or as otherwise approved by the Vice-Chancellor.

Proposed Programme and Budget means a programme and budget for the conduct of SRC Activities and the SRC expenditure proposed in accordance with this constitution for a particular year or other relevant period.

Relevant Body means the SRC, the Selection Panel and any SRC Subcommittee.

RR Student means a student who graduated within the past 5 years from a high school in a regional or remote area, as defined by the postcode of that high school in accordance with the Australian Standard Geographic Classification Remoteness Areas classification system.

RR Students Representative means the representative of RR Students contemplated by clause 3.1(a)(vii) and Schedule 6.

Secretary means the secretary of the SRC contemplated by clause 2 of schedule 2 and includes any delegate of that person.

Selection Panel means the body contemplated by Schedule 5.

Senate Student Members means the Student members of the Academic Senate of the University who are elected under the Academic Senate Rules made by the University Council in respect of the Academic Senate of the University.

Serious Misconduct means:

- (a) any Misconduct which involves substantial harm or threat of substantial harm to the health of or safety of any person;
- (b) any Misconduct which involves substantial damage or threat of substantial damage to the property of any person; or
- (c) any Misconduct which has or may have a substantial adverse effect upon the reputation of the University; or
- (d) repeated Misconduct of any kind, which indicates an unwillingness to comply with University Regulations generally or with a particular University Regulation;

Sessions means the three terms into which an academic year at the University is divided.

SRC means the committee of Students contemplated by clause 2.1.

SRC Activities means activities of the SRC for a year in carrying out its functions.

SRC Charter means the charter contemplated by clause 7 of schedule 1.

SRC Meeting means a meeting of the SRC.

SRC Member means a member of the SRC.

SRC Resources means the support resources and infrastructure contemplated by clause 7.1.

SRC Subcommittee means any subcommittee of the SRC.

SRC Subcommittee Member means a member of a SRC Subcommittee.

Student Amenities Fee means any compulsory student services and amenities fee charged by the University.

Student Community means the current Students as a whole.

Student Election means an election in accordance with this constitution in which the Student Community is entitled to vote to elect SRC Members.

Student Experience Committee means the committee of the University Council the terms of reference of which includes reporting and making recommendations to the University Council about the overall student experience at the University.

Students means students who are enrolled in a course or unit of study at the University and who are proceeding to a Macquarie University degree, diploma or certificate including undergraduate students, postgraduate students, distance learning students and overseas students, full time students and part time students.

SWD Student means a Student with a disability (as defined in the Anti-Discrimination Act 1977 of New South Wales), who is eligible to be registered as a Student with a disability by the University's Disability Support Unit.

SWD Students Representative means a representative of the SWD Students contemplated by clause 3.1(a)(vii) and Schedule 6.

Terms of Reference means any matter:

- (a) affecting services and amenities provided by the University for the benefit of the Student Community; or
- (b) relating to the use of the proceeds from Student Amenities Fees; or
- (c) affecting study and research by the Student Community; or
- (d) affecting the welfare of the Student Community; or
- (e) affecting the overall student experience at the University,

but excludes any matter which does not affect the Student Community or a cohort of Students, generally.

Treasurer means the treasurer of the SRC contemplated by clause 3 of Schedule 2.

U@MQ means U@MQ Limited.

University means Macquarie University.

University Council means the council of the University contemplated by section 8A of the Macquarie University Act 1989 NSW.

University Council Student Member means the Student member of the University Council who is elected under section 8D of the Macquarie University Act 1989 NSW.

University Regulation means by-law, rule, code of conduct, policy, procedure or direction, from time to time of the University.

Vice-Chancellor means the vice-chancellor of the University and includes any delegate of that person.

Women Students Representative means a representative of women students contemplated by clause 3.1(a)(vii) and Schedule 6.

Working Day means any day other than:

- (a) a Saturday, a Sunday or a public holiday; or
 - (b) 27, 28, 29, 30 or 31 December,
- in Sydney.

11.2 Construction

- (a) In this constitution, unless the contrary intention appears, a reference:
 - (i) to a person includes an individual, corporation, body politic, partnership, unincorporated association and trustee of a trust;
 - (ii) to acts of any person includes acts of omission and commission;
 - (iii) to a statute or a rule, by-law or policy document of the University or U@MQ includes subordinate legislation, protocols and supporting documents made or issued under or in relation to it and consolidations, amendments, re-enactments and replacements of it;
 - (iv) to writing includes any mode of representing or reproducing words, figures, drawings or symbols in a visible form;
 - (v) in a schedule of this constitution to a clause means a clause of that schedule unless otherwise stated;
 - (vi) to records or a book includes documents and other records or information however compiled, recorded or stored;
 - (vii) to a program of study includes either coursework or research and any combination of them;
 - (viii) to a meeting includes an Electronic Meeting;
 - (ix) to a person being present at or attending a meeting includes a person participating in an Electronic Meeting;

- (x) to attending a meeting includes participating in an Electronic Meeting;
- (xi) to any person occupying a particular office or position includes each person who from time to time occupies or who is acting in, that office or position;
- (xii) to an officeholder whose functions are assumed by another officeholder because their office ceases to exist or otherwise, includes the officeholder who assumes all or substantially all of those functions and any related powers;
- (xiii) to the University as a whole is to the University as an institution and includes the members of the University Council, the members of the Student Community, the academic and other staff of the University and the graduates of the University;
- (xiv) to an overseas Student means a Student who holds a student visa and who is enrolled in either an undergraduate or a postgraduate program of study at the University;
- (xv) to an undergraduate Student means a Student enrolled in an undergraduate program of study at the University;
- (xvi) to a postgraduate Student means a Student enrolled in a postgraduate program of study at the University;
- (xvii) to a SRC Member or a SRC Subcommittee Member does not include the Chairperson or the Secretary;
- (xviii) to a student organisation (whether incorporated or unincorporated) is to a club or society most of whose members are Students which is affiliated with the University under an affiliation agreement with the University;
- (xix) to a delegate of a person is to any other person who derives a function or power, directly or indirectly, by delegation or authorisation from that person;
- (xx) to a proper purpose is one which is incidental to the purposes of the SRC or a SRC Subcommittee, as the case requires, and the proper carrying out of the role of a SRC Member or SRC Subcommittee Member, as the case requires, and is not extraneous to those purposes or that role;
- (xxi) to a year is to a calendar year;
- (xxii) to funds of the SRC means funds available to or controlled by the SRC including funds provided by the University or any other person or raised by the SRC and those to be allocated to student organisations by the SRC;
- (xxiii) to student amenities and services fees, is to fees that the University requires Students to pay to support the provision by the University of amenities and services which are not of an academic nature and includes any amount paid to the University as such a fee;

- (xxiv) to a policy document is to a document setting out a policy or procedure of general application;
 - (xxv) to being insolvent under administration has the same meaning as in the *Corporations Act 2001*;
 - (xxvi) to co-operating with a person includes assisting that person.
- (b)
- (i) If a person challenges the interpretation of any part of this constitution, the matter must be promptly referred to the Chairperson for a ruling.(ii)
 - (A) If a person challenges the Chairperson’s ruling within ten Working Days, or, if the initial challenge is to an interpretation by the Chairperson, the matter must be referred to the independent person appointed by the Vice-Chancellor for decision.
 - (B) If there is no challenge to the Chairperson’s ruling within ten Working Days, that ruling will be final and binding.
 - (ii) Any ruling of the independent person appointed by the Vice-Chancellor, if it is in accordance with this constitution, will be final and binding on the SRC Members and SRC Subcommittee Members.
 - (iii) The independent person appointed by the Vice-Chancellor must not make a ruling without first consulting with the General Counsel and having proper regard to any advice from the General Counsel.
 - (iv) A SRC Member or SRC Subcommittee Member may only challenge the Chairperson’s ruling in good faith or for a proper purpose and must not make a challenge which is frivolous, vexatious or lacking in substance.
- (c) The Interpretation Act 1987 NSW is taken to apply, with necessary adaptations, to this constitution as if it was an instrument to which that Act applied.

