



**THE NOTRE DAME SYDNEY LAW**

**SOCIETY**

**CONSTITUTION**

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## **PART 1 - PRELIMINARY**

### 1.1. Name of the Society

1.1.1. This Constitution formally establishes a society of law students at the University of Notre Dame Australia, Sydney. The name of this society shall be the “Notre Dame Sydney Law Society (NDSLs)”.

### 1.2. Operation in relation to By-Laws

1.2.1. This Constitution operates in conjunction with the Notre Dame Sydney Law Society By-Laws. In the event of an inconsistency between this Constitution and the By-Laws, this Constitution shall prevail to the extent of the inconsistency.

## **PART 2 - DEFINITIONS**

### 2.1. Definitions

2.1.1. In this Constitution, unless the context requires otherwise:

*Annual General Meeting (AGM)* means a yearly meeting held at the end of tenure, attended by outgoing Committee Members and incoming Committee Members and any other Members of the Notre Dame Sydney Law Society, which includes reports on the year’s events.

*Assistant Director(s)* means the person(s) who are elected to the role of Assistant Director in any Portfolio in the Society, in accordance with this Constitution.

*Australian Law Students Association (ALSA)* means the Australian Law Students Association.

*By-Laws* means the instrument titled the same which includes obligations upon each Committee Member.

*Casual Vacancy/ Vacancies* means any position on the Committee not filled during the allocated election period.

*Chair* means the person appointed as Chair for a meeting pursuant to this Constitution.

*Committee* means all Committee Members of the Society.

*Committee Meeting* means meetings attended by only Committee Members.

*Committee Member* means any person on the Committee of the Society, elected in accordance with this Constitution.

*Constitution* means the Notre Dame Sydney Law Society Constitution.

*Director(s)* means the person(s) who are elected to the role of Director in any Portfolio in the Society, in accordance with this Constitution.

*(the) Executive* of the Society means;

- the President;
- the Vice President;
- the Treasurer; and
- the Secretary.

*General Meeting* means the Annual General Meeting and/ or a Special General Meeting.

*General Fund* means all money collected by the Society not allocated to a Portfolio at the beginning of the term of tenure.

*Grievance* means any issue that arises between two (2) or more Committee Members.

*Mature Age Student* means a person currently enrolled at the University of Notre Dame Australia, Sydney, who is aged twenty five (25) years or over as at March 1 in their year of admission or someone who, regardless of age, has completed some form of post-secondary study prior to enrolment at the University of Notre Dame Australia, Sydney.

*Member* is defined in 6.1.

*Portfolio* means the responsibilities set out in the By-Laws and all matters reasonably incidental thereto.

*Ordinary Committee Members* means all Committee Members other than the Executive.

Student Association of the University of Notre Dame Australia (SAUNDA) means the Student Association of the University of Notre Dame Australia.

*School of Law* means the National School of Law and Business of the University of Notre Dame Australia, Sydney Campus.

*Secretary* means the person holding office under this Constitution as Secretary.

*Society* means the Notre Dame Sydney Law Society.

*Special Committee of Law Students' Societies (SCLSS)* means the committee of New South Wales Young Lawyers comprised of the office bearers of New South Wales Young Lawyers and the President (and/or their nominee) and any other representative (appointed by the President) from each Law Students' Society in New South Wales, or such other state representative body of Law Students' Societies in

New South Wales that may in future exist instead of the Special Committee of Law Students' Societies affiliated with New South Wales Young Lawyers.

(*the*) *University* means the University of Notre Dame Australia, Sydney.

*Special Majority* means two thirds of the present and voting Committee Members (with voting rights) at any duly convened meeting (including, without limitation, a General Meeting) where an abstention is not counted as a vote.

2.1.2. All other terms not defined by this section are to take their ordinary meaning.

### **PART 3 - PURPOSE OF THE SOCIETY**

#### **3.1. Purpose of the Society**

3.1.1. The purpose of this Society is to enrich the student experience through educational, vocational and social initiatives on a non-for-profit basis.

