The Australian National University
Postgraduate and Research Students' Association Incorporated

Constitution

(adopted 12/10/2017)

Part 1 Preliminary

1 Name

(1) The name of the Association is "The Australian National University Postgraduate and Research Students' Association Incorporated".

2 Definitions

In this Constitution—

(1) "AGM" means the Annual General Meeting of the Association;

(2) "ANU College" means a College established by the Council, including:

(a) The ANU College of Arts and Social Sciences;

(b) The ANU College of Asia and the Pacific;

(c) The ANU College of Business and Economics;

(d) The ANU College of Engineering and Computer Science;

(e) The ANU College of Law;

(f) The ANU College of Health and Medicine; and

(g) The ANU College of Science.

(3) "Association" means The Australian National University Postgraduate and Research Students' Association Incorporated;

(4) "Council" means the Council of the Australian National University; (e) "postgraduate course" includes, for the purposes of this Constitution, the 'Bachelor of Medicine and Bachelor of Surgery' (MBBS) at the ANU Medical School.

(5) "Postgraduate Student" means any University student enrolled in a postgraduate course at the University.

(6) "PRC" means the Postgraduate Representative Council;

(7) "University" means The Australian National University.

3 Objects

(1) The objects of the Association are—

(a) to promote the welfare and further the interests of Postgraduate Students; and

(b) to afford a recognised means of representation for Postgraduate Students both within and outside the University, and a recognised means of communication between Postgraduate Students and the University authorities.

Part 2 Membership

4 Membership

(1) There are three classes of membership: ordinary membership, associate membership and honorary life membership.

(2) Any person who—

(a) is a Postgraduate Student; and

(b) has not stated that she/he does not wish to be a member is an **ordinary member** of the Association.

(3) Any person who—

(a) has been an ordinary member of the Association for twelve (12) months or more;

(b) is not currently an ordinary member;

(c) has not been awarded the degree for, or failed, that postgraduate course in which she/he was enrolled; and

(d) has not stated that she/he does not wish to be a member is an **associate member** of the Association.

(4) **Honorary life membership** of the Association may be conferred upon any person by a meeting of the PRC.

(5) Associate members and honorary life members shall not vote at any meeting or election of the Association, shall not constitute a quorum, and shall not be eligible for election to the PRC, but shall otherwise have rights equal to ordinary members.

(6) An ordinary or associate member ceases to be a member of the Association at such time as she/he ceases to fulfil the conditions in sub-sections 4(2) or 4(3) respectively. An honorary life member ceases to be a member if her/his membership is revoked by a meeting of the PRC.

(7) There shall be no fee payable for membership of the Association as an ordinary, associate or honorary life member.

Part 3 The PRC

5 Powers of the PRC

(1) The PRC, subject to the Act, the regulation, this Constitution, and to any resolution passed by the association in general meeting—

(a) controls and manages the affairs of the association; and

(b) may exercise all functions that may be exercised by the association other than those functions that are required by these rules to be exercised by the association in general meeting; and

(c) has power to perform all acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

(2) The PRC is the Committee of the Association for the purposes of the Associations Incorporation Act 1991 (A.C.T.)

6 Composition and membership of the PRC

(1) The PRC consists of three types of member—

(a) the Officers of the Association; and

(b) College Representatives; and

(c) General Representatives

each of whom must be elected or appointed under the Election Regulations made under Section 8 of this Constitution, or under Section 13 of this Constitution.

(2) The **Officers of the Association** are—

(a) the President; and

(b) the Vice-President; and

(c) the General Secretary; and

(d) the Treasurer; and

(e) the Equity Officer; and

(f) the Indigenous Australian Officer; and

(g) the International Student Officer; and

(h) the Social Officer; and

(i) the Environmental Officer; and

(j) the Communications Officer; and

(k) the Education Officer;

(l) the Women's Officer; and

(m) the Higher Degree by Research (HDR) Officer.

(3) For each ANU College, there are two (2) **College Representatives**.

(4) Five (5) **General Representatives** are representative of the general student body at large.

(5) Each member of the PRC takes office:

(a) in the case of a member elected in an annual general election, on the expiry of six weeks from the declaration of the results of that election; and

(b) in the case of a member elected to fill a casual vacancy, immediately on the declaration of results of that election; and

(c) in the case of a member appointed to fill a casual vacancy, immediately on appointment.