[Note: The Interpretation Act 1987 is a NSW statute that contains provisions which assist in the interpretation and operation of NSW statutes generally. Its provisions apply to this constitution for a similar purpose.]

SCHEDULE 1

DUTIES OF SRC MEMBERS

[Note: The duties of SRC Members are based on those of the University Council set out in schedule 2A of the Macquarie University Act 1989 NSW].

1. Duty to act in best interests of the University

A SRC Member must carry out their functions:

- (a) in good faith and in the best interests of the University as a whole (notwithstanding that a SRC Member may be described in this constitution as the representative of a particular cohort of Students); and
- (b) for a proper purpose.

[Note: See clause 11.2(a)(xx) on the meaning of “proper purpose”.]

2. Duty to exercise care and diligence

A SRC Member must act honestly and exercise a reasonable degree of care, skill and diligence in carrying out their functions.

3. Duty not to improperly use position

A SRC Member must not make improper use of their position to:

- (a) gain, directly or indirectly, an advantage for the SRC Member or another person; or
- (b) cause detriment to the University.

4. Duty not to improperly use information

If a person obtains information because they are, or have been, a SRC Member, they must not improperly use or disclose that information to:

- (a) gain directly or indirectly, an advantage for that person or another person; or
- (b) cause detriment to the University,

or otherwise use or disclose it for any purpose other than that for which it was provided to the SRC Member.

5. Disclosure of material interests and duties by SRC Members

- (a) If:
 - (i) a SRC Member:
 - (A) has a material interest in a matter being considered or about to be considered at a meeting of the SRC; or
 - (B) owes a material duty to another person in respect of such a matter; and

- (ii) the interest or duty appears to raise a conflict with the proper performance of the SRC Member's duties in relation to the consideration of the matter,

the SRC Member must, as soon as possible after the relevant facts have come to the SRC Member's knowledge, disclose the nature of the interest or duty at a meeting of the SRC.

- (b) A disclosure by a SRC Member at a meeting of the SRC that the SRC Member:

- (i) is an officer, or is in the employment, of a specified person;
- (ii) is a partner, of a specified person;
- (iii) has some other specified interest relating to a specified person; or
- (iv) has some other specified duty relating to a specified person,

is a sufficient disclosure of the nature of the interest or duty in any matter relating to that person which may arise after the date of the disclosure and which is required to be disclosed under clause 5(a).

- (c) After a SRC Member has pursuant to clause 5(a) disclosed the nature of an interest or duty in any matter, the SRC Member must not, unless the SRC otherwise determines:
 - (i) receive any information relating to the matter; or
 - (ii) be present during any deliberation of the SRC with respect to the matter, or
 - (iii) take part in any decision of the SRC with respect to the matter.
- (d) For the purpose of the making of a determination by the SRC under clause 5(c) a SRC Member who has a material interest in a matter or conflict of duty in respect of a matter to which the disclosure relates must not:
 - (i) be present during any deliberation of the SRC for the purpose of making the determination, or
 - (ii) take part in the making by the SRC of the determination.
- (e) A contravention of this clause 5 does not invalidate any decision of the SRC.
- (f) A SRC Member must not take part in the consideration or discussion of, or voting on any question relating to, the SRC Member's removal from office as a SRC Member.
- (g)
 - (i) For the purposes of this clause 5, a SRC Member has a material interest in a matter or material duty if a determination of the SRC in the matter may result in a detriment being suffered by or a benefit accruing to the SRC Member or an associate of the SRC Member or a person to whom the SRC Member owes a duty, as the case requires.
 - (ii) In this clause 5, a reference to an "associate" of a SRC Member means any of the following:
 - (A) the spouse, de facto partner, parent, child, brother or sister or business partner

of the SRC Member;

- (B) the spouse, de facto partner, parent, child, brother or sister or business partner of a person referred to in clause 6(g)(ii)(A); and
 - (C) any other person who is known to the SRC Member for reasons other than that person's connection with the University or that person's public reputation.
- (h) A SRC Member is taken not to have a conflict of interest or duty under clause 5(a)(ii) if the interest or duty:
- (i) arises only because the SRC Member is a Student;
 - (ii) is in a contract, or proposed contract, with, or for the benefit of, or on behalf of, a student organisation and arises merely because the Student is a member of that student organisation; or
 - (iii) in respect of a matter, is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter.
- (i) The Chairperson may determine the procedure for dealing with any conflicts of interest or duty.

6. Confidentiality

- (a) Every SRC Member must keep any Confidential Information confidential and not disclose it to any person except:
- (i)
 - (A) where the information is disclosed for a purpose that is directly related to a function or activity of the SRC; and
 - (B) the disclosure of the information is necessary for that purpose; or
 - (ii) if required by law; or
 - (iii) if directed to do so by the Vice-Chancellor.
- (b) A person must not disclose confidential personal information unless they are legally entitled to do so.
- (c) The Vice-Chancellor may require any SRC Member or any person assisting the SRC to give a formal undertaking or enter into a binding agreement or deed to comply with clause 6(a).

7. SRC Charter

- (a) The SRC must adopt a charter relating to the SRC.
- (b) Each SRC Member must comply with the charter.
- (c) The SRC must review its charter at least every three years and make any changes to it that it considers appropriate having proper regard to the results of that review.

8. Conduct at meetings

(a)

- (i) The chairperson may direct a SRC Member to leave the meeting of the SRC or a SRC Subcommittee if the SRC Member continues to conduct them self in an improper manner after being requested by the chairperson to desist.
- (ii) The chairperson must notify the Vice-Chancellor of that action.
- (b) If a SRC Member leaves a meeting under clause 8(a)(i), the meeting may continue in the absence of that SRC Member notwithstanding that it results in a quorum not being present and any decision of the SRC will not be invalid merely because of the absence of a quorum for this reason.

9. Co-operation

Each SRC Member must co-operate with:

- (a) each other SRC Member, the Treasurer, the Chairperson, the Assistant Chairperson, the Secretary and the Assistant Secretary; and
- (b) the University and U@MQ,

in relation to the performance of their respective functions and for the purpose of giving effect to the decisions of the SRC.

10. General

The provisions of this Schedule have effect in addition to, and without lessening:

- (a) any rule of law or equity relating to the duty or liability of a person because they are a member of the SRC; or
- (b) any function or power of the University to manage the affairs of the University, including its student organisations.

