

NEWCASTLE UNIVERSITY POSTGRADUATE STUDENTS ASSOCIATION (NUPSA) INCORPORATED

An Incorporated Association under the Associations Incorporation Act 2009

CONSTITUTION

Part 1 Introduction

1.1 Newcastle University Postgraduate Students Association Incorporated will be referred to in this document as NUPSA.

1.2 The governing body of NUPSA shall be the Executive as provided in this Constitution.

1.3 This Constitution is divided into Parts as follows:

Part 1 Introduction

Part 2 Dictionary

Part 3 Objects

Part 4 Membership

Part 5 Governance and Committees

Part 6 Powers of the Executive

Part 7 Elections

Part 8 Executive Meetings

Part 9 Accountability and Disciplining

Part 10 General Meetings of NUPSA

Part 11 Finance and Accounts

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Part 14 Operation of Constitution and Dissolution

Part 15 Alterations to Constitution and Regulations

Part 16 Sources of Funds

Part 17 Indemnity and Liability

Part 2 Dictionary

"Aboriginal and/or Torres Strait Islander Representative" means a Member is of Aboriginal or Torres Strait Islander descent elected to the Executive in accordance with Clause 5.9 (a) and having the roles and responsibilities set out in Clause 5.9(b).

"Academic Year" means the academic year as determined by the University, excluding the first semester Orientation period.

"Administration Officer" is the person appointed and contracted or employed by the University for the purpose of providing administration support and guidance to NUPSA and acting as the public officer, and is not entitled to vote or act as the Secretary or Treasurer.

"Annual General Meeting" means a meeting held in accordance with Clause 10.3 of this Constitution.

"Chair" or "Chairperson" means the Chair appointed under Clause 8.8.

"Committee" means a committee, special committee, subcommittee or standing committee established under this Constitution by the Executive.

"Committee Convenor" means the convenor of a committee as appointed under this Constitution by the Executive.

"Conflict of Interest Register" means the register to be maintained under Clause 5.19.

"Coursework Representative" means a Member enrolled in a Coursework Higher Degree elected to the Executive in accordance with Clause 5.7(a) and having the roles and responsibilities set out in Clause 5.7(b).

"Equity Groups" shall include but not be limited to such groups as:

- (a) Aboriginal and Torres Strait Islander Australians;
- (b) people from socio-economically disadvantaged backgrounds;
- (c) people from rural and isolated areas;
- (d) people with disabilities;
- (e) people of non-English speaking backgrounds; and
- (f) women (especially women in non-traditional areas of study).

"Equity Representative" means a Member from an Equity Group as listed by the Commonwealth Government elected to the Executive in accordance with Clause 5.10(a) and having the roles and responsibilities set out in Clause 5.10(b).

"Executive" means the committee of NUPSA consisting of the committee Members specified in clause 5.2 of the Constitution.

"Financial Year" means NUPSA financial year which shall end on the last day of December.

"GLBTI Groups" include but not be limited to such groups as:

- (a) gay;
- (b) lesbian;
- (c) bisexual;
- (d) transgender; and
- (e) intersex peoples.

"GLBTI Representative" means a Member from a GLBTI Group who is informed about, sensitive toward and have an understand of GLBTI groups and their issues, elected to the Executive in accordance with Clause S.II(a) and having the roles and responsibilities set out in Clause S.II(b).

"General Meeting" means an Annual General Meeting or a Special General Meeting held in accordance with Part 10 of this Constitution.

"International Representative" means a Member whose country of origin is other than Australia elected to the Executive in accordance with Clause 5.8(a) and having the roles and responsibilities set out in Clause 5.8(b).

"International Student" means a Postgraduate Student (whether within or outside Australia) who holds a student visa, and is an enrolled student of the University of Newcastle.

"Member" means a Member who joins NUPSA in accordance with Clause 4.2 and is entitled to vote.

"NUPSA" is the name of the Newcastle University Postgraduate Students' Association Incorporated.

"Personal Interest" means where a person has a personal or familial relationship; the relationship has a financial character; or when the person is in a position to receive a financial or material benefit apart from benefits received or payments made to NUPSA as part of NUPSA's normal business".

"Postal Ballot" refers to a ballot conducted in accordance with Schedule 3 of the Associations Incorporation Regulations 2010 (NSW).

"Postgraduate Student" means a person who is enrolled in a University of Newcastle course designated by the University to be a postgraduate course.

"Register of Members" means the register to be maintained under Clauses S.IS(c)(v) and (vi).

"Regulations" means regulations made or amended in accordance with this Constitution and form part of this Constitution.

"Research Representative" means a Member enrolled in a Research Higher Degree elected to the Executive in accordance with Clause 5.6(a) and having the roles and responsibilities set out in Clause 5.6(b).

"Returning Officer" means the person referred to in Clause 5.16.

"Satellite Representative" means a Member who studies primarily at a campus other than Callaghan elected to the Executive in accordance with Clause 5.12(a) and having the roles and responsibilities set out in Clause 5.12(b).

"Satellite Students" refers to all Postgraduate students not studying at Callaghan campus.

"Secret", where used in relation to a Written Ballot or Postal Ballot, refers to a ballot where individual votes are not disclosed to any other party.

"Senior Executive" means President, Vice President, Secretary and Treasurer.

"Special General Meeting" means a meeting held in accordance with Clause 10.4 of this Constitution.

"University" means the University of Newcastle.

"University Council" means the governing Council of the University.

"Written Ballot" refers to a ballot conducted at a meeting where each person in attendance at that meeting who is entitled to vote does so in writing.

Part 3 Objects

The objects of NUPSA are to:

- 3.1 represent the interests and welfare of Postgraduate Students on all official University bodies that deal with matters that affect Postgraduate Students;
- 3.2 promote the social and intellectual life of Postgraduate Students of the University;
- 3.3 provide facilities, support and services to all Postgraduate Students;
- 3.4 carry out research relevant to the educational requirements of Postgraduate Students;
- 3.5 organise professional and social activities of Postgraduate Students and to encourage the development of other organisations for Postgraduate Students at the University;
- 3.6 NUPSA develop agreed channels of communication and mechanisms for communication between NUPSA, the Postgraduate Students and the University;

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- 3.7 liaise and where appropriate affiliate with other student organisations in the tertiary sector including other student bodies, guilds or associations in order to carry out these objects;
- 3.8 provide the University with advice with regard to expenditure priorities and disbursement of funds collected by the University (such advice to be in accordance with the provisions of the Student Services and Amenities Fee Guidelines);
- 3.9 promote the interests of NUPSA in the broader University community and in the wider community in all regions the University has a postgraduate presence;
- 3.10 ensure Members of NUPSA are informed about the University's postgraduate matters and matters that protect and enhance their general well-being as Members;
- 3.11 ensure effective representation of the interests and concerns of Postgraduate Students of the University; and
- 3.12 promote leadership, citizenship and community participation for all Postgraduate Students.