(6) A member of the PRC holds office until the expiry of six weeks from the declaration of the results of the next annual general election.

(7) A member of the PRC may stand for re-election to any position on the PRC, subject to the provisions of the Election Regulations.

(8) The Executive of Association consists of the President, Vice-President, General Secretary, Treasurer and such of the Officers appointed from time to time by the President to serve on the Executive.

(9) The Executive is a committee of the PRC and reports to the PRC.

(10) If a vacancy arises in the membership of the Executive, the PRC must follow the procedure in Section 13 of this Constitution.

7 Roles, duties, and responsibilities of PRC members and committees

(1) The PRC may, subject to this Constitution, provide instructions, directions, or guidance to any member of the PRC or any committee of the PRC with respect to any aspect of the roles, duties, or responsibilities of the member or committee.

(2) The President is the chief executive officer of the Association.

(3) Subject to this Constitution and subject to specific direction given to the President by the PRC or by a general meeting (including an AGM), the President shall, in consultation with other members of the PRC—
   (a) carry out the Association's business, including the conduct of all correspondence on behalf of the association;
   (b) take such actions as are necessary to give effect to the objects of the Association;
   (c) report on the Association's business to the AGM; and
   (d) delegate such responsibilities as she/he sees fit to delegate to any other member of the PRC.

(4) The Treasurer must—
   (a) collect and receive all amounts owing to the association and make all payments authorised by the association; and
   (b) keep correct accounts and books showing the financial affairs of the association with full details of all receipts and expenditure connected with the activities of the association;
   (c) Carry out any other roles and duties assigned by this Constitution or by the PRC.

(5) No public or official statement may be made on behalf of the Association except—
   (a) by the President; or
   (b) by the authority of the President; or
   (c) by the authority of the PRC.

8 Election of the PRC and Postgraduate student member of the ANU Council

(1) An annual general election must be held to elect the PRC in accordance with the Election Regulations.

(2) All members of the PRC shall be directly elected by the ordinary members of the Association.

(3) An election of a postgraduate student member of the Council must be conducted concurrently with the PRC election. The election shall be conducted in accordance with any relevant Statute or Rule of the University and under the same Election Regulations as specified in subsection (1).

(4) Elections must be conducted by a Returning Officer appointed in accordance with the Electoral Regulations.

9 Removal of Executives or Members of the PRC

There are two ways in which disciplinary matters and disputes involving a PRC member may be resolved—

(1) A PRC member may be removed from office by the members of the Association as set out in Section 10 of this Constitution.

(2) A PRC member may be disciplined as set out in Sections 11 and 12 of this Constitution.

10 Removal of PRC Member Not Enjoying the Continued Support of the Membership

(1) The Association in general meeting may by resolution of no confidence carried in accordance with this clause by a 75% majority of those present and voting, remove any member or members of the PRC from office before the end of their term of office.

(2) A resolution of the Association under subsection (1) is of no effect unless:

   (a) the motion names the member or members of the PRC subject of the motion.

   (b) the motion is signed by at least 100 members of the Association (including 5 members of the PRC);

   (c) notice of the general meeting is provided in accordance with the requirements of this Constitution to members of the Association, and to the officers affected by the proposed resolution;

   (d) the officers affected by the proposed resolution are provided with an adequate opportunity to speak against the motion and to participate in debate concerning it; and

   (e) no less than 20 ordinary members of the Association are present when the motion is voted on, in accordance with Part 4.

(3) Subject to subsection (4), a motion of no confidence must state the grounds for lack of confidence in the member or members of the PRC named in the motion.

(4) A motion of no confidence and debate on it, must not raise allegations of misconduct or conduct prejudicial to the Association, which should be dealt with in accordance with section 11 of this Constitution.

(5) On a successful resolution of no confidence, the affected members of the PRC are deemed to no longer enjoy the continued support of the Association's membership and the affected positions are vacant.

(6) If all positions on the executive are vacant as a result of a successful resolution of no confidence, the general meeting must appoint a caretaker committee of three members of the PRC who shall exercise caretaker powers of the executive on behalf of the Association, pending the filling of the vacancies in accordance with this Constitution.

(7) Only business contemplated by this clause, may be carried out at a general meeting called to consider a motion of no confidence.