11. Misconduct

A contravention by a SRC Member or Senate Student Member of any provision of this Schedule will be misconduct for the purposes of the disciplinary by-laws, rules and policies and procedures from time to time of the University.

12. Treasurer, the Assistant Secretary and the Assistant Chairperson - application

The provisions of this Schedule will apply (with necessary adaptations) to the Treasurer, the Assistant Secretary and the Assistant Chairperson as if a reference to a SRC Member is to the Treasurer, Assistant Secretary or the Assistant Chairperson, as the case requires.

SCHEDULE 2

OPERATION OF THE SRC AND SRC SUBCOMMITTEES

1. CHAIRPERSON AND DEPUTY CHAIRPERSON

1.1 Appointment

- (a) The Student Experience Committee must appoint a chairperson and a deputy chairperson for the SRC, each of whom:
 - (i) have appropriate experience and personal qualities to perform the functions of Chairperson or Deputy Chairperson, as the case requires; and
 - (ii) is not a fulltime employee or officer of the University.
- (b) In the absence of the Chairperson, or during a vacancy in the office of Chairperson or during the absence or unavailability of the Chairperson to act, the Deputy Chairperson has all the functions and powers of the Chairperson.
- (c) The Student Experience Committee may terminate or suspend the appointment of either the Chairperson or Deputy Chairperson and may appoint a replacement of either of them.

1.2 Accountability

- (a) The Chairperson must act independently of the Student Community and of the University.
- (b) The Chairperson is accountable to the Student Experience Committee.

1.3 Functions

The functions of the Chairperson are:

- (a) to chair meetings of the SRC;
- (b) to ensure proper working of the SRC;
- (c) to ensure compliance with this constitution; and
- (d) any other functions conferred on the Chairperson by the Student Experience Committee after consultation with the SRC.

1.4 Chairing of meetings

- (a) The Chairperson or, in the absence or unavailability of the Chairperson, the Deputy Chairperson or, in the absence or unavailability of the Deputy Chairperson, an alternate for the Chairperson must chair all the SRC Meetings.
- (b) The Chairperson may:
 - (i) appoint a SRC Member to chair meetings of a SRC Subcommittee; and
 - (ii) determine the period for which that person will be the chairperson.

- (c) The members of a SRC Subcommittee must elect a member of the committee who is present to chair a meeting, or part of it, if:
 - (i) a person has not already been appointed by the Chairperson to chair the meeting; or
 - (ii) the person appointed by the Chairperson is absent or not available or declines to act, for the meeting or the part of the meeting.
- (d) If:
 - (iii) the members of a SRC Subcommittee appoint a person to chair a meeting because the person appointed by the Chairperson is absent or not available; and
 - (iv) the Chairperson's appointee arrives during the meeting, then the Chairperson's appointee will take over the chairing of the meeting.
- (e) The chairperson of the SRC Subcommittee must adjourn a meeting of that SRC Subcommittee if the majority members present agree or direct that the chairperson must do so.

1.5 No vote

The Chairperson or their alternate does not have a vote at a meeting of the SRC but may address it and otherwise participate in the meeting.

1.6 Alternate Chairperson

- (a) The Vice-Chancellor may appoint an eligible person to act as an alternate Chairperson during the absence or illness of or other unavailability of the Chairperson.
- (b) An alternate Chairperson appointed under clause 1.6(a), is entitled to notice of meetings of the SRC and, if the Chairperson is not present at such a meeting, is entitled to attend and participate in the meeting and chair it instead of the Chairperson.
- (c) An appointment, or the termination of an appointment, of a Chairperson must be effected by a notice in writing signed by the Vice-Chancellor and given to the intended alternate and the Secretary.
- (d) An alternate, while acting as the Chairperson, is taken to be the Chairperson and has the functions and powers of the Chairperson.

2. SECRETARY

2.1 Appointment

- (a)
 - (i) The Vice-Chancellor must appoint a secretary of the SRC.
 - (ii) The Vice-Chancellor may terminate or suspend the appointment of the Secretary and appoint a replacement.
- (b) The Secretary is accountable to the Chairperson.

2.2 Functions

The functions of the Secretary are to:

- (a) ensure that accurate minutes of meetings are taken and approved and that the minutes include the following:
 - (i) the date, time, location of the meeting;
 - (ii) a list of those present and absent;
 - (iii) a list of matters discussed;
 - (iv) a list of reports presented; and
 - (v) the text of motions presented and a description of how they are dealt with;
- (b) ensure that the records of the SRC are maintained and made available when required by authorised persons;
- (c) ensure that records are maintained of members of the SRC;
- (d) ensure that an up to date copy of this constitution is available at all meetings;
- (e) ensure that proper notice is given of each meeting of the SRC;
- (f) manage the general correspondence of the SRC and communication by any of them with the Student Community; and
- (g) establish and maintain a register of the SRC Members and promptly record in it:
 - (i) the name and address of each SRC Member;
 - (ii) whether they are an Elected Member or Appointed Member;
 - (iii) the date their term of office commenced and the date it ended;
 - (iv) the duration of their term of office; and
 - (v) such other matters as the Secretary considers appropriate.

2.3 Minutes

- (a) The Secretary must keep minute books in which they record within one month:
 - (i) proceedings and resolutions of meetings of the SRC; and
 - (ii) resolutions passed by the SRC without a meeting.
- (b) The Secretary must ensure that minutes of a meeting are signed within a reasonable time after the meeting by one of the following:
 - (i) the chairperson of the meeting;
 - (ii) the chairperson of the next meeting.
- (c) The Secretary must ensure that minutes of the passing of a resolution without a meeting are signed by the chairperson of the meeting within a reasonable time after the resolution is passed.
- (d) The Secretary must keep its minute books available at the North Ryde campus of the University.
- (e) A minute that is recorded and signed in accordance with this clause 2.3 is evidence of the proceeding, resolution or declaration to which it relates, unless the contrary is proved.
- (f) The Secretary must ensure that the minutes for the meetings of the SRC and for resolutions of the SRC are passed without meetings are available for inspection by:
 - (i) the SRC Members and the Chairperson
 - (ii) the Student Community; and
 - (iii) if requested, the Vice-Chancellor.
- (g) A SRC Member may ask the Secretary in writing for a copy of:
 - (i) any minutes of a SRC Meeting or an extract of the minutes; or
 - (ii) any minutes of a resolution passed by the SRC without a meeting.
- (h) The Secretary must send the copy within a reasonable time after being asked for it.
- (i) A SRC Member must not unreasonably ask for access to or a copy or extract of any minutes or use it for a purpose unrelated to their role as a SRC Member.
- (j) Minute books may be kept electronically.