Part 4 Membership

- 4.1 Membership shall consist of the Members.
- 4.2 All Postgraduate Students at the University of Newcastle qualify for Membership of NUPSA and automatically become Members (unless they elect in writing not to be Members).
- 4.3 NUPSA shall grant or renew Membership to a Postgraduate Student automatically upon enrolment, without any requirement for an application for Membership.
- 4.4 The Membership term is for the term of enrolment as a Postgraduate Student of the University, except where a person gives written notice to the Administration Officer that s/he does not wish to be a Member of NUPSA.
- 4.5 A person ceases to be a Member upon expiry or termination of their enrolment as a Post Graduate Student except that in the case of:
 - (a) a Member who has submitted a thesis for examination, Membership shall cease when the Member has qualified for admission to the degree for which the thesis is fulfilment of candidature, or after 6 months from submission of the thesis, whichever is the sooner; *or*,
 - (b) a Member who is on leave of absence, Membership shall cease during the period of their leave of absence.
- 4.6 Rights of Membership
 - (a) Members are entitled to:

- (i) stand for and vote in NUPSA elections;
 - (ii) hold a position on the Executive; except where they are disqualified from holding a directorship under Part 2D.6 (disqualified from managing corporations) of the Corporations Act 2001(Cth);
 - (iii) requisition and vote in referenda;
 - (iv) attend, speak and move and or second motions and vote at any General Meetings of NUPSA;
 - (v) inspect any records, by arrangement, excluding the following records:
 - (A) records relating to personnel or staffing matters of NUPSA;
 - (B) records relating to legal matters or proceedings;
 - (C) records that disclose information which would cause a Member, officer or employee of NUPSA to do anything which is illegal and/or unethical; the definition of unethical to be determined by the University of Newcastle Dean of Students in the event of a dispute;
 - (D) information referred to in clause 4.7(e); or
 - (E) records that include confidential information, commercial in confidence information or any information that cannot be disclosed under any law including, without limitation, the Privacy and Personal Information Protection Act (NSW) 1998.
 - (vi) utilise the amenities and services provided by NUPSA; and
 - (vii) exercise any other rights expressly conferred upon Members by this Constitution or the Regulations.
- (b) A right, privilege or obligation which a person has by reason of being a Member of the association:
- (i) is not capable of being transferred or transmitted to another person; and
 - (ii) terminates on cessation of the person's Membership.

4.7 Register of Members

- (a) The Administration Officer must establish and maintain a register of Members specifying the name and postal or residential address of each person who is a Member together with the date on which the person became a Member.
- (b) The register of Members must be kept in New South Wales:
 - (i) at the main premises of NUPSA; or
 - (ii) if NUPSA does not have premises, at NUPSA's official address.
- (c) The register of Members must be open for inspection, free of charge, by any Member of the association at any reasonable hour.
- (d) A Member of NUPSA may obtain a copy of any part of the register on payment of a fee of not more than \$1 for each page copied.
- (e) If a Member requests that any information contained on the register about the Member (other than the Member's name) not be available for inspection, that information must not be made available for inspection.
- (f) A Member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (i) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to NUPSA or other event relating to NUPSA or other material relating to NUPSA; or
 - (ii) any other purpose necessary to comply with a requirement of the Act or the Regulation.

4.8 Fees and subscriptions

- (a) A Member of NUPSA *must*, on admission to Membership, pay to NUPSA a fee of \$1 *or*, if some other amount is determined by the Executive, that other amount.
- (b) In addition to any amount payable by the Member under subclause 4.8(a), a Member of NUPSA must pay to NUPSA an annual Membership fee of \$2 *or*, if some other amount is determined by the Executive, that other amount:
 - (i) except as provided by paragraph (b), before 1 July in each calendar year; or
 - (ii) if the Member becomes a Member on or after 1 July in any calendar year-on becoming a Member and before 1 July in each succeeding calendar year.

4.9 Disciplining of Member

- {a) A complaint may be made to the Executive by any person that is a Member of NUPSA where another Member:
 - {i) has refused or neglected to comply with a provision or provisions of this Constitution; or
 - {ii) has willfully acted in a manner prejudicial to the interests of NUPSA.

- {b) The Executive may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.

- {c) If the Executive decides to deal with the complaint, the Executive:
 - {i) must cause notice of the complaint to be served on the Member concerned; and
 - {ii) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Executive in connection with the complaint; and
 - {iii) must take into consideration any submissions made by the Member in connection with the complaint.

- {d) The Executive *may*, by resolution, expel the Member from NUPSA or suspend the Member from NUPSA if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.

- {e) If the Executive expels or suspends a Member, the Secretary *must*, within 7 days after the action is taken, cause a written notice to be given to the Member of the action taken, of the reasons given by the Executive for having taken that action and of the Member's right of appeal under clause 4.10.

- {f) The expulsion or suspension does not take effect:
 - {i) until the expiration of the period within which the Member is entitled to appeal against the resolution concerned; or
 - {ii) if within that period the Member exercises the right of appeal unless and until NUPSA confirms the resolution under clause 4.10, whichever is the later.

4.10 Right of appeal of disciplined Member

- {a) A Member may appeal to NUPSA in a General Meeting against a resolution of the Executive under Clause 4.9, within 7 days after notice of the

resolution is served on the Member, by lodging with the Secretary a notice to that effect.

- (b) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.
- (c) On receipt of a notice from a Member under Clause 4.10(a), the Secretary must notify the Executive which is to convene a General Meeting of NUPSA to be held within 28 days after the date on which the secretary received the notice.
- (d) At a General Meeting of NUPSA convened under Clause 4.10(c):
 - (i) no business other than the question of the appeal is to be transacted;
 - (ii) the Executive and the Member must be given the opportunity to state their respective cases orally or in writing, or both; and
 - (iii) the Members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (e) The appeal is to be determined by a simple majority of votes cast by Members.

4.11 Resolution of disputes

- (a) A dispute between a Member and another Member (in their capacity as Members) of NUPSA, or a dispute between a Member or Members and NUPSA, are to be referred to a community justice centre for mediation under the Community Justice Centres Act 1983{NSW}.
- (b) If a dispute is not resolved by mediation within 3 months of the referral to a community justice centre, the dispute is to be referred to arbitration.
- (c) The Commercial Arbitration Act 2010 (NSW) applies to any such dispute referred to in arbitration.