(8) Throughout this process, the Association must comply with the rules of natural justice, at least to the extent required by Section 50 of the Associations Incorporation Act 1991.

Explanation: Section 50 of the Associations Incorporation Act 1991, which is available online, provides that the rules of natural justice must be complied with in any process of this kind.

11 Discipline of Members of the PRC

(1) For the purposes of this clause misconduct means—

(a) wilful conduct contrary to a provision of this Constitution, or a regulation or policy of the Association ; or

(b) wilful conduct prejudicial to the reputation or interests of the Association.

(2) If a member of the Association believes that a member of the PRC has engaged in misconduct as defined in this clause, the member may write to the Administrator setting out the alleged basis of the misconduct and providing any evidence supporting the allegations.

(3) The Administrator must refer the allegations to the Disputes Committee established under section 34.

(4) The Disputes Committee must, as soon as practicable, serve a written notice on the member—

(a) setting out the allegations raised against the member in sufficient detail for the member to be able to respond to the allegations; and

(b) stating that the member may address the Disputes Committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice; and

(c) stating the date, place and time of that meeting; and

(d) informing the member that the member may do either or both of the following:

(i) attend and speak at that meeting;

(ii) submit to the Disputes Committee at or before the date of that meeting written representations relating to the allegations.

(5) At a meeting of the Disputes Committee mentioned in subsection (4), the committee must—

(a) give to the member mentioned in subsection (4) an opportunity to make oral representations; and

(b) give due consideration to any written representations submitted to the PRC by that member at or before the meeting; and

(c) decide whether a claim of misconduct is made out against the member.

(6) The Disputes Committee must comply with subsection 34(4) of this Constitution. *Note: Section 34(4) requires that the Disputes Committee comply with the rules of natural justice*.

(7) If after careful enquiry in accordance with this section, the Disputes Committee concludes that the member has engaged in misconduct the Committee must, in writing, inform the member and the PRC of its decision, setting out the Committee's findings, reasons and decisions and may —

(a) remove the member from the PRC; or

(b) suspend the member from the PRC for a specified period; or

(c) withhold a payment amount of not more than $500 from the PRC member from an amount they are otherwise entitled to receive from the Association as stipend or honoraria; or

(d) issue the PRC member with a formal letter reprimanding the PRC member; or

(e) any combination of the above.

(8) If the Disputes Committee does not make a finding of misconduct, it must inform the member in writing that no finding of misconduct has been made and that the enquiry will be closed.

(9) If the Disputes Committee reasonably believes the allegations it has received credibly disclose possible criminal conduct, the Disputes Committee must refer the allegations to the police, and may also proceed in accordance with this section.

(10) Other than for the proper performance of its functions, the Disputes Committee shall treat allegations referred to it, as confidential.

(11) Other than a decision removing or suspending a member, which takes effect immediately, a decision of the Disputes Committee under subsection (7) does not take effect—

(a) until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right of appeal within that period; or

(b) if within that period the member exercises the right of appeal—unless and until the Association holds a meeting in accordance with section 12 (4) to consider the member's appeal.

12 Right of appeal of disciplined PRC member

(1) A member may appeal to the Association in general meeting against a decision of the Disputes Committee under section 11(7), within 7 days after notice of the resolution is served on the member, by lodging with the Administrator a notice to that effect.

(2) On receipt of a notice under subsection (1), the Administrator must notify the PRC which must call a general meeting of the Association to be held within 21 days after the date when the Administrator received the notice or as soon as possible after that date.

(3) Subject to Section 50 of the Associations Incorporation Act 1991, at a general meeting of the Association called under subsection (2)—

(a) no business other than the question of the appeal may be transacted; and

(b) the PRC, a representative of the Disputes Committee and the member must be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and

(c) the members present must vote by secret ballot on the question of whether the decision of the Disputes Committee made under section 11(7) should be revoked.

Explanation: Section 50 of the Associations Incorporation Act 1991, which is available online, provides that the rules of natural justice must be complied with in any process of this kind.

(4) Unless the meeting passes a special resolution in favour of revoking a decision of the Disputes Committee made under section 11(7), that decision is confirmed.

13 Vacancies

(1) For this Constitution, a vacancy in the office of a member of the PRC happens if the PRC member—

(a) dies; or

(b) resigns the office; or

(c) ceases to be an ordinary member of the Association; or

(d) is removed from the PRC by either of the processes identified in Section 9 of this Constitution; or

(e) is absent without the consent of the PRC from three consecutive meetings of the PRC.