2.4 Alternate Secretary

- (a) The Chairperson may appoint a person to be an alternate Secretary during the absence or illness of or other unavailability of the Secretary.
- (b) An appointment, or the termination of an appointment, of an alternate Secretary must be effected by a notice in writing signed by the Chairperson and given to the intended alternate Secretary and the Vice-Chancellor.
- (c) An alternate, while acting as the Secretary, is taken to be the Secretary and has the

functions, powers and obligations of the Secretary

3. TREASURER

3.1 Appointment

- (a) The SRC Members must appoint one of their number as Treasurer.
- (b) Subject to this constitution, the term of office of the Treasurer (other than one appointed to fill a casual vacancy) will commence on his or her appointment as Treasurer and end on the earlier of:
 - (i) the second anniversary of his or her election or appointment as a SRC Member; or
 - (ii) when the Treasurer otherwise ceases to hold that office.
- (c)
 - (i) The SRC may remove the Treasurer before the expiration of his or her period of office, and may appoint a replacement, if the Treasurer fails to properly and promptly carry out his or her functions.
 - (ii) The Treasurer otherwise ceases to hold office if he or she:
 - (A) resigns his or her office of Treasurer by notice in writing to the SRC;
 - (B) ceases to be or eligible to be a SRC member; or
 - (C) becomes an insolvent under administration.
- (d)
 - (i) The SRC Members must promptly appoint one of the members to fill a casual vacancy in the office of the Treasurer.
 - (ii) Any Treasurer so appointed holds office for the unexpired balance of the term of the Treasurer he or she replaced.

3.2 Functions

The functions of the Treasurer are:

- (a) to oversee, monitor and manage on behalf of the SRC:
 - (i) the application for, distribution, use and, if applicable, the return of funds allocated to any student organisation in accordance with:
 - (ii)
 - (A) any applicable decision of the SRC;
 - (B) any applicable affiliation agreement between the student organisation and the University;
 - (C) any applicable policy document or direction of the University or U@MQ; and
 - (D) this constitution;

- (ii) the application of funds on behalf of the SRC in accordance with:
 - (A) any applicable decision of the SRC;
 - (B) any Approved Program and Budget;
 - (C) any applicable policy document or direction of the University or U@MQ; and
 - (D) this constitution;
- (b) to receive, acknowledge, bank and account for any money raised by the SRC;
- (c) to keep the accounting records and prepare the financial statements on behalf of the SRC; and
- (d) to liaise with the University and U@MQ on behalf of the SRC about matters relating to the functions of the Treasurer.

3.3 Delegation

The Treasurer may delegate the exercise of any of the Treasurer's functions to U@MQ but may not otherwise delegate any function to any other person.

3.4 Approved limit

- (a) The Treasurer must not exercise any of the Treasurer's functions which includes the expenditure of funds exceeding in amount the approved limit unless the Treasurer does so jointly with another person approved by the Vice-Chancellor.
- (b) In this clause 3.4, "approved limit" means in respect of a transaction or a number of related transactions, the amount approved from time to time by the Vice-Chancellor.

3.5 Reports and financial statements

- (a) The Treasurer must on or about the end of each Session in each year give a written report to the SRC and the Student Experience Committee about all material matters relating to the Treasurer's functions during that session including a current financial statement.
- (b) A financial statement must comprise a statement of income and expenditure and specify the Session for which it is prepared.
- (c) The financial statement for a Session must specify the following:
 - (i) any balance carried forward from the previous Session;
 - (ii) the particulars and amount of each item of income received (including moneys raised by the SRC and funding provided by the University) during the current Session;
 - (iii) the particulars and amount of each item of expenditure during the current Session;
 - (iv) the amount of funding provided by the University specifying what portion of them represents student amenities and services fees;

- (v) the amount of funding provided by any persons other than the University specifying who provided it;
 - (vi) the amount of funds and services raised by the SRC and how they were raised;
 - (vii) the cash at the end of the current Session; and
 - (viii) the balance of the funds of the SRC.
- (d) In this clause 3.5, a reference to the income of the SRC includes funds provided to it by the University or any other person and funds raised by the SRC.

3.6 Other information

The Treasurer must if requested at any time by the SRC or the Vice-Chancellor provide any information or report upon any matter relating to the Treasurer's functions or the SRC.

3.7 Records to be kept

The Treasurer must ensure that appropriate records are kept of matters relating to the functions of the Treasurer.

3.8 Alternate Treasurer

- (a) The SRC may appoint a person to be an alternate Treasurer during the absence or illness of or other unavailability of the Treasurer.
- (b) An appointment, or the termination of an appointment, of an alternate Treasurer must be effected by a notice in writing signed by the Chairperson and given to the intended alternate Treasurer and the Secretary.
- (c) An alternate, while acting as the Treasurer, is taken to be the Treasurer and has the functions, powers and obligations of the Treasurer.

4. ASSISTANT CHAIRPERSON

4.1 Appointment

- (a) The SRC Members must appoint one of their number as Assistant Chairperson.
- (b) Subject to this constitution, the term of office of the Assistant Chairperson (other than one appointed to fill a casual vacancy) will commence on his or her appointment as Assistant Chairperson and end on the earlier of:
 - (i) the second anniversary of his or her election or appointment as a SRC Member; or
 - (ii) when the Assistant Chairperson otherwise ceases to hold that office.

(c)

- (i) The SRC may remove the Assistant Chairperson before the expiration of his or her period of office, and may appoint a replacement, if the Assistant Chairperson fails to properly and promptly carry out his or her functions.
- (ii) The Assistant Chairperson otherwise ceases to hold office if he or she:
 - (A) resigns his or her office of Assistant Chairperson by notice in writing to the SRC;
 - (B) ceases to be or to be eligible to be a SRC Member; or
 - (C) becomes an insolvent under administration.

(d)

- (i) The SRC Members must promptly appoint one of the members to fill a casual vacancy in the office of the Assistant Chairperson.
- (ii) Any Assistant Chairperson so appointed holds office for the unexpired balance of the term of the Assistant Chairperson he or she replaced.

4.2 Functions

The function of the Assistant Chairperson is to provide administrative assistance to the Chairperson.

4.3 Directions

The Assistant Chairperson must comply with any directions from the Chairperson.

4.4 Other information

The Assistant Chairperson must if requested at any time by the SRC or the Vice-Chancellor provide any information or report upon any matter relating to the Assistant Chairperson's functions or the SRC.

4.5 Records to be kept

The Assistant Chairperson must ensure that appropriate records are kept of matters relating to the functions of the Assistant Chairperson.

4.6 Alternate Assistant Chairperson

- (a) The SRC may appoint a person to be an alternate Assistant Chairperson during the absence or illness of or other unavailability of the Assistant Chairperson.
- (b) An appointment, or the termination of an appointment, of an alternate Assistant Chairperson must be effected by a notice in writing signed by the Chairperson and given to the intended alternate Assistant Chairperson and the Secretary.
- (c) An alternate, while acting as the Assistant Chairperson, is taken to be the Assistant Chairperson and has the functions, powers and obligations of the Assistant Chairperson.

5. ASSISTANT SECRETARY

5.1 Appointment

- (a) The SRC Members must appoint one of their number as Assistant Secretary.
- (b) Subject to this constitution, the term of office of the Assistant Secretary (other than if appointed to fill a casual vacancy) will commence on his or her appointment as Assistant Secretary and end on the earlier of:
 - (i) the second anniversary of his or her election or appointment as a SRC Member; or
 - (ii) when the Assistant Secretary otherwise ceases to hold that office.
- (c)
 - (i) The SRC may remove the Assistant Secretary before the expiration of his or her period of office, and may appoint a replacement, if the Assistant Secretary fails to properly and promptly carry out his or her functions.
 - (ii) The Assistant Secretary otherwise ceases to hold office if he or she:
 - (A) resigns his or her office of Assistant Secretary by notice in writing to the SRC;
 - (B) ceases to be or to be eligible to be a SRC Member; or
 - (C) becomes an insolvent under administration.
- (d)
 - (i) The SRC Members must promptly appoint one of the members to fill a casual vacancy in the office of the Assistant Secretary.
 - (ii) Any Assistant Secretary so appointed holds office for the unexpired balance of the term of the Assistant Secretary he or she replaced.

