

# MELBOURNE LAW MASTERS STUDENT ASSOCIATION

## CONSTITUTION

### 1. Name

The name of the Association is the Melbourne Law Masters Student Association (in these rules called 'the Association' or 'MLMSA').

### 2. Purpose

The purpose of the MLMSA is to enhance the individual experience of the Melbourne Law Masters (MLM) program.

### 3. Aims

The aims of the Association are to:

- a. Create a student community to promote social and professional networks between MLM students;
- b. Facilitate interaction between MLM students and MLM academics and the wider legal community;
- c. Represent the collective interests of Members within Melbourne Law School;
- d. Advocate on behalf of individual Members within Melbourne Law School;
- e. Facilitate knowledge of developments in law and legal thinking;
- f. Organise and promote MLMSA functions, events and services.

### 4. Membership

Any person enrolled in a subject or program administered by the MLM Office is considered a 'Member' of the MLMSA unless they withdraw their membership in writing to the President.

### 5. Committee

- a. 'Committee' means the MLMSA Committee and is to consist of Elected Committee Members and, if required, such Members of the MLMSA who are appointed as Coopted Committee Members.
- b. 'Committee Member' means either an Elected Committee Member or a Coopted Committee Member.
- c. 'Elected Committee Member' means a Member elected to the Committee by Members of the Association in accordance with r 8.
- d. 'Coopted Committee Member' means a Member appointed by a motion of the Committee in accordance with r 6(c)iv.

The role of the Committee is to formulate policies and to provide services and activities that further the purpose and the aims of the MLMSA. The Committee will endeavour to do so in a manner that best represents the diverse needs and concerns of all Members. The Committee will also endeavour to perform these duties in a manner that ensures that it is accountable to all Members, Melbourne Law School and any benefactor.

### 6. The Executive

- a. The Committee is to be governed by the 'Executive'. The Executive consists of Elected Committee Members only. In this Constitution Elected Committee Members are also referred to as 'Executive Members'. Coopted Committee Members cannot form part of the Executive.

- b. The Executive Members of the Association shall be, in descending order of sequence for administrative purposes only:
  - i. President;
  - ii. Vice-President;
  - iii. Treasurer;
  - iv. President-Elect;
  - v. Vice-President-Elect;
  - vi. Treasurer-Elect.
- c. The affairs of the Association shall be managed by the Executive. The Executive:
  - i. Shall control and manage the business and affairs of the Association;
  - ii. May, subject to these rules, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these rules to be exercised by an Annual General Meeting or Committee Meeting;
  - iii. Subject to these rules has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Association; and
  - iv. May appoint new Committee Members for positions other than those listed in r 6(b) by a unanimous vote at a Committee Meeting, and such Committee Members shall be known as Coopted Committee Members.
- d. The Executive's role, and responsibilities, as determined by the President, shall include, inter alia, sponsorship, organisational strategy and oversight of the Committee.

## **7. Funds**

- a. The Treasurer and Treasurer-Elect of the Association:
  - i. Shall collect and receive all moneys due to the Association and make all payments authorised by the Association; and
  - ii. Shall keep correct records showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- b. The funds of the Association shall be derived from Melbourne Law School, donations and such other sources as the Executive determines.
- c. The records shall be available for inspection by Members or Melbourne Law School upon request within 14 calendar days during teaching periods.
- d. The assets and income of the MLMSA shall be applied solely in the furtherance of its abovementioned aims and no portion shall be distributed directly or indirectly to Members or otherwise except as bona fide compensation for services rendered or expenses incurred on behalf of the Association.

## **8. Election of Executive Members**

- a. Two elections will be held every year, with one held in March and another in August. Each shall be administered by the MLM Office with the assistance of the Executive.
- b. At each election, a President-Elect, Vice-President-Elect, and Treasurer-Elect will be elected. Those three Executive Members will become the President, Vice-President, and Treasurer, respectively, upon the election of a new President-Elect, Vice-President-Elect, and Treasurer-Elect in the following election.
- c. The election shall be conducted electronically. Any notices shall be distributed via email.
- d. Voting must be open for at least 14 calendar days.
- e. Nomination is open to any Member who will be enrolled in a program administered by the MLM Office for at least 9 months after the election.
- f. A Member can be nominated for only one office in a given election.
- g. Nominees must be available for service a minimum of 4 hours per week during teaching periods.

## **9. Term of Office**

- a. The Term of Office of each Executive Member shall be the following;
  - i. For those elected in the March election, the Term of Office shall be from 1 April of the year of the election until 31 March of the following year; and
  - ii. For those elected in the August election, the Term of Office shall be from 1 September of the year of the election until 31 August of the following year.
- b. Notwithstanding part a, an Executive Member's Term of Office will conclude if he or she leaves Australia permanently.

## **10. Annual General Meetings**

- a. The Association shall in each calendar year convene an Annual General Meeting of Committee Members and Members.
- b. The Annual General Meeting shall be held during the first academic semester but not after 31 March.
- c. Members must be given 14 calendar days' notice of an Annual General Meeting via email.
- d. The ordinary business of the Annual General Meeting shall be:
  - i. The President shall preside as Chair, in their absence the President shall nominate a Chair;
  - ii. To confirm the minutes of the last preceding Annual General Meeting;
  - iii. To receive from the Committee reports upon the transactions of the Association during the last preceding Financial Year.
- e. The following business shall be conducted at, or in connection with, each Annual General Meeting:
  - i. Written reports shall be presented by all Executive Members. Any other Committee Member who wishes to present a report may do so within the time constraints at the discretion of the Chair;
  - ii. Full financial report will be presented and adopted for the preceding Financial Year by the Treasurer;
  - iii. Other moved motions may be discussed and voted upon by a simple majority of all Committee Members and Members present, with preference going to motions of which notice was given before the meeting;
  - iv. Election results for the new Executive Members will be announced.
- f. The Annual General Meeting may transact special business of which notice is given.
- g. The Annual General Meeting shall be in addition to any other General Meetings of Members and Committee Meetings that may be held in the same year.