3.1.2. The assets and income of the Society shall be applied solely in furtherance of its purpose and no portion shall be distributed directly or indirectly to the Members of the Society except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

### **PART 4 - OBJECTIVES OF THE SOCIETY**

#### **4.1. Objectives of the Society**

4.1.1. The objectives of the Society are:

- (a) to foster, promote and enhance the general wellbeing of Members at the University, particularly the environment in which law is studied at the University;
- (b) to respect, promote and uphold the values and ethos of the School of Law and the University;
- (c) to act as the officially recognised body for the accreditation of teams wishing to represent the University in intervarsity law competitions;
- (d) to regularly convene academic legal competitions, such as, but not limited to, client interviewing and mooting;
- (e) to annually produce careers information; and
- (f) to maintain strong relationships with SAUNDA, ALSA and the SCLSS.

4.1.2. The assets and income of the Society shall be applied solely in furtherance of its objectives and no portion shall be distributed directly or

indirectly to the Members of the Society except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.

## **PART 5 - STRUCTURE AND GOVERNANCE OF THE SOCIETY**

### 5.1. Legal Structure of the Society

5.1.1. The Society shall be an unincorporated association and therefore it will not operate as a separate legal entity to the Members associated with it.

### 5.2. Governance of the Society

5.2.1. The Society shall be governed by the Executive. The Executive shall be comprised of the

- (a) President;
- (b) Vice President;
- (c) Treasurer; and
- (d) Secretary.

5.2.2. Powers and duties of the Executive.

5.2.1.1. The executive shall be responsible for the efficient operation of the Committee in the furtherance of the purpose and objective of the Society.

5.2.1.2. Subject to this Constitution and resolution at a General Meeting, the Executive may do all things necessary or convenient for carrying out the purpose and objectives of the Society. This includes but is not limited to, the opening and managing of bank accounts and the investment of the Society's funds. Such actions are to be undertaken with notice provided to all Executive members as soon as practical and prior to their enactment. Disagreements should be addressed in Committee Meetings and the views of individual Committee Members must be considered. The Executive will open and begin managing the funds by the 31st of January of the year of inauguration.

5.2.1.3. Subject to this Constitution, the Executive may act independently of the Committee where it is appropriate in all the circumstances. Any such act must be brought to the Committee's attention as soon as is practicable.

5.2.1.4. The Executive may act independently of the Committee with the written approval of three (3) Executive Members.

5.2.1.5. The Executive have the power to create new By-Laws, so long as they are passed in accordance with this Constitution.

5.2.3. The Executive shall be supported by all other Ordinary Committee Members.

5.2.3.1. The Ordinary Committee Members of the Society shall consist of the following:

- (a) Careers Director
- (b) Careers Assistant Director(s)
- (c) Communications and Marketing Director
- (d) Competitions Director
- (e) Competitions Assistant Director(s)
- (f) Education Director
- (g) Information Technology (IT) Director
- (h) Social Events Director
- (i) Social Justice Director
- (j) Sponsorship Director
- (k) Sports Director
- (l) Mature Age Representative
- (m) Fifth Year Representative
- (n) Fourth Year Representative
- (o) Third Year Representative
- (p) Second Year Representative
- (q) First Year Representative
- (r) Immediate Past President (IPP)

5.2.3.2. Along with 5.2.4., specific responsibilities of the Ordinary Committee Members, including each Director, Assistant Director(s), Year Representative(s) and the Mature Age Representative, are outlined in the By-Laws.

5.2.4. Powers and Duties of Committee Members

5.2.4.1 Subject to this Constitution and any resolution passed by the Committee, the Committee Members are to control and manage the affairs of the Society.

5.2.4.2. The Committee may exercise all functions that may be exercised by the Society other than those required to be exercised by resolution at a General Meeting.