5.2 Functions

The function of the Assistant Secretary is to provide administrative assistance to the Secretary.

5.3 Directions

The Assistant Secretary must comply with any direction from the Secretary.

5.4 Other information

The Assistant Secretary must if requested at any time by the SRC or the Vice-Chancellor provide any information or report upon any matter relating to the Assistant Secretary's functions or the SRC.

5.5 Records to be kept

The Assistant Secretary must ensure that appropriate records are kept of matters relating to the

functions of the Assistant Secretary.

5.6 Alternate Assistant Secretary

- (a) The SRC may appoint a person to be an alternate Assistant Secretary during the absence or illness of or other unavailability of the Assistant Secretary.
- (b) An appointment, or the termination of an appointment, of an alternate Assistant Secretary must be effected by a notice in writing signed by the Chairperson and given to the intended alternate Assistant Secretary and the Secretary.
- (c) An alternate, while acting as the Assistant Secretary, is taken to be the Assistant Secretary and has the functions, powers and obligations of the Assistant Secretary.

6. MEMBERSHIP IS HONORARY

6.1 No remuneration

The positions of SRC Member, Treasurer, Assistant Secretary and Assistant Chairperson are honorary and no remuneration is payable to any of them without the consent of the Vice-Chancellor.

6.2 Expenses

The University must reimburse a SRC Member, the Treasurer, the Assistant Chairperson or the Assistant Secretary for reasonable extraordinary expenses that are approved in advance by the Vice-Chancellor if they are reasonably incurred by them in performing their functions under this constitution.

SCHEDULE 3

VACATION OF OFFICE

1. AUTOMATIC VACANCY

The office of a SRC Member becomes vacant if they:

- (a) die;
- (b) decline to act;
- (c) complete a term of office as a SRC Member and are not reappointed or re-elected, as the case requires;
- (d) resign the office by written notice addressed to the Chairperson;
- (e) are a SRC Member by virtue of holding any office or position, if they cease to hold that office or position;
- (f) are absent from two consecutive meetings of the SRC of which reasonable notice has been given to the SRC Member except on leave granted by the Chairperson unless, before the expiration of four weeks after the last of those meetings, the SRC Member is excused by the Chairperson for having been absent from those meetings;

[Note: It is insufficient to merely send an apology or other notice of non-attendance or participation in a SRC Meeting, if the SRC Member does not have a reasonable excuse not to attend or participate.]

- (g) cease to be eligible to be a SRC Member;
- (h) are removed from office under clause 2;
- (i) become a mentally incapacitated person;

[Note: See note to clause 3.2(a)(iv)]

- (j) in the case of a SRC Member who is elected in their capacity as an undergraduate Student, cease to be an undergraduate Student;
- (k) in the case of a SRC Member who is elected in their capacity as a postgraduate Student, cease to be a postgraduate Student;
- (l) in the case of a SRC Member who is elected in their capacity as an overseas Student, cease to be an overseas Student;
- (m) is found guilty under the disciplinary procedures of the University of Serious Misconduct; or
- (n) is found guilty in New South Wales of an offence that is punishable by imprisonment or is found guilty elsewhere than in New South Wales of an offence that, if committed in New South Wales would be an offence so punishable.

[Note: This clause sets out the ways that a casual vacancy on the SRC can occur.]

2. REMOVAL FOR MISCONDUCT

- (a) The Vice-Chancellor, upon the recommendation of the Chairperson, may, in accordance with this clause 2, determine that:
 - (i) a SRC Member be removed or suspended from office;
 - (ii) the right of a Senate Student Member to attend meetings of the SRC be terminated or suspended,

for a contravention by that person of this constitution.

- (b) A determination must not be made under clause 2(a), unless the relevant Student has been given a reasonable opportunity to reply, either orally or in writing, to the recommendation from the Chairperson.
- (c) If:
 - (i) the relevant Student does not attend a meeting with the Vice-Chancellor called for the purpose of giving the relevant Student an opportunity to reply to that recommendation; and
 - (ii) if reasonable notice of the meeting and its purpose has been given to the relevant Student,

then the relevant Student is taken to have been given a reasonable opportunity to reply.

- (d) This clause 2 does not limit any other action which can be taken by the University in respect of any contravention of this constitution by any person including any disciplinary action.

3. LEAVE REQUESTS

- (a) Any request from a SRC Member to the Chairperson for:
 - (i) leave from the SRC; or
 - (ii) to be excused for being absent from a SRC Meeting, must:
 - (iii) be in writing;
 - (iv) be sent to the Secretary;
 - (v) give details of the excuse for the requested leave or absence, as the case requires.
- (b) The SRC Member must satisfy the Chairperson that the SRC Member has a reasonable excuse for the leave or absence.

[Note: The onus is upon the SRC Member to provide a reasonable excuse]

- (c) The Chairperson must not excuse an SRC Member for being absent from any SRC Meeting unless the Chairperson is satisfied that the SRC Member has a reasonable excuse for the leave or absence.
- (d) Each SRC Member must use their best endeavours to attend each SRC Meeting.

SCHEDULE 4

MEETING PROCEDURES

1. MEETINGS

1.1 Application

The provisions of this Schedule 4 apply, with necessary adaptations, to any meeting of a Relevant Body except as otherwise expressly stated.

1.2 Frequency

- (a) The SRC must meet at least twice in each of the First Two Sessions.
- (b) Any meeting must be during one of the First Two Sessions unless otherwise determined by the Chairperson.

1.3 Convening

- (a) The Chairperson may convene the first meeting of the SRC in such manner as they think fit.
- (b) The Chairperson may convene a meeting of a Relevant Body.
- (c) In addition to any other meetings that the SRC may hold, the Chairperson must promptly convene a meeting if requested in writing by:
 - (i) the Vice-Chancellor; or
 - (ii) six SRC Members, in the case of a meeting of the SRC or three subcommittee members in the case of a meeting of a SRC Subcommittee.
- (d) A meeting of a Relevant Body cannot be convened under clause 1.3(c) to occur more than once in any four week period without the consent of the Chairperson unless it is an adjourned meeting.
- (e) The Chairperson must give at least five Working Day's which are in the First Two Sessions, notice of any proposed meeting of a Relevant Body.
- (f) The Chairperson may call a meeting on shorter notice if the Chairperson considers the Relevant Body should meet as a matter of urgency.

1.4 Agenda

The Secretary, after consultation with the Chairperson, must use reasonable endeavours to circulate an agenda and relevant materials for consideration by the Relevant Body in sufficient time (no later than five Working Days prior to the scheduled meeting date) to enable members of the Relevant Body to adequately prepare for the meeting.