Part 5 Governance and Committees

5.1 The Executive shall be the governing authority of NUPSA and shall have and may exercise and discharge such powers, authorities, duties and functions as are imposed upon the Executive under this Constitution.

5.2 The Executive shall consist of up to nine Members including:

- (a) President;
- (b) Vice-President;

- (c) Research Representative;
- (d) Coursework Representative;
- (e) International Representative;
- (f) Aboriginal and/or Torres Strait Islander Representative;
- (g) Equity Representative;
- (h) GLBTI Representative; and
- (i) Satellite Representative.

5.3 The following officers are entitled to attend meetings as ex-officio Members of the Executive but are not entitled to vote:

- (a) Administration Officer;
- (b) Postgraduate Student representatives on the University Council/Senate; and
- (c) Chief Operating Officer of University of Newcastle or equivalent or nominee.

5.4 President

- (a) The President shall be elected by the Members of NUPSA.
- (b) The role and responsibilities of the President will include, but are not limited to:
 - (i) being an ex-officio Member of all Committees established by NUPSA;
 - (ii) reporting to the University Council and NUPSA;
 - (iii) reporting to the University Council on matters affecting Postgraduate Students at least once annually;
 - (iv) in the absence of the Secretary, fulfilling the role of Secretary;
 - (v) being the spokesperson for NUPSA provided that s/he does not make public statements or commitments on behalf of NUPSA without authorisation by the Executive;
 - (vi) managing the list server;
 - (vii) being the University of Newcastle Council/Senate Student representative;

- (viii) attending meetings with the Vice Chancellor, Deputy Vice Chancellor (Academic) Deputy Vice Chancellor (Research), and the Academic Registrar;
- (ix) attending some social events;
- (x) being the NUPSA Chair for the Executive meetings and all General Meetings;
- (xi) having a major role with input into some submissions in regards to reviews by University Divisions, and State or Federal Government submissions;
- (xii) ensuring that the Executive Members carry out their duties, and that Executive attends to items in regards to decisions made at the monthly Executive meetings, and general meetings; and
- (xiii) performing such other duties as NUPSA may determine.

5.5 Vice-President

- (a) The Vice-President shall be elected by the Members of NUPSA.
- (b) The role and responsibilities of the Vice-President will include, but are not limited to:
 - (i) in the absence of the President, exercising the powers and carrying out the functions of the President;
 - (ii) in the absence of the Treasurer fulfilling the role of the Treasurer;
 - (iii) ensuring that the postgraduate representatives on University bodies liaise effectively with the Executive;
 - (iv) attending some meetings and social events;
 - (v) ensuring the Executive Members carry out their duties, and that the Executive as a whole fulfils its responsibilities; and
 - (vi) performing such other duties as NUPSA shall determine.

5.6 Research Representative

- (a) The Research Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the Research Representative will include, but are not limited to:

- (i) liaising with the President and other Executive Members regarding matters specifically related to postgraduate research higher degree candidates;
- (ii) attending meetings with the Deputy Vice-Chancellor (Research), the Pro Vice Chancellor (Research) and the Dean of the Office of Graduate Studies;
- (iii) liaising with Office of Graduate Studies on matters relating to Research Higher Degree students;
- (iv) having a major role with input into some submissions by NUPSA that are research related-in regards to reviews by University Divisions, and State or Federal Government submissions;
- (v) seeking solutions in specific problem cases related to candidature for research degrees after consultation with the President and/or other Executive Members;
- (vi) monitoring issues throughout Australian Universities, the community and Government which affect, or may affect, Postgraduate Research students; and
- (vii) convening the Research Standing Committee.

5.7 Coursework Representative

- (a) The Coursework Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the Coursework Representative will include, but are not limited to:
 - (i) liaising with the President and other Executive Members regarding matters specifically related to Postgraduate Coursework degree candidates;
 - (ii) meeting with the Director, Postgraduate Studies, Newcastle Business School (NBS) and Grad School;
 - (iii) meeting with relevant staff at City Campus regarding NUPSA matters;
 - (iv) attending meetings with the Deputy Vice-Chancellor (Academic) and the Pro-Vice Chancellor (Learning and Teaching);
 - (v) having a major role through input into some NUPSA submissions that are coursework related -in regards to reviews by University Divisions, and State or Federal Government submissions;

- (vi) seeking solutions in specific problem cases related to candidature for coursework degrees after consultation with the President and/or other Executive Members;
- (vii) monitoring issues throughout Australian Universities, the community and Government which may *affect*, or may not *affect*, postgraduate coursework students;
- (viii) in collaboration with the Satellite representative, providing support for those students enrolled externally including students enrolled with GradSchool.com; and
- (ix) convening the Coursework Standing Committee.

5.8 International Representative

- (a) The International Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the International Representative will include, but are not limited to:
 - (i) liaising with the President and other executive Members regarding matters specifically related to International Postgraduate Students;
 - (ii) attending the International Students Liaison Group meetings;
 - (iii) having contact with: the Pro Vice-Chancellor (International & Advancement); and the Newcastle International Office;
 - (iv) advocating on behalf of international Postgraduate Students within the university, and to be reasonably accessible and available to international Postgraduate Students on all campuses;
 - (v) attending the international students' orientation sessions;
 - (vi) being aware of the current contact details for local Immigration Agents;
 - (vii) being involved with arranging workshops for international students;
 - (viii) being aware of international social groups on campus;
 - (ix) seeking solutions to specific problem cases related to international Postgraduate Students after consultation with the President and/or other Executive Members; and
 - (x) convening the International Student Standing Committee.

5.9 Aboriginal and/or Torres Strait Islander Representative

- (a) The Aboriginal and/or Torres Strait Islander Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the Aboriginal and/or Torres Strait Islander representative will include, but are not limited to:
 - (i) liaising with the President and other Executive Members regarding matters specifically related to Aboriginal and Torres Strait Islander Postgraduate Students;
 - (ii) having contact with-the University's Equity and Diversity Unit; the University's Complaints Officer; the Dean of Students; The Wollotuka Institute; and University Counseling Services;
 - (iii) being aware of issues arising locally and nationally on Aboriginal and Torres Strait Islander matters;
 - (iv) advocating on behalf of Postgraduate Aboriginal and Torres Strait Islander groups or individuals within the university;
 - (v) seeking advice from Aboriginal and Torres Strait Islander students, Elder in residence, collectives, community and other groups regarding their representation;
 - (vi) being accessible and available to Aboriginal and Torres Strait Islander Postgraduate Students on all campuses;
 - (vii) being aware of university policy and to provide resources for referral on issues relevant to Aboriginal & Torres Strait Islander groups or individuals; and
 - (viii) convening the Aboriginal and or Torres Strait Islander Standing Committee.