(2) If a vacancy arises under Section 13(1) the PRC must as soon as practicable either—

(a) fill the vacancy by an election held in accordance with the Election Regulations; or

(b) fill the vacancy by decision of the PRC to appoint a named individual to the vacancy.

(3) Pending the filling of a vacancy under subsection (2), the most senior serving member of the Executive may carry out or delegate the functions of the vacant office, other than any power to vote connected with that office.

(4) If a member of the PRC is appointed under Section 13(2)(b) to fill a vacancy in another position on the PRC, that appointment creates a vacancy, if the person was previously a General Representative, in the position of

General Representative, if the person was previously a College Representative, in the position of College Representative, and if the person previously held a position as an officer in the PRC, that position.

(5) The postgraduate student member of the Council holds office subject only to the provisions of the Australian National University Act and any relevant Statute or Rule of the University.

(6) A vacancy in the office of postgraduate student member of the Council, shall be filled in accordance with the Australian National University Act, any relevant Statute or Rule of the University, and as provided for in the Election Regulations specified in subsection 8 (3).

14 Operation of the PRC

(1) The PRC shall meet no less frequently than six (6) times a year. The first meeting of the PRC shall be held not more than two (2) weeks after the declaration by the Returning Officer of the results of the annual general election electing the PRC. Subsequent meetings shall be convened by the Administrator, at the direction of the President or of the PRC.

(2) Each member of the PRC shall be given seven (7) days' notice in writing of the time, place and agenda of the next PRC meeting, except that the President or, in her/his absence, a Vice-President may call an emergency PRC meeting with one (1) days' notice. Any resolutions adopted by the PRC at an emergency meeting shall be considered at the next ordinary meeting of the PRC.

(3) Any representative on the PRC may ask for item(s) to be included on the agenda.

(4) Meetings of the PRC shall be open to all members of the Association, and all members of the Association shall have the right to speak to any motion or item of business.

(5) At every meeting of the PRC, quorum shall be constituted by at least two of the President, Vice-President, General Secretary and Treasurer and at least half of the total elected members of the PRC.

(6) At meetings of the PRC, the chairperson shall be the President, or the Vice President in the absence of the President. If neither the President nor the Vice President is present, the President's nominee shall be the chairperson.

(7) Any decision of the PRC shall be by a majority vote of PRC members present. In the event of a tie, the chairperson shall have a casting as well as a deliberative vote.

15 Pecuniary interest and membership eligibility

(1) Where—

(a) a member of the PRC has a direct or indirect pecuniary interest in a contract or other arrangement which has been made, or is proposed to be made, with the Association; and

(b) that member of the PRC is present at a meeting of the PRC at which that contract or other arrangement is considered;

that representative shall disclose the nature of the pecuniary interest to the meeting, and may participate in the discussion, but may not vote on the matter.

(2) A disclosure of pecuniary interest made under Section 15(1) shall be recorded in the minutes of the meeting.

(3) During the period that any member of the PRC holds office, the Administrator is entitled to seek and obtain information from the University concerning the person's enrolment status as a postgraduate or research student.

(4) If the Administrator is satisfied that a particular person is ineligible to be, or to continue to be, a member of the PRC, the Administrator must so inform the President and the chairperson of any meeting of the Association at which that person attends.

16 Regulations and standing orders

(1) Subject to this Constitution, the PRC may make such regulations or standing orders as it sees fit to assist the convenient conduct of the Association's business. These regulations or standing orders may include, but are not necessarily limited to— standing orders to govern the conduct of any meeting of the Association or its members;

(a) methods by which meetings of the PRC or of the Association are to be advertised; and

(b) Election Regulations to govern the conduct of any election held by the Association in accordance with Section 8 of this Constitution.

(2) Any regulations or orders made by the PRC must be advertised and made available to all members within seven (7) days of being made by the PRC.

(3) Notwithstanding anything in this Section, any changes to regulations relating to the conduct of Association elections shall not take effect until three (3) months after their adoption by the PRC.