1.5 Location

- (a) In the case of meetings held in person, the Relevant Body must meet at the University's campus at North Ryde.

- (b) The location within that campus of the meetings of the SRC will be as determined by the Chairperson.

1.6 Quorum

- (a)
 - (i) The quorum for a meeting of the SRC or any SRC Subcommittee consists of a majority of the members.
 - (ii) The quorum for a meeting of the Selection Panel consists of a majority of its members.

[Note: The Senate Student Members are not SRC Members (although they may attend SRC Meetings) and therefore are not counted towards a quorum of the SRC.]

- (b) The quorum must be present for the entire meeting.
- (c) A person must not, either alone or with other persons, leave or refuse to attend a meeting of a Relevant Body so as to ensure that a quorum is not present at the meeting.
- (d) If a person withdraws from a meeting so as to remove the quorum the meeting may proceed as if a quorum is present and any decision of the Relevant Body will not be invalid merely because of the absence of a quorum for this reason.
- (e)
 - (i) If a meeting of a Relevant Body that does not have a quorum present within thirty minutes after the time for the meeting set out in the notice of meeting, then that meeting is adjourned to the date, time and place the Chairperson specifies. If the Chairperson does not specify one or more of those things, the meeting is adjourned to:
 - (A) if the date is not specified—the same day in the next week; and
 - (B) if the time is not specified—the same time; and
 - (C) if the place is not specified—the same place.
 - (ii) If no quorum is present at the resumed meeting within thirty minutes after the time for the meeting, the meeting is dissolved.

1.7 Voting

- (a) A resolution of a Relevant Body must be passed by a majority of the votes cast by members present and entitled to vote on the resolution.

[Note 1: A vote is cast if member of a Relevant Body votes for or against a resolution. If a member abstains from voting their vote is not cast and therefore not counted. A “majority” does not refer to:

- a majority of the quorum (but a quorum must be present for the meeting to be valid); or***
- a majority of those present (which might include abstainers);***
- a majority of the total membership of the Relevant Body.***

Note 2: A SRC Member may not be entitled to vote, for example, because of a conflict of interest or duty.]

- (b) Each member of a Relevant Body may vote on any matter for deliberation or determination by the Relevant Body, subject to any provision of this constitution relating to conflicts of interest or duty.
- (c) All questions will be decided by a show of hands or where reasonably demanded by a member of the Relevant Body entitled to vote, a ballot.
- (d) Each member of a Relevant Body has one vote, both on a show of hands and a poll.
- (e) A challenge to a right to vote at a meeting of a Relevant Body:
 - (i) may only be made at the meeting; and
 - (ii) must be determined by the chairperson, whose decision is final.
- (f) A resolution put to the vote at a meeting of the SRC must be decided on a show of hands unless a poll is demanded.
- (g)
 - (i) On a show of hands, a declaration by the chairperson is conclusive evidence of the result, if the declaration reflects the show of hands.
 - (ii) Neither the chairperson nor the minutes need to state the number or proportion of the votes recorded in favour or against.

[Note: Even though the chairperson's declaration is conclusive of the voting results, the members of the Relevant Body present may demand a poll.]

- (h) A poll may be demanded on any resolution.
- (i) A demand for a poll may be withdrawn.
- (j) A poll may only be demanded by:
 - (i) five or more members of the Relevant Body entitled to vote on the resolution; or
 - (ii) the chairperson.
- (k) The poll may only be demanded:
 - (i) before a vote is taken; or
 - (ii) before the voting results on a show of hands are declared; or
 - (iii) immediately after the voting results on a show of hands are declared.
- (l) A poll demanded on a matter other than the question of an adjournment must be taken when and in the manner the Chairperson directs.
- (m) A poll on the question of an adjournment must be taken immediately.

[Note: A poll is a voting process where votes are recorded in writing on a voting paper and placed in a receptacle before being counted.]

1.8 Circulating resolutions by majority of members

- (a) A Relevant Body may pass a resolution without a meeting of its members being held if:
 - (i) all of the papers are circulated among all of the members of the Relevant Body;
 - (ii) a majority of the members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document; and
 - (iii) in the case of the SRC or a SRC Subcommittee, the Chairperson consents to a matter being dealt with in this manner and the matter is dealt with in accordance with any condition subject to which the Chairperson's consent is given.
- (b) Separate copies of a document may be used for signing by members of the Relevant Body if the wording of the resolution and statement is identical in each copy.
- (c) The resolution is passed when the last member of the majority signs.
- (d) Passage of a resolution under this clause 1.8 must be recorded in the minutes of the following meeting.

1.9 Conduct of business

The procedure for the conduct of business at meetings of a Relevant Body is, subject to this constitution, to be determined by the Chairperson.

1.10 Conflicts of interest or duty

Subject to the provisions of this constitution, the Chairperson may determine the procedure for dealing with any conflicts of interest or duty of a member of a Relevant Body.

1.11 Attendance by non-members

- (a) The following persons may attend any meeting of a Relevant Body in addition to the members of that Relevant Body:
 - (i) in the case of a meeting of the SRC:
 - (A) the Vice-Chancellor;
 - (B) the Executive Director, Student Engagement and Registrar;
 - (C) the Secretary; and
 - (D) the Senate Student Members;
 - (ii) in the case of a meeting of a SRC Subcommittee:
 - (A) the Vice-Chancellor;
 - (B) the Executive Director, Student Engagement and Registrar; and
 - (C) the Secretary.

(b)

- (i) The persons referred to in clause 1.11(a) have no right to vote at any meeting of the Relevant Body.
- (ii) In the case of the Vice-Chancellor and the Executive Director, Student Engagement and Registrar, they may address any meeting of the Relevant Body and otherwise take part in any deliberations.
- (iii) In the case of persons other than the Vice-Chancellor and the Executive Director, Student Engagement and Registrar, they may address any meeting of the Relevant Body and otherwise take part in any deliberations only to the extent that they are invited to do so by the Chairperson or as contemplated by clause 1.11(b)(iv).
- (iv) In the case of the Senate Student Members, each of them may address any meeting of the SRC and otherwise take part in any deliberations to the extent relevant to their functions as Senate Student Members.
- (v) The persons referred to in clause 1.11(a) have the same rights to any notice of any meeting of the Relevant Body and to any papers relating to that meeting as any member of it.

1.12 Adjournment

- (a) The Chairperson may adjourn a meeting if and when they think fit.
- (b) When a meeting is adjourned, new notice of the resumed meeting must be given if the meeting is adjourned for one month or more.
- (c) A resolution passed at a meeting resumed after an adjournment is passed on the day it was passed.
- (d) Only unfinished business is to be transacted at a meeting resumed after an adjournment.

1.13 Closed meetings

- (a) Except as contemplated by this constitution, nobody may attend a meeting of a Relevant Body without the consent of the Chairperson.
- (b)
 - (i) The Chairperson may consent to any Student attending any meeting of a Relevant Body if the person makes an application to attend at least five Working Days before the relevant meeting which sets out the applicant's reasons for wishing to attend the relevant meeting but no such person has any right to:
 - (A) address the meeting or otherwise take part in any of its proceedings except to the extent that they are invited to do so by the Chairperson; or
 - (B) vote at any such meeting.