5.10 Equity Representative

- (a) The Equity Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the Equity Representative will include, but are not limited to:
 - (i) liaising with the President and other executive Members regarding matters specifically related to Equity groups within the Postgraduate Student co-hort;
 - (ii) having contact with -the University's Equity and Diversity Unit; the University's Complaints Officer; the Dean of Students; and University Counseling Services;

- (iii) being aware of issues arising locally and nationally on equity matters;
- (iv) advocating on behalf of Postgraduate equity groups or individuals within the university; and to be reasonably accessible and available to Postgraduate Students on campus;
- (v) being aware of university policy and to provide resources for referral on issues relevant to equity groups or individuals;
- (vi) if there is no International Representative on the Executive, assisting with grievances raised by international students in regards to equity issues;
- (vii) making use of resources, groups, and contacts on campus and to share any information in regards to equity matters;
- (viii) having the authority to seek advice from collective, and other groups in regards to their representation; and
- (ix) convening the Equity Standing Committee.

5.11 GLBTI Representative

- (a) The GLBTI Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the GLBTI Representative will include, but are not limited to:
 - (i) liaising with the President and other executive Members regarding matters specifically related to GLBTI groups within the Postgraduate Student co-hort;
 - (ii) having contact with the University's Equity and Diversity Unit; the University's Complaints Officer; the Dean of Students; and University Counseling Services;
 - (iii) being aware of issues arising locally and nationally on GLBTI matters;
 - (iv) advocating on behalf of Postgraduate GLBTI groups or individuals within the university; and to be reasonably accessible and available to Postgraduate Students on campus;
 - (v) being aware of university policy and to provide resources for referral on issues relevant to GLBTI groups or individuals;
 - (vi) making use of resources, groups, and contacts on campus and to share any information in regards to GLBTI matters;

- (vii) having the authority to seek advice from University collectives, and other groups in regards to their representation;
- (viii) liaising with the ALLY network to ensure representation and support; and
- (ix) convening the GLBTI Standing Committee.

5.12 Satellite Representative

- (a) The Satellite Representative shall be elected by the Members of NUPSA.
- (b) The responsibilities of the Satellite Representative will include, but are not limited to:
 - (i) liaising with the President and other executive Members regarding matters specifically related to Postgraduate Students located on campuses other than Callaghan;
 - (ii) attending meetings with the Director Regional Campuses;
 - (iii) communicating with other NUPSA Executive and liaise with students at all Callaghan satellites including Ourimbah Campus and the NUPSA Executive;
 - (iv) meeting with student representative from City, Ourimbah, Sydney, Port Macquarie, HMRI and other campuses;
 - (v) meeting with relevant staff at all campuses regarding NUPSA matters;
 - (vi) seeking solutions to specific problem cases related to candidature conducted primarily at Callaghan satellite locations after consultation with the President and/or other Executive Members;
 - (vii) in collaboration with the Coursework representative, providing support for those students enrolled externally including students enrolled with GradSchool.com; and
 - (viii) convening the Satellite Standing Committee.

5.13 Secretary

- (a) The Secretary shall be elected by the Executive and must be a Member of the Executive.
- (b) The responsibilities of the Secretary will include, but are not limited to:
 - (i) ensuring all correspondence is attended to;

- (ii) ensuring that adequate minutes of all meetings, including a record of the Members present or in attendance are kept;
- (iii) ensuring that publications are posted on the NUPSA website;
- (iv) ensuring that reports and/or minutes are available for viewing by Members on request excluding in camera minutes;
- (v) carrying out such duties that the Executive or a General Meeting may direct; and
- (vi) reporting to the Executive.

5.14 Treasurer

- (a) The shall be elected by the Executive and must be a Member of the Executive.
- (b) The responsibilities of the Treasurer will include, but are not limited to:
 - (i) overseeing the financial affairs of NUPSA;
 - (ii) arranging for the books and the accounts of NUPSA to be audited at the end of each Financial Year;
 - (iii) presenting to each meeting of NUPSA and the Executive a statement of receipts, payments and balance of accounts since the date of the previous meeting;
 - (iv) preparing and presenting the annual budget or such other budgets as required by the NUPSA Executive and adjusting the budget as required in consultation with the President and approved by the Executive; and
 - (v) being responsible for assisting the Committee Convenors to prepare budgets for the NUPSA Committees.

5.15 Administration Officer

- (a) The Administration Officer shall be appointed and contracted or employed by NUPSA in its absolute discretion. The President and Vice-President of NUPSA or their nominees shall be part of the selection committee for the position.
- (b) The Administration Officer shall be the public officer of NUPSA.
- (c) The responsibilities of the Administration Officer will include, but are not limited to:

- (i) being responsible for recording the minutes of all meetings of NUPSA and the Executive;
 - (ii) giving notice of meetings and motions pursuant to this Constitution and any Regulation made under it;
 - (iii) keeping proper accounting records in relation to the property and funds of NUPSA as directed by the Senior Executive pursuant to this Constitution and any Regulation made under it;
 - (iv) receiving or cause to be received all fees and other monies payable to NUPSA by the University or other persons and bodies, and promptly deposit the same with NUPSA's bank as directed by the Senior Executive;
 - (v) in his/her role as the public officer establishing and maintaining the Register of Members of NUPSA specifying the name, and email address of each Member on a yearly basis;
 - (vi) in his/her role as public officer establishing and maintaining in accordance with the Associations Incorporation Act 2009 the Register of Members of the Executive and Committees to be open for inspection to Members at all reasonable hours;
 - (vii) maintaining the Conflict of Interest Register; and
 - (viii) performing such other duties as NUPSA Executive may determine.
- (d) Except as otherwise provided by this Constitution, the Administration Officer must keep in his or her custody or under his or her control all records, books and other documents relating to NUPSA.

5.16 Returning Officer

- (a) The Returning Officer shall be appointed by the Deputy Academic Registrar (Governance and Academic Administration).
- (b) The Returning Officer shall conduct all elections for NUPSA, other than casual vacancies where there is only one applicant.

5.17 Communication with Members

- (a) It is the responsibility of the President and/or Secretary to ensure that the following information is published on the NUPSA website for access by the Members:
 - (i) dates, times and venues of meetings of the Executive;
 - (ii) appointment of Members of the Executive (not office-bearers who attend ex officio);

- (iii) establishment of Committees and appointment of Members of Committees;
- (iv) all orders, minutes, resolutions, proceedings of the Executive and Committees other than those held in camera; and
- (v) any material approved by the Executive for release.