Part 4 General meetings

17 General meetings: calling of, procedure, and quorum

(1) A general meeting of the Association shall be called by the Administrator at the direction of the President, or at the direction of the PRC, or upon receipt of a written request signed by at least twenty (20) ordinary members of the Association. There shall be no limit to the number of general meetings held each year provided general meetings are called in accordance with this clause.

(2) A general meeting shall only be held between ANU Orientation Week (usually mid-February) and the publication of examination results (usually late November).

(3) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the Association, notice of the time, place and provisional agenda of a general meeting shall be given by advertisement to members at least seven (7) days prior to the meeting.

(4) Advertisement shall be effected by—

(a) the placement of a public notice in a newspaper of the Australian Capital Territory; and

(b) the placement of a notice in an official newspaper, website, or similar publication that the University might produce; and

(c) such other means as the PRC may, from time to time, determine under section 16.

(5) Matters for inclusion on the agenda of a general meeting, other than those matters requiring a special resolution, may be submitted by any member and must be given to the Administrator at least one (1) day prior to the meeting. In any case there shall be an item on the agenda under which any other business may be raised by those present at the meeting.

(6) The quorum at a general meeting shall be twenty (20) ordinary members except that where a quorum is not achieved, the meeting may be reconvened with a quorum of eleven (11) ordinary members, under the following conditions—

(a) that seven (7) days' notice of the reconvened meeting be given by advertisement;

(b) that such a meeting be designated a reconvened general meeting; and

(c) that all items and only those items on the original agenda, except for the item 'any other business', shall constitute the agenda of the reconvened general meeting.

(7) The chairperson at a general or reconvened general meeting shall be the President or, in her/his absence, the Vice-President or, in their absence, a representative on the PRC appointed by the President.

(8) All business at a general or reconvened general meeting shall be carried out in accordance with any standing orders made by the PRC under section 16.

(9) Decisions at a general or reconvened general meeting shall be by a majority vote of ordinary members present. In the event of a tie, the chairperson shall have a casting vote as well as a deliberative vote. At the request of any five (5) ordinary members present at the general meeting, a secret ballot shall be held. Voting by proxy shall not be permitted at any general meeting of the Association.

18 Annual general meetings: calling of, procedure, and quorum

(1) The Annual General Meeting (AGM) of the Association shall be convened by the Administrator within five (5) months of the end of the financial year.

(2) The President's Annual Report, the Treasurer's Annual Report, Draft Budget and duly audited Annual Financial Statements and such other reports as the PRC determines shall be presented at the AGM and shall be made available for inspection by members at least fourteen (14) days before the AGM.

(3) The AGM shall be conducted in accordance with the rules for general meetings as outlined in Section 17 of this Constitution, with the additional requirement that a notice of the AGM shall also be sent by email to every member of the Association for whom the Association has a University email address.

Part 5 Administration and finances

19 The Administrator

(1) The PRC shall appoint an Administrator.

(2) The Administrator may be a member of the Association.

(3) Notwithstanding any other provision of this Constitution, the Administrator shall not vote at any general meeting of the Association (including the AGM) or at any PRC meeting, and may not speak at any such meeting except by invitation of the chairperson or by direction of the meeting.

(4) The duties of the Administrator shall include—

(a) attending all general meetings (including AGMs) and PRC meetings, except where she/he has sought leave from the President, and taking minutes of these meetings, including a list of all members present; and

(b) such other duties required by this Constitution and as directed by the PRC or by the President.

(5) If the position of Administrator becomes vacant, or if the Administrator is unavailable to perform her/his duties—

(a) the President shall appoint one of the members of the PRC to act as Administrator pro tem; and

(b) The Administrator pro tem shall assume all the duties and responsibilities of the Administrator until a new Administrator is appointed, except that the Administrator pro tem shall not be subject to the restrictions placed upon the Administrator by Section 19(3) of this Constitution.

20 Public Officer

(1) The PRC shall appoint a person, normally the Administrator, to be the Public Officer of the Association.

(2) The Public Officer shall, fourteen (14) days after her/his appointment, notify the relevant authority in writing of the appointment and supply her/his full name and address.

(3) The Public Officer shall also supply any and all documents required by the relevant authority and shall perform any other duties as required by the relevant legislation.

(4) The office of Public Officer becomes vacant if the person holding that office—

(a) dies;

(b) becomes bankrupt, applies to take the benefits of a law for the relief of bankrupt or insolvent debtors or compounds with her/his creditors;

(c) becomes of unsound mind;

(d) resigns her/his office by writing to the President; (e) ceases to be resident in the ACT.