- (ii) The Chairperson may:
 - (A) at any time revoke or suspend any consent or invitation given under clause 1.13(b)(i); and
 - (B) waive the requirement of an application to attend a meeting of a Relevant Body if the Chairperson considers it appropriate in the circumstances.
- (iii) The Chairperson must as soon as practicable notify members of the Relevant Body of any application to attend a meeting of the Relevant Body, the applicant's stated reasons for wishing to attend and any consent given for any person to attend a meeting of that Relevant Body.

11.4 Conduct at meetings

- (a) All persons appearing before or present at a SRC Meeting must conduct themselves in a proper manner.
- (b) If a person does not comply with clause 1.14(a):
 - (i) the chairperson must notify the Executive Director, Student Engagement and Registrar; and
 - (ii) the chairperson may direct the person to leave or cease participating in the meeting if the SRC Member continued to conduct them self in an improper manner after being requested by the chairperson to desist.
- (c) If a person withdraws from a meeting pursuant to a direction from the chairperson so as to remove the quorum, the meeting may proceed as if a quorum is present and any decision of the Relevant Body will not be invalid merely because of the absence of a quorum for this reason.

2. ELECTRONIC MEETINGS AND COMMUNICATION

2.1 Use of Technology

- (a) A meeting of a Relevant Body may be called or held using any technology consented to by the Chairperson.
- (b) The consent may be a standing one.
- (c) The Chairperson may only withdraw their consent a reasonable period before the meeting.
- (d) If the members are not all in attendance at one place and are holding an Electronic Meeting:
 - (i) the members are, for the purpose of every provision of this constitution concerning meetings of the SRC, taken to be assembled together at a meeting and to be present at that meeting; and
 - (ii) all proceedings of those members conducted in that manner are as valid and effective as if conducted at a meeting at which all of them were present.

- (e) A person participating in an Electronic Meeting using any technology must not allow the proceedings to be overheard or recorded.

2.2 Papers

Papers may be circulated among and provided to members of a Relevant Body as the case requires, by facsimile, email or other transmission of the information in the papers concerned.

SCHEDULE 5

APPOINTMENT AND SELECTION PROCEDURES

1. APPOINTED MEMBERS

1.1 Establishment of Selection Panel

- (a) The Student Experience Committee must establish a panel consisting of:
 - (i) the Chairperson; and
 - (ii) the Deputy Chairperson; and
 - (iii) not less than two or more than five other persons who are not employees or officeholders of the University or Students.
- (b) The Student Experience Committee may terminate or suspend the appointment of any person appointed by them to the Selection Panel and appoint a replacement.

1.2 Functions of Selection Panel

The function of the Selection Panel is to appoint SRC Members and the members of any other committee established by the SRC in accordance with this constitution.

1.3 Powers

Subject to this constitution, the Selection Panel has power to do anything that may be necessary or convenient to be done for or in connection with the exercise of its functions.

1.4 Nomination procedure for Appointed Members

- (a) The Selection Panel must call for self-nominations from the E and D Groups to be appointed to the SRC.
- (b)
 - (i) the Selection Panel must call for self-nominations from the E and D Groups and the Major Student Organisations to be appointed to the SRC
 - (ii) each duly elected member of the governing body of a Major Student Organisation may nominate them self for appointment as a MSO Representative.
- (c) The procedure for calling for nominations contemplated by clause 1.4(a) and clause 1.4(b) and related matters must be determined by the Chairperson.

1.5 Appointment

The Selection Panel must appoint the Appointed Members from the nominees, in accordance with this Schedule 5.

1.6 Selection criteria

In determining the persons to be appointed under this Schedule 5 the Selection Panel must:

- (a) choose between candidates for nomination or appointment only on the basis of a candidate's personal qualities, abilities and experience that are relevant to the performance of the functions of a SRC Member; and
- (b) take into consideration:
 - (i) whether a person has developed or has the capacity to develop a good understanding of what the Student Community needs from the University;
 - (ii) whether a person will contribute to the effective working of the SRC;
 - (iii) whether a person has the personal qualities and abilities needed to complement those of existing members of the SRC; and
 - (iv) such other matters as the Selection Panel considers appropriate.

2. BROAD REPRESENTATION REQUIRED

- (a) In making appointments from nominees of Major Student Organisations the Selection Panel must endeavour to take into account broad representation from the following categories of Major Student Organisations:
 - (i) faculty or professional Student Organisations;
 - (ii) cultural Student Organisations;
 - (iii) sporting Student Organisations;
 - (iv) religious Student Organisations;
 - (v) humanitarian Student Organisations;
 - (vi) performing arts Student Organisations; and
 - (vii) political or social Student Organisations.
- (b) In the case of doubt, the Chairperson may determine:
 - (i) to which category referred to in clause 2(a) a Major Student Organisation belongs; and
 - (ii) whether a Student is appointed or elected because they are a postgraduate Student, undergraduate Student or overseas Student for the purposes of this constitution.
- (c) The Selection Panel and any person appointing a person to fill a casual vacancy on the SRC must endeavour, as far as practicable, to ensure that the proportion of undergraduate Students, postgraduate Students and overseas Students who are SRC Members is approximately the same as the proportion of each of those cohorts of Students is of the Student Community, based on information provided by the University from its current records.

3. ELECTED MEMBERS

3.1 Election procedures

Any election of SRC Members must be conducted in accordance with election procedures and rules determined by the Executive Director, Student Engagement and Registrar after consultation with the SRC.

3.2 Election procedure changes

The Executive Director, Student Engagement and Registrar may from time to time vary or replace any election rules or procedures after consultation with the SRC.

3.3 Election costs

The University must meet the necessary and reasonable costs of conducting any valid election which is conducted in accordance with the election procedures and rules contemplated by this clause 3.

4. MEMBER VACANCIES TO BE FILLED

4.1 Vacancy must be filled

- (a) If the office of an Appointed Member or Elected Member becomes vacant, a person must be appointed to fill that casual vacancy in accordance with this constitution.
- (b) A person appointed to fill a casual vacancy under this clause 4.1 holds office for the unexpired portion of the term of office of the SRC Member being replaced.

[Note: A casual vacancy means one that occurs before the expiration of a person's term in a particular position or office. It is "casual" in the sense of it arising by chance.]

4.2 Casual vacancy of Elected Member

- (a)
 - (i) If a casual vacancy in the office of an Elected SRC Member occurs at any time before the date on which the SRC Member's term of office would have otherwise expired, the Vice-Chancellor must appoint the person:
 - (A) who was last eliminated in the last election to fill that office;
 - (B) who remains eligible for appointment; and
 - (C) who is available for appointment.
 - (ii) If the conditions set out in clause 4.2(a) cannot be met, the vacancy must as soon as practicable be filled by an eligible person appointed by the Selection Panel from persons previously nominated to be SRC Members for the relevant term or, if there are none, from persons nominated by the Vice-Chancellor.
- (b) If nobody stands for election to the position of an Elected SRC Member, the position must as soon as practicable be filled by an eligible person appointed by the Selection Committee from persons nominated by the Vice-Chancellor.