5.18 Term of Office

- (a) The Executive shall hold office for a period of 12 months following their election and until the next election, or until their position is vacated, whichever is the earlier.
- (b) Interim arrangements under this new Constitution:
 - (i) Members of the Executive in place at the time this Constitution is approved, shall hold office until the commencement of first semester, 2014, or until their position is vacated

5.19 Conflict of Interest (Col)

- (a) No Member of the Executive will participate in the debate or discussion concerning a matter before the Executive or a General Meeting in which that Member has a Personal Interest leading to a possible conflict of interest unless s/he has made a full disclosure and filed a disclosure statement on the Conflict of Interest Register before or immediately following the disclosure provided that on no account shall he/she be entitled to vote on the matter.
- (b) No Member of a Committee, whether a standing committee, special committee or sub-committee of NUPSA will participate in the debate or discussion concerning a matter before a meeting of that Committee in which that Member has a Personal Interest leading to a possible conflict of interest unless s/he has made a full disclosure and filed a disclosure statement on the Conflict of Interest Register before or immediately following the disclosure provided that on no account shall s/he be entitled to vote on the matter.

5.20 Training

All new office-bearers must undergo training or complete a course on governance approved by the University Secretary at NUPSA's expense. If an office bearer fails to undergo training within 3 months of taking office, they shall be disqualified from voting on Executive decisions until training is completed, unless they can show that relevant training has already been completed.

Part 6 Powers of the Executive

- 6.1 Subject to this Constitution, the Executive shall have the authority to do all things incidental and conducive to the attainment of any of the objects of NUPSA and in particular without limiting in any way the generality of this Part 6 the Executive shall have the authority to:
- (a) Summon and conduct a General Meeting of NUPSA;
 - (b) Make representations to the University on behalf of NUPSA;
 - (c) Create and abolish Committees in line with the Executive representatives' responsibilities as per this Constitution. These committees shall be made up of various representatives of the Postgraduate Student Members from the specific group(s) that the committees represent. The following are examples of such Committees:
 - (i) Senior Executive;
 - (ii) Research Standing Committee;
 - (iii) Coursework Standing Committee;
 - (iv) International Standing Committee;
 - (v) Aboriginal and Torres Strait Islander Standing Committee;
 - (vi) Equity Standing Committee;
 - (vii) GLBTI Standing committee; and
 - (viii) Satellite Students Standing Committee.
 - (d) Create and abolish Committees whether solely made up of Members or jointly made up of Members and Members of Newcastle University Student Association to deal with specific areas or issues and to represent and promote the various interests of Members. The following are examples of such committees;
 - (i) SSAF Committee;
 - (ii) Workshop Committee;
 - (iii) Media Committee;
 - (iv) Events Committee;
 - (v) Policy and Regulation Committee; and
 - (vi) Any other Committee that the Executive deems appropriate.

- (e) Delegate to Committees any matter for investigation and report (other than this power of delegation) provided that all Committees are convened:
 - (i) by a Member of the Executive; or
 - (ii) by a Committee Convenor appointed by the Executive.
- (f) Make Regulations or Statements of Policy in relation to Committees to deal with:
 - (i) appointment or election of and term of tenure of Members of Committees;
 - (ii) budget allocation to the Committees; and
 - (iii) eligibility for appointment or nomination and voting rights for Members of Committees.
- (g) After obtaining the approval of the University, open a bank account or accounts, subject to the provisions of this Constitution;
- (h) Invest monies through the University in any authorised trustee investments and to vary and realise such;
- (i) Purchase, lease, contract, or otherwise deal with property either real or personal, and maintain, furnish, alter, enlarge, repair, uphold or dispose of the same for the use and benefit of NUPSA either gratuitously or for payment provided that the Executive shall not do so without the prior approval of the University subject to Clause 12.2 and where the amount is greater than \$20,000 upon such terms and conditions as determined in consultation with the University;
- U) Raise funds by public appeal or by such other means as the Executive may determine;
- (k) Accept any property, whether real or personal or any interest in the same by way of gift, bequest or otherwise;
- (l) Produce or authorise the production of any magazine, newspaper or other printed matter or media format (including but not limited to websites and official emails) on behalf of the Executive or NUPSA and provide this service either gratuitously or for payment;
- (m) Affiliate with anybody having similar objects and provide financial assistance to affiliated organisations providing that affiliation with anybody external to the University shall have been approved by a simple majority of the Members of NUPSA present at a General Meeting;
- (n) Submit at its discretion to a referendum of the Members of NUPSA any proposal relevant to the objects of NUPSA;

- (o) Make grants to finance the activities of Committees;
- (p) Make donations of not more than \$200 provided they are consistent with the objects of this Constitution;
- (q) Keep a Statement of Policies and Regulations of NUPSA and update the Statement of Policies and Regulations as amended under Clause 15; and
- (r) Secure good order at any function held under the auspices of the Executive.

6.2 Committees of the Executive

- (a) Any Committees formed in accordance with Clause 6.1(c) and 6.1(d) of this Constitution shall be chaired by the Committee Convenor. Results and recommendations passed by each Committee meeting must go through the next Executive meeting for ratification with the exception of Senior Executive Standing Committee.

6.3 Committee Convenor

- (a) All Committee Convenors shall be responsible for convening a Committee within their portfolio, which shall operate pursuant to any Regulations adopted by NUPSA and as far as possible, shall meet at least once before each full meeting of the Executive.

Part 7 Elections

- 7.1 NUPSA shall, commencing one week after the first week in October, elect Executive Members by Secret Postal Ballot from among the Members of NUPSA.
- 7.2 All elections shall be conducted in accordance with this Constitution and any Regulations adopted by NUPSA. In an ordinary election the call for and opening of nominations shall be declared first week in October with polling to take place two weeks thereafter for a two week period.
- 7.3 Any Member of the Executive defeated in any election shall be entitled to stand in subsequent elections for which they are eligible in accordance with this Constitution.
- 7.4 Where the position of an Executive Member becomes vacant before the expiration of the Member's term of office, the Executive may nominate a Member to fill the casual vacancy. Expressions of interest shall be called for by email to all Members, giving at least two weeks' notice before a decision about filling a casual vacancy is made. The person selected by the Executive to fill the casual vacancy shall hold office for the remainder of the predecessor's term of office.

- 7.5 Any Member may run for the position of President or Vice-President at the same time as running for a position on the Executive. Only one position can be held by any single Member at any one time.
- 7.6 No Member of the Executive or NUPSA shall use or cause to be used NUPSA premises or funds for the purpose of electioneering for any election, whether it be a University of Newcastle -related election or an election for office in the wider community.