## **11. Committee Meetings**

- a. The Committee shall meet at least once per month during teaching periods at such place and time as the Committee may determine.
- b. No business shall be transacted unless a quorum of half the Committee is present including at least four Elected Members, and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall stand adjourned to the same place at the same hour of the same day in the following week unless otherwise arranged.
- c. At meetings of the Committee:
  - i. The President shall preside as Chair, in their absence the President shall nominate a Chair, if a Chair has not been nominated the next highest ranking available Elected Member in accordance with r 6(b) preside as Chair;
  - ii. Questions arising at a meeting of the Committee shall be determined on a show of hands or, if demanded by a Committee Member, by a poll taken in such manner as the Committee Member presiding at the meeting may determine.
  - iii. A motion of the Committee shall be passed with a simple majority, unless otherwise stated herein.

- iv. Each position on the Committee is entitled to one vote, in the event of an equality of votes on any question the vote shall be postponed until the next Committee Meeting, for urgent matters the Committee Member presiding may exercise a second or casting vote.
- v. The President or a nominated Committee Member shall communicate electronically to Committee Members the date, time and place of Committee Meetings five calendar days prior to the meeting.
- vi. A Committee Member may proxy their vote in writing to the Chair prior to the General Meeting.
- vii. The President shall nominate alternate Committee Members to record minutes of the resolutions and proceedings of each General Meeting together with a record of the names of Committee Members present. Meeting minutes are to be circulated for review by all Committee Members within 48 hours of the Committee Meeting.
- d. In accordance with r 11 and except as otherwise provided in these rules, the President shall keep in their custody or under their control all books, documents and securities of the Association.
- e. The Committee is at all times bound by the decisions of a Committee Meeting. Any committee decision may be overturned by a Committee Meeting.
- f. Any Member, if requested, may attend a Committee Meeting.

## **12. Vacancy and Succession**

- a. For the purposes of the rules, the Office held by a Committee Member becomes vacant if the Committee Member:
  - i. Ceases to be a Member in accordance with r 4;
  - ii. Resigns their Office with 21 calendar days' notice in writing to the President;
  - iii. Becomes incapable of holding their Office;
  - iv. Fails to adequately fulfil the requirements of their respective Office or the general duties required of a Committee Member;
  - v. Places themselves in a conflict of interest in their role as a Committee Member; or
  - vi. Fails to attend three Committee Meetings without leave of the Committee or reasonable excuse given prior to missing the meetings.
- b. For the purposes of r 12(a), the Executive may direct what shall be considered to be:
  - i. Incapability to hold Office;
  - ii. The requirements of each respective Office;
  - iii. General duties required of Committee Members; or
  - iv. A conflict of interest.
- c. Where there is more than six months in the term of the Committee and the Office of an Elected Committee Member, other than the President, is vacated the President must initiate a by-election for that Office as soon as practical.
- d. Where there is more than six months in the term of the Committee and the Office of a Coopted Committee Member is vacated the Committee may appoint a Committee Member to fulfil that position by a motion in accordance with r 11 or coopt a Member to fulfil that position.
- e. Where there is less than six months in the term of the Committee and the Office of any Committee Member, other than the President, is vacated the President may initiate a by-election for that Office, allow the Committee to appoint a Committee Member to fulfil that position by a motion in accordance with r 11, coopt a Member to fulfil that position or leave the position vacant.
- f. If at any time the Office of the President is vacated, the Vice-President must assume that Office and initiate a by-election as soon as practical, or allow the Committee to appoint an Elected Committee Member to fulfil that position by a motion in accordance with r 11.

## **13. Removal of a Committee Member**

- a. The Association in a Committee Meeting may by resolution:
  - i. Remove any Committee Member before the expiration of their term of office; and
- b. Such resolution shall have effect:

- i. If passed by a two-thirds majority of those present at the meeting; and
- ii. Notwithstanding r 12(a).
- c. No member may be removed on the grounds of race, religion, moral, political or sexual views.
- d. Any removed Committee Member may appeal the decision of the Committee to the MLM Office within 7 days of the written notice of the removal. Any decision of the MLM Office is final.
- e. Replacement of the removed Committee Member is in accordance with r 12(c-f).

#### **14. Disputes**

Any disputes that arise that cannot be resolved internally by the Committee will be presented to the MLM Office to be resolved. Any decision of the MLM Office is final.

#### **15. Iteration of Rules and Statement of Purposes**

- a. Any proposed alterations to these rules and the statement of aims and purposes of the Association must:
  - i. Be supported by all members of the Executive;
  - ii. Be presented at a Committee Meeting for discussion;
  - iii. Be presented at a General Meeting of Members and supported by a simple majority of Committee Members and Members present; and
  - iv. Circulated to any relevant staff members within the Melbourne Law School for the purpose of notification.

#### **16. Winding Up or Cancellation**

A motion to wind up the Association must be written and notice of the motion is to be given in the agenda for the Annual General Meeting at which the winding up motion is to be decided. A winding up motion must be carried out by a three quarters majority.