4.3 Casual vacancy of MSO Representative

If a casual vacancy occurs in the office of a MSO Representative, the position may be filled by an eligible person appointed by the Selection Committee from persons nominated by the Vice-Chancellor.

SCHEDULE 6

EQUITY AND DIVERSITY REPRESENTATIVE FUNCTIONS

1. The Women Students Representative

The functions of a Women Students Representative are to:

- (a) ensure that women Students needs are considered throughout the whole of the SRC's work;
and
- (b) establish, and maintain, contact with and provide information from groups and organisations within the University which work on issues relevant to women.

2. The GLBTIQ Students Representative

The functions of a GLBTIQ Students Representative are to:

- (a) ensure that GLBTIQ Students needs are considered throughout the whole of the SRC's work;
and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to GLBTIQ Students.

3. The Aboriginal and Torres Strait Islander Students Representative

The functions of an Aboriginal and Torres Strait Islander Students Representative are to:

- (a) ensure that Aboriginal and Torres Strait Islander Students needs are considered throughout the whole of the SRC's work; and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to Aboriginal and Torres Strait Islander Students.

4. The SWD Students Representative

The functions of a SWD Students Representative are to:

- (a) ensure that SWD Students needs are considered throughout the whole of the SRC's work;
and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to SWD Students.

5. The CALD Students Representative

The functions of a CALD Students Representative are to:

- (a) ensure that CALD Students needs are considered throughout the whole of the SRC's work;
and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to CALD Students.

6. The Distance Students Representative

The functions of Distance Students Representative are to:

- (a) ensure that Distance Students needs are considered throughout the whole of the SRC's work; and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to Distance Students.

7. The RR Students Representative

The functions of a RR Students Representative are to:

- (a) ensure that RR Students needs are considered throughout the whole of the SRC's work; and
- (b) establish and maintain contact with, and provide information from, groups and organisations within the University which work on issues relevant to RR Students.

SCHEDULE 7

PROGRAMMES AND BUDGETS OF THE SRC

1. PROPOSED PROGRAMMES AND BUDGETS

- (a) The SRC must provide the Student Experience Committee before November in each year with a Proposed Programme and Budget which must include:
 - (i) details of SRC Activities proposed for the next year; and
 - (ii) an itemised budget specifying all estimated Operational Expenditure proposed for the next year.
- (b) The University may at any time require the SRC to prepare and provide to the University a Proposed Programme and Budget prepared in accordance with the Approved Procedure in relation to any aspect of SRC Activities.
- (c) A Proposed Programme and Budget must be prepared in accordance with the Approved Procedure.

2. APPROVED PROGRAMMES AND BUDGETS

- (a) Not less than twenty Working Days after provision of a Proposed Programme and Budget and by no later than the end of the second Session in each year or such other time as the University may determine, the SRC and the University must meet (as many times as necessary) and discuss the Proposed Programme and Budget for the next year for the purpose of agreeing an Approved Programme and Budget for that year.
- (b) If an Approved Programme and Budget for a year is not agreed within twenty Working Days of the first meeting between the SRC and the University contemplated by clause 2(a), the Vice-Chancellor may determine what is to be the Approved Programme and Budget for that year.
- (c) The SRC may vary an Approved Programme and Budget with the approval of the Vice-Chancellor.
- (d) The SRC must, until there is an Approved Programme and Budget for a year, subject to receipt of necessary resources, continue to carry out its functions.

3. EXPENDITURE NOT COVERED BY AN APPROVED PROGRAMME AND BUDGET

- (a) The SRC must not without the approval of the Vice-Chancellor undertake any SRC Activities which are not substantially in accordance with an Approved Programme and Budget.
- (b) The SRC must report to the Vice-Chancellor as soon as reasonably practicable any unbudgeted expenditure it wishes to make in respect of the SRC's functions.

4. FUNDING FOR STUDENT ORGANISATIONS

- (a) The SRC must allocate a sum in each Proposed Programme and Budget for the funding of eligible student organisations.

(b)

- (i) The procedure for allocating resources to eligible student organisations must be fair and in accordance with this constitution.
- (ii) The procedure must be available on the University's website to all eligible student organisations.

(c)

- (i) An eligible student organisation must submit a budget proposal to the SRC for approval before the SRC approves the provision of funding to it.
 - (ii) The SRC must nominate three members to work with the Manager, Student Engagement to consider funding applications from eligible student organisations.
- (d) Allocations of funding must be made on the basis of the level of activity in the organisation, the number of members it has and special equipment and travel requirements of the organisation.
- (e) The SRC must not provide funding to an organisation:
- (i) which is not an eligible student organisation; and
 - (ii) except for use in accordance with an approved budget and for a permitted purpose.
- (f) The Vice-Chancellor may, after consultation with the SRC, determine criteria for determining which organisations are eligible to receive funding and the purposes for which funding may be used.
- (g) A determination about the eligibility of a student organisation or an approved purpose for the use of funds may be a standing determination of general application.
- (h) Unless and until a determination is made about the eligibility of a student organisation, a student organisation is taken to be an eligible student organisation:

5. FUNDS CONTROL

- (a) The University must hold and otherwise control all funds which of the SRC or a SRC Subcommittee and their expenditure unless otherwise determined by the Vice-Chancellor.
- (b) Any moneys received by the SRC or any SRC Subcommittee from any sponsorship or other fundraising activity must be promptly delivered to the University.

6. COMPLIANCE WITH SECTION 19-38

- (a) This clause 6 applies notwithstanding any other part of this constitution.
- (b) The SRC must ensure that the funds of the SRC are only spent by the SRC or a student organisation for a purpose for which moneys paid as student amenities fees and services are permitted to be spent under section 19-38 of HESA.

[Note: Section 19-38 of HESA specifies the manner in which student services and amenities fees levied by the University may be spent and, for example, prohibits money being spent to fund political campaigns.]

SCHEDULE 8

REPORTS AND RECOMMENDATIONS OF THE SRC

1. ANNUAL REPORT

1.1 Contents of Annual Report

The SRC, with support from the relevant areas of the University, must annually provide a report containing:

- (a) an overview and review of the use of the Student Amenities Fee in the previous year; and
- (b) its recommendations for the expenditure of the Student Amenities Fee revenue for the following year.

1.2 Publication of Annual Report

This report must be:

- (a) provided to the Vice-Chancellor and the Student Experience Committee; and
- (b) made available on the University's website.

2. OTHER REPORTS AND RECOMMENDATIONS

The SRC must if requested, promptly report to the Student Experience Committee or the Vice-Chancellor, as the case requires, in relation to:

- (a) any specific queries or proposals referred to the SRC by the Student Experience Committee or the Vice-Chancellor for advice or consultation;
- (b) advice and recommendations made by any SRC Subcommittee; and
- (c) general advice on matters within the Terms of Reference.

3. ONLINE PRESENCE

- (a) The University must establish and maintain an online presence for the SRC in a medium determined by the Vice-Chancellor after consultation with the SRC.
- (b) The online presence must be moderated by the University in accordance with a protocol to be prepared and published by the SRC after it is approved by the Vice-Chancellor.
- (c) The purpose of the online presence is to provide an electronic means for the Student Community to communicate with the members of the SRC, so as to facilitate the performance by the SRC of its functions.