(5) If the office of Public Officer becomes vacant, the PRC shall within fourteen (14) days after it becomes vacant, appoint another person to fill the vacancy.

21 Auditor and audit

(1) An auditor shall be appointed by the PRC and shall audit the financial affairs of the Association and certify as to the correctness of the Annual Financial Statement and Balance Sheet.

(2) The auditor must not be a member of the Association.

(3) The Treasurer shall ensure that the audit is completed at least fourteen (14) days before the AGM.

22 Finances and funding

(1) The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organization

(2) The Association derives its funds from the Student Associations Finance Committee of the Australian National University, from any external sponsorship which may be obtained, and any investments held.

(3) No member of the Association shall be personally liable to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and any expenses of the dissolution or winding up of the Association.

23 Budget and Treasurer's Report

(1) The Treasurer and President shall prepare a budget to be presented to the PRC for approval.

(2) The Treasurer shall prepare an Annual Report and Annual Financial Statement and Balance Sheet for audit and presentation to the AGM.

(3) In accordance with the Associations Incorporation Act 1991, the Administrator shall lodge the annual return of the Association within six (6) months of the end of each financial year.

24 Financial year

The financial year of the Association shall commence on the first day of January in each year.

25 Bank accounts, liabilities, and expenditures

(1) The Association shall maintain such bank accounts in its name as the Treasurer deems necessary.

(2) Withdrawal of moneys from any account shall be authorised by—

(a) the signatures (including electronic approval) of any two (2) members of the Executive of the Association; or

(b) the signatures (including electronic approval) of any member of the Executive of the Association and the Administrator.

(3) No person shall incur liabilities on behalf of the Association without consulting the Treasurer or the President. Should a situation arise where actions taken in good faith have caused expenditure to exceed a budget estimate, then this fact shall be reported to the next meeting of the PRC.

(4) Between the start of a financial year and approval of that year's budget, the Treasurer shall authorise expenditure to continue the ordinary business of the Association or to meet any outstanding liability incurred by the Association.

26 Association's books

(1) Subject to the provisions of the Associations Incorporation Act 1991, the Regulations made under that Act, and the provisions of this Constitution, the Administrator shall keep in her/his custody or under her/his control all records, books, and other documents relating to the Association.

(2) The records, books and other documents of the Association shall be open to inspection in the office of the Association at any reasonable hour.

27 Stipend and Honoraria Payments

(1) The PRC must adopt a Stipend and Honoraria Regulation to provide for reasonable bone fide compensation to student representatives for services rendered to the Association.

(2) This Section 27 does not create a right in any person to receive any payment, and any payment is subject to the availability and allocation of funding to the Association.

(3) The PRC must ensure that the Stipend and Honoraria Regulation is publicly available at all times on the PARSA website.

28 Freedom of information

(1) Upon receipt of a request in writing, the President shall supply to any member of the Association within fourteen (14) days copies of—

(a) this Constitution, as amended;

(b) any regulations or standing orders of the Association;

(c) the minutes of any general meeting (including an AGM) or the minutes of any PRC meeting;

(d) audited financial statements and Treasurer's reports; and

(e) the current draft budget or approved budget.

(2) Upon receipt of a request in writing, the President shall within fourteen (14) days grant to any member of the Association access to documents or electronic records other than those referred to in Section 28(1) of this Constitution produced by the Association, its officers, employees or the PRC, except that the President may restrict access to protect the confidentiality of any document or records.

(3) Access to any document or record not produced by the Association, its officers, employees or the PRC but which has been submitted to or is held by the Association explicitly or implicitly in confidence, shall only be granted with the permission of the other parties to that document or record. All disputes concerning access shall be resolved by the PRC.

29 Common seal

(1) The common seal of the Association shall be kept by the Administrator.

(2) The common seal shall be affixed by authority of the PRC, and any two of the President, Vice- President, and Treasurer shall sign below the seal.

30 Interpretation

(1) The President shall be empowered to interpret this Constitution except that, at any meeting of the Association or of the PRC, the chairperson shall interpret the Constitution subject to the direction of the meeting.