Part 8 Executive Meetings

- 8.1 The first meeting of the Executive in any Academic Year shall be within the last two weeks of January.
- 8.2 The Executive shall meet as often as necessary to conduct the business of the Association, preferably once each calendar month, but not less than ten times in a calendar year.
- 8.3 All Executive meetings must be properly advertised to the Members and to the Executive Members in accordance with Clause 8.4.
- (a) Notice of Executive meetings may be given by email; and
- (b) All Executive Members must provide their nominated email address within seven (7) days of declaration of election results by the Returning Officer to the Administration Officer so that notice of meetings can be given to them.
- 8.4 The Administration Officer shall give the following notice of the Executive meetings to Executive Members and Members:
- (a) For every meeting during a year, not less than full five (5) days;
- (b) For an urgent meeting, such notice as the Executive may determine provided that such notice shall be not less than twenty-four (24) hours; and
- 8.5 A quorum at any meeting of the Executive shall be one half the number of the Members of the Executive eligible to be present provided that, should such half not be a whole number, the quorum shall be the next highest whole number.
- 8.6 Motions at Meetings
- (a) Any voting Member of the Executive may move a motion to be presented at the Executive meeting;
- (b) The motion is to be seconded by a voting Member of the Executive at that meeting and debated and voted upon;
- (c) If the motion is not seconded by a Member of the Executive, the motion shall lapse;

- (d) Decisions shall be based on a simple majority of the Members of the Executive present. In case of equality of votes of the Executive the Chair shall have a second or casting vote.
- (e) Voting at Executive Meetings shall be by show of hands unless a Secret Written Ballot is demanded by a simple majority of the Executive Members present; and
- (f) In case of an equality of votes the Chair shall have a second or casting vote.

8.7 NUPSA Executive Members Unable to Attend Meetings (Proxies):

- (a) NUPSA Executive Members who are unable to attend NUPSA Executive meetings may delegate their moving, seconding and voting rights to any other Member of the Association in the form of a written proxy;
- (b) The proxy must:
 - (i) be for not longer than the duration of the meeting;
 - (ii) specify in order the Member or Members to whom the proxy is made;
 - (iii) specify any conditions attached to the proxy;
 - (iv) be signed by the Executive Member;
 - (v) state the date and time the proxy was made; and
 - (vi) not be altered once signed.
- (c) The proxy must be sent to the Secretary prior to the meeting for which the proxy is made.
- (d) The Secretary must take all reasonable steps to verify the proxy before being delivered to the presiding Member.
- (e) If the Executive Member subsequently attends the meeting, the proxy lapses.
- (f) Voting by proxy at General Meetings or meetings of any Committee is not permitted.

8.8 The Chair of the Executive meetings or General Meetings shall be the President and in the President's absence, the Vice-President. In the absence of both the President and the Vice-President, a Chair can be elected from among its Members by a resolution of the Executive.

- 8.9 If any Member of the Executive is absent from three (3) meetings of the Executive without apology or three (3) consecutive meetings with an apology, the position may be declared vacant by the Executive. Any position declared vacant under this Clause 8.8 may be filled in accordance with the provisions of this Constitution.
- 8.10 A casual vacancy in the office of a Member of the Executive occurs if the Member:
- (a) dies; or
 - (b) ceases to be a Member of NUPSA; or
 - (c) becomes insolvent under administration within the meaning of the Corporations Act 2001 (Cth); or
 - (d) resigns office by notice in writing given to the secretary; or
 - (e) is removed from office under Part 9 of this Constitution; or
 - (f) becomes a mentally incapacitated person; or
 - (g) is absent without the consent of the Executive from 3 consecutive meetings of the Executive; or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months; or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the Corporations Act 2001 (Cth); or
 - (j) receives an adverse finding in the case of a disciplinary matter
- then that position on the Executive shall become vacant and the position shall be filled in accordance with the provisions of this Constitution.
- 8.11 Minutes of the previous meeting of the Executive along with the agenda and related documents for the next meeting must be provided to all Members of the Executive at least 5 business days prior to an ordinary meeting of the Executive either by mail or email. For all Executive meetings held in respect of Clause 8.4(b) the agenda must be provided with the notice of the meeting.
- 8.12 A meeting of the Executive may be held in 2 or more places linked together by any technology that gives the Executive Members in those places a reasonable opportunity to participate in the proceedings, enables the Chair to be aware of the proceedings in each place and enables Executive Members entitled to vote in each place to vote on a show of hands and on a poll.
- 8.13 Conduct of Members;

- (a) In any meeting of the Executive Members will:
 - (i) speak only on the matter then before the Executive;
 - (ii) not make offensive statements or impute improper motives to other Members;
 - (iii) when called to order by the President, cease speaking until the question of order is decided; and
 - (iv) except with the permission of the President or by resolution of the Executive, not remain in a meeting when any matter relating to that Member personally (other than a motion that Member be censured) is under consideration.
- 8.14 Meetings of the Executive will not exceed two hours in duration unless there is a specific motion for an extension beyond two hours.
- 8.15 The President may grant rights of audience and debate for a specific meeting or item(s) in a meeting to such a person, persons or categories of person as deemed appropriate.

Part 9 Accountability and Disciplining

- 9.1 The Executive shall be accountable to NUPSA and to the University Council in all its actions, and shall be bound by resolutions passed at a General Meeting of NUPSA.
- 9.2 At a Special General Meeting ("SGM") called for the purpose, a simple majority of Members present and voting can pass a censure motion against the Executive or any Member of the Executive.
- 9.3 Censure of an Executive Member or the whole of the Executive may be initiated by;
 - (a) either NUPSA by a SGM; or
 - (b) the Executive itself with regard to a breach by an Executive Member of this Constitution or the Regulations, abuse of office, general negligence, failure to implement resolutions passed by a referendum or General Meeting, failure to follow the Executive's directives, or any other action which an Executive Member may have taken in the name of NUPSA in his/her capacity as an Executive Member of NUPSA.
- 9.4 If an SGM votes to censure the whole Executive or the majority of the Executive under Clause 9.3, or in circumstances where the Executive is acting in ways that would merit censure the University Council may, at its discretion:
 - (a) dissolve the Executive; and
 - (b) appoint a caretaker committee with limited functions to conduct the affairs of NUPSA until a new Executive can be elected.

9.5 The caretaker committee shall hold office until the first meeting of the new Executive. The caretaker committee must call a general election to appoint the new Executive:

- (a) within a fortnight of the appointment of the caretaker committee; or
- (b) if the time under Clause 9.5 (a) falls within an examination or vacation period, the call and opening for nominations shall be declared one week after the first day of the next internal teaching period, with polling to take place two weeks thereafter for a period of one week.

9.6 Disciplining of NUPSA Executive Members

- (a) Under exceptional circumstances and where a two-thirds (2/3) majority of the NUPSA Executive Members are of the opinion that a Member of the Executive, following due warning in writing:
 - (i) has persistently refused or neglected to comply with a provision or provisions of this Constitution as it relates to the Executive; or
 - (ii) has persistently and willfully acted in a manner prejudicial to the interests of the Executive or Postgraduate Students of the University,

the Executive may, by resolution:

- (A) censure the Executive Member; or
 - (B) suspend or expel the Executive Member from any office-bearing position or representative role of the Executive.
- (b) A resolution of the Executive under Clause 9.6 (a) is of no effect unless the Executive confirms the resolution at a meeting referred to in Clause 9.6(d).
 - (c) Where the Executive passes a resolution under Clause 9.6(a), the Administration Officer shall, as soon as practicable, cause a notice in writing to be served on the Executive Member:
 - (i) setting out the resolution of the Executive and the grounds on which it is based;
 - (ii) stating that the Executive Member may address the Executive at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service of the notice;
 - (iii) stating the date, place and time of that meeting; and informing the Executive Member that the Executive Member may do either or both of the following:
 - (A) attend and speak at that meeting; and/or

- (B) submit to the Executive at or prior to the date of that meeting written representation relating to the resolution.
- (d) At a meeting of the Executive held under Clause 9.6(c) the Executive shall:
 - (i) give to the Executive Member an opportunity to make oral representations;
 - (ii) give due consideration to any written representations submitted to the Executive by the Executive Member at or prior to the meeting; and
 - (iii) by resolution determine whether to confirm or to revoke the resolution.
- (e) Where the Executive confirms a resolution under Clause 9.6(d), the Administration Officer shall, within seven (7) days after that confirmation, by notice in writing inform the Executive Member of the fact and of the Executive Member's right of appeal under Clause 9.7 below.
- (f) A resolution confirmed by the Executive under Clause 9.6(d) does not take effect:
 - (i) until the expiration of the period within which the Executive Member is entitled to appeal against the resolution where the Executive Member does not exercise the right of appeal within that period; or
 - (ii) where within that period the Executive Member exercises the right of appeal, unless and until the General Meeting confirms the resolution pursuant to Clause 9.7(d).

9.7 Right of Appeal of Disciplined Member

- (a) A Member of the Executive may appeal to the Postgraduate Student Members through a General Meeting against a resolution of the Executive which is confirmed under Clause 9.6(d) within seven (7) days after notice of the resolution is served on the Executive Member, by lodging with the Administration Officer a notice to that effect.
- (b) Upon receipt of a notice from a Member of the Executive under Clause 9.7(a), the Administration Officer shall call a General Meeting to be held within twenty-one (21) days after the date on which the Administration Officer received the notice.
- (c) At a General Meeting of Members convened under Clause 9.7(b):
 - (i) no business other than the question of the appeal shall be transacted;

- (ii) the Executive and the Executive Member shall be given the opportunity to state their respective cases orally or in writing, or both; and
 - (iii) the Executive Members present shall vote by Secret Written Ballot on the question of whether the resolution should be confirmed or revoked.
- (d) If at the General Meeting the Postgraduate Student Members pass a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

9.8 Any person suspended or expelled as described in Clause 9.6 and 9.7 above, cannot stand for any position until the next general election.

Part 10 General Meetings of NUPSA

10.1 General Meetings of NUPSA shall be either Annual General Meetings ("AGM") or Special General Meetings.

10.2 At least one General Meeting must be held annually.

10.3 Annual General Meetings (AGM) of NUPSA shall be held:

- (a) in the first semester of the Academic Year, with a second General Meeting able to be held at any time during the remainder of the year; and
- (b) at a time and place determined by the Executive when the Executive shall submit a report of its proceedings, and an audited Statement of the Financial Accounts and the Balance Sheet for the past Financial Year. The cost of such audit shall be paid by the Association.

10.4 Special General Meetings (SGM) of NUPSA shall be held:

- (a) at the discretion of the majority of the Executive; or
- (b) within twenty eight (28) days of the receipt of a requisition by the Administration Officer signed by at least twenty (20) Members of NUPSA and specifying the purpose for which the meeting is requisitioned, provided that an SGM shall not be held during an examination period or the week before an examination period or during any university closure period or at any time of day when Members would not normally be likely to be able to attend.

10.5 The Administration Officer, President or Secretary shall ensure that at least seven (7) days' notice shall be given for any General Meeting or adjourned General Meeting which notice shall be displayed on any designated NUPSA notice boards for the full seven (7) days and sent by email to all Members.

- 10.6 At every General Meeting including a SGM, a quorum shall consist of fifteen (15) Members of NUPSA. If, at any such meeting, a quorum is not present within half an hour of the time appointed for holding the meeting, the meeting shall stand adjourned for a minimum of seven (7) days. If a quorum is not achieved within half an hour of the time appointed for the commencement of an adjourned meeting, those Members present shall constitute a quorum provided that no business not advertised in the agenda shall be conducted.
- 10.7 At a General Meeting:
- (a) If the President is absent, the Vice-President shall take the President's place with exactly the same rights and responsibilities with respect to the Chair as the President has.
 - (b) If the President and Vice-President are absent then a Member of the Executive shall conduct an election for a Chairperson from the NUPSA Members present.
- 10.8 Subject to this Constitution all questions submitted to a General Meeting shall be decided by a simple majority of the Members of NUPSA present.
- 10.9 Reports presented at a General Meeting must be made available to all General Members electronically.
- 10.10 The Chairperson shall have the right to vote and where there is equality of votes the Chair shall declare the motion lost.
- 10.11 Proxy voting must not be undertaken at or in respect of a General Meeting.
- 10.12 Members will:
- (a) Speak only on a matter before the General Meeting;
 - (b) Not make offensive statements or impute improper motives to other Members; and
 - (c) When called to order by the Chairperson, cease speaking until the question of order is decided.

Part 11 Finance and Audit

- 11.1 The Executive shall have a current working account with a recognised financial institution which shall be called the "Newcastle University Postgraduate Student Association Account" with a minimum of three (3) Members of the Executive authorised to operate the account including any withdrawal or any other expenditure of monies, and two signatures required to authorise transactions or sign cheques. All monies received by NUPSA shall be paid to the credit of this Account.

- 11.2 No account of NUPSA shall be paid unless it has been approved for payment by two (2) Members of the Executive.
- 11.3 The Executive shall cause to be kept proper records of account dealing with the finances and property of NUPSA and shall present to NUPSA at each Annual General Meeting an audited Statement of Financial Accounts including a Profit/Loss Statement and Balance Sheet for the past Financial Year.
- 11.4 At the Annual General Meeting Members shall vote upon appointing an Auditor.
- 11.5 The Auditor of NUPSA shall from time to time inspect and audit the books of NUPSA and shall audit the Annual Statement of Profit and Loss and Balance Sheet and for these purposes, shall have access to all records of NUPSA, the Executive and its Committees.
- 11.6 A copy of the audited accounts of NUPSA shall be submitted to the University Council within twenty one (21) days of receipt from the Auditor.
- 11.7 All affiliated clubs and societies receiving funds from NUPSA shall provide a financial account of the disbursement of such funds for inclusion in the NUPSA's financial records.
- 11.8 11.8 The Executive and the University Council shall have full access to NUPSA's financial records.

Part 12 Contracts and Property

- 12.1 All property of NUPSA shall be vested in the Members of NUPSA.
- 12.2 All contracts entered into on behalf of NUPSA shall be made in the name of NUPSA. No contract carrying a liability to NUPSA of more than \$20,000 shall be entered into without the approval of the University.

Part 13 Referenda

- 13.1 Notwithstanding anything contained in this Constitution the Executive shall call a referendum:
- (a) either on delivery to the President or Vice-President of a petition signed by not less than 2% of the Members of NUPSA asking for a referendum to be put to the Members of NUPSA on a proposal relevant to the affairs of the Executive or constitutional changes; or
 - (b) if a two-thirds (2/3) majority vote of the Members of NUPSA present at a General Meeting agrees to conduct a referendum.
- 13.2 In the case of a referendum called under Clause 13.1(a), the Executive shall submit such proposal within twenty-eight (28) days of receipt of the petition. In the case of a referendum called under Clause 13.1(b), such proposal shall be submitted at the

- 11.2 No account of NUPSA shall be paid unless it has been approved for payment by two thirds (2/3) majority vote of the Members of NUPSA participating in the ballot. The Executive shall act to implement the decision of the referendum notwithstanding that such action requires the abrogation or amendment of an earlier decision of the Executive.
- 13.3 The Returning Officer shall ensure that at least seven (7) days' notice shall be given of the intention to conduct the referendum, which notice shall be displayed for the full seven (7) days on all NUPSA notice boards, website and sent by email to all Members and shall specify the time and place at which voting shall be conducted. The referendum shall be conducted by Secret Postal Ballot.

Part 14 Operation of the Constitution and Dissolution

- 14.1 This Constitution and all Regulations and decisions made by the Executive under this Constitution shall be binding on all Members of NUPSA.
- 14.2 This Constitution shall be subject to anything inconsistent in:
- (a) The University of Newcastle Act 1964 (NSW) and the By-Laws made under it as amended from time to time; or
 - (b) The Associations Incorporation Act 2009 and applicable Regulations.
- 14.3 NUPSA shall be dissolved in one of the following two ways:
- (a) holding a referendum in accordance with Part 13 of this Constitution and achieving the necessary two-thirds (2/3) majority of the Members of NUPSA participating in the ballot confirming their wish that NUPSA be dissolved; or
 - (b) by a direction by the University Council that NUPSA be dissolved, provided that the University Council shall provide notice in writing to all Members of its intention to dissolve NUPSA giving reasons and a reasonable nominated period within which to redress the problems for which the dissolution is intended.

Whereupon, subject to anything inconsistent in the Associations Incorporation Act 2009 (which applies to the extent of any inconsistency), all assets of NUPSA, after payment of all its debts, shall be held in trust by the University Council and applied to a similar organisation for the benefit of the Postgraduate Students of the University.

- 14.4 The liability of a Member to contribute towards the payment of the debts and liabilities of NUPSA or the costs, charges and expenses of the dissolution of NUPSA is limited to the amount, if any, unpaid by the Member in respect of Membership of NUPSA.

Part 15 Alteration to Constitution and Regulations

- 15.1 Recommendations for the alteration of this Constitution must be submitted by the Executive to a General Meeting of NUPSA and approved by a Special Resolution of two-thirds (2/3) of the Members of NUPSA present at the General Meeting and referred to the University Council which may approve or disapprove such recommendations.
- 15.2 Whenever so requested by a petition signed by at least 2% of the Members of NUPSA, the Executive shall submit to a referendum of NUPSA any alteration of this Constitution proposed in such a petition.
- 15.3 The Executive shall give at least twenty-one (21) days' notice of its intention to submit the proposed alteration of this Constitution.
- 15.4 No motion from the Executive altering this Constitution shall be submitted to a General Meeting of NUPSA more than once every Academic Year.
- 15.5 NUPSA may from time to time make, amend or repeal Regulations and the Statement of Policies consistent with this Constitution.
- 15.6 Recommendations for the enactment, amendment or repeal of Regulations or the Statement of Policies may be submitted by the Assembly to a General Meeting of NUPSA and approved by a Special Resolution of two thirds (2/3) of the Members of NUPSA present at the General Meeting and referred to the University Council which may approve or disapprove such recommendations.

Part 16 Sources of Funds

- 16.1 The funds of the Association are to be derived from University funding, corporate funding, corporate sponsorship, donations and, subject to any resolution passed by NUPSA in General Meeting, such other sources as the Executive determines.
- 16.2 All money received by NUPSA must be deposited as soon as practicable and without deduction to the credit of NUPSA's bank account.
- 16.3 The Association must, as soon as practicable after receiving any money, issue an appropriate receipt.

Part 17 Postal Ballots

- 17.1 NUPSA may hold a Postal Ballot to determine any issue or proposal (other than an appeal under Clause 4.10 or 9.7. A Postal Ballot is to be conducted in accordance with Schedule 3 to the Associations Incorporation Regulation 2010. To the extent permitted by Schedule 3 of the Associations Incorporation Regulation 2010 ballot papers may be sent out electronically.

Part 18 Service of Notices

- 18.1 For the purpose of this Constitution, a notice may be served on or given to a person:
- (a) by delivering it to the person personally; or
 - (b) by sending it by pre-paid post to the address of the person; or
 - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 18.2 For the purpose of this Constitution, a notice is taken unless the contrary is proved, to have been given or served:
- (a) in the case of a notice given or served personally, on the date on which it is received by the addressee;
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post; and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produced a report indicating that the notice was sent on a later date, on that date.

Part 19 Indemnity and Liability

- 19.1 Every Member of the Executive and employee of NUPSA shall be entitled to be indemnified out of the property of NUPSA against all liabilities incurred by him or her in or about the proper execution of the affairs of NUPSA and shall be entitled to pay from the property of NUPSA the annual premium for insurance policies taken out to indemnify the Executive and employees should such a premium not be paid.
- 19.2 The Members of NUPSA shall have no liability to contribute towards the payment of debts and liabilities of NUPSA or the costs, charges and expenses of the winding up of NUPSA.

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