5.2.4.3. The general business of the Society shall be managed by the Committee at the direction of the Executive.

5.2.4.4. The Committee is required to take action for the furtherance of the purpose and objectives of the Society in accordance with this Constitution and the By-Laws.

5.2.4.5. No one Member is permitted to concurrently hold more than one Committee position, unless a casual vacancy is unable to be filled.

5.2.5. The Committee shall consist of the Executive and all Ordinary Committee Members outlined in 5.2.3.1.

### 5.3. Ex-Officio Position

5.3.1. The Immediate Past President shall be required to hold an ex-officio position on a newly elected Committee.

5.3.2. The Immediate Past President has no voting rights during Committee Meetings.

### 5.4. Terms of office

5.4.1. All members of the Committee shall be in office from the conclusion of the Annual General Meeting following their election and end at the conclusion of the subsequent Annual General Meeting.

5.4.2. Where a Committee member is appointed, their term of office shall end at the conclusion of the next Annual General Meeting.

5.4.3. The Committee shall be governed by this Constitution and all By-Laws of the Society.

### 5.5. Removal of Committee Members

5.5.1. A Committee Member may be removed, before the end of their term of office, by resolution at any meeting of the Committee if that member:

5.5.1.1. has failed to adequately fulfil the requirements of their position as defined by this Constitution and the By-Laws; or

5.5.1.2. has failed to attend two consecutive Committee Meetings or Society events without reasonably acceptable apologies; or

5.5.1.3. has acted in any such way that is prejudicial to the interests of the Society.

5.5.2. For the operation of 5.5.1. a member of the Executive must indicate a vote of no confidence.

5.5.3. A vote of no confidence must specify:

5.5.3.1. the Executive member proposing the resolution or the four (4) Committee Members proposing the resolution;

5.5.3.2. the Executive member seconding the motion or the additional three (3) Committee Members seconding the motion; and

5.5.3.3. the grounds upon which the Committee member is to be removed from office.

5.5.4. A vote of confidence may only be passed if it has either of the following:

5.5.4.1. majority support of the Executive; or

5.5.4.2. support of three quarters ( $\frac{3}{4}$ ) of the Committee which includes two (2) Executive members, in the event that the Executive does not sufficiently support the resolution.

5.5.5. The Committee Member to whom the vote of no confidence refers must abstain from voting on a resolution under this Section.

5.5.6. In the event that a vote of no confidence refers to a member of the Executive, only satisfaction of 5.5.4.2. will result in the removal of an Executive member.

## 5.6. Resignation of Committee Members

5.6.1. Any current Committee Member who wishes to resign from their position in the Society must provide written notice to the Secretary.

5.6.2. After providing written notice of their intention to resign to the Secretary, the Committee member is required to provisionally stay in their position for a period of ten (10) days so as to provide for a smooth transition period.

## 5.7. Delegation

5.7.1. The Committee of the Society may, through written instrument, delegate the exercise of the functions of the Committee as are specified in the instrument to one or more Subcommittee.

5.7.2. The Subcommittee will consist of any such Member or Members that the Committee deems appropriate.

5.7.3. Any delegation under this section may be made subject to conditions, limitations, time and/or circumstances, as to the exercise of function as may be specified in the written instrument of delegation.

5.7.4. Any act, omission or thing done or suffered by a Subcommittee Member acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been undertaken or omitted by the Committee or a Committee Member.

5.7.5. Regardless of any delegation under this section, the Committee may continue to exercise any function delegated.

5.7.6. The Committee may at any time, through written instrument, revoke wholly or in part any delegation under this section.

5.7.7. A Subcommittee may meet and adjourn as it deems appropriate. Subcommittee members are ineligible to vote at Committee meetings, unless a proxy vote is granted to them by operation of 9.3.11.

## **PART 6 - MEMBERSHIP**

### **6.1. Establishing Membership**

6.1.1. A person is taken to be a Member of the Society if:

6.1.1.1. the person is a natural person; and

6.1.1.2. the person is currently enrolled in a law degree at the University