31 Indemnity

(1) All members and employees of the Association shall be and are hereby indemnified by the Association against losses or expenses incurred by them in or about the discharge of their respective duties except against any liability that by law would otherwise attach to her/him in respect of any negligence, default, breach of duty, breach of trust or unlawful conduct of which she/he may be guilty in relation to the Association.

32 Dissolution or Winding-up

(1) A motion to dissolve or wind up the Association may be considered at any general meeting (including an AGM) in accordance with the rules for general meetings in section 17 except that

(a) at least 21 days' notice of such a general meeting shall be given to members; and

(b) such notice shall be accompanied by a notice of intention to propose a motion to dissolve or wind up the Association.

(2) A motion to dissolve or wind up the Association must be passed by a majority of at least 75% of the votes of those ordinary members of the Association who, being entitled to vote, vote in person at the general meeting.

(3) In the event of the organisation being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

33 Alteration of the Constitution

(1) This Constitution may be amended by special resolution at any general meeting (including an AGM) in accordance with the rules for general meetings in sections 17 and 18 of this Constitution, except that

(a) at least twenty-one (21) days' notice of the special resolution shall be given to members of the Association; and

(b) a decision to amend the Constitution shall require the support of seventy-five per centum (75%), to the nearest whole number, of ordinary members present and voting.

(2) Full notice of proposed amendments to the Constitution shall be given to members at the same time and in the same way as notice of the general meeting at which the amendments are to be proposed.

(3) The Administrator shall ensure that, once passed at a general meeting, amendments to the Constitution are submitted to the Council for ratification and thence to the relevant local authority.

(4) No amendment to the Constitution shall have any effect until ratified by the Council and, if necessary, by the relevant local authority.

34 Disputes Committee

(1) There is to be a Disputes Committee, which must be established and operate under this Section 34.

(2) No sooner than 3 months and no later than 6 months after the election of the PRC, the PRC must appoint a Disputes Committee.

(3) The Disputes Committee is established to determine any allegation of misconduct against a member of the PRC.

(4) In exercising its functions, the Disputes Committee must comply with the principles of natural justice.

Explanation: Section 50 of the Associations Incorporation Act 1991, which is available online, provides that the rules of natural justice must be complied with in any process of this kind.

(5) The Disputes Committee must consists of not less than 3 and not more than 5 individuals.

(6) In appointing the members of the Disputes Committee, the PRC must ensure that:

(i) one member of the Disputes Committee is not a member of the Association at the time of the appointment;

(ii) other than the member appointed under Section 34(6)(i), all other members of the Disputes Committee must be members of the Association at the time of the appointment; and

(iii) no member of the Disputes Committee is a member of the PRC at the time of the appointment.

Explanation: the requirements in Section 34(6) are intended to bolster the independence of the Disputes Committee. The appointment under Section 34(6)(i) might be, for example, an appointment of an ANU lecturer, an undergraduate student, a lawyer, or a graduated past president of PARSA, or anyone else not a member of PARSA at the time of their appointment.

(7) For the avoidance of doubt, no serving member of the PRC may serve on the Disputes Committee at any time.

(8) The Disputes Committee has the power to view any document in the possession of the Association relevant to the performance of the Committee's functions.

(9) The Disputes Committee must appoint one member of their Committee to act as chair.

(10) Decisions of the Disputes Committee must be by majority vote.

(11) In addition to their vote as a member of the Committee, the chair of the Committee has a casting vote in the case of a tied vote on a motion before the Committee.

(12) A member of the Disputes Committee hold office until:

(a) (in the case of a member of the Committee who was a member of the Association when appointed to the Committee under Section 34(6)(ii)) the member is no longer a member of the Association;

(b) (in the case of a member of the Committee who was not a member of the Association when appointed to the Committee under Section 34(6)(i)) the member becomes a member of the Association;

(c) The member resigns, in writing, to the Administrator of the Association;

(d) The member is removed by a resolution carried by a two-thirds majority of those present and voting at a general meeting of the Association;

(e) The member became a member of the PRC; or

(f) A new Disputes Committee is appointed by the PRC in accordance with subsection 34(2)

35 Discipline of Member of the Association

(1) Except for those provisions of this Constitution relating to the disciplinary processes for members of the PRC as members of the PRC, this Constitution makes no provision for the disciplining of members of the Association.

36 Transitional Provisions

(1) This Constitution supersedes and revokes the previous constitution of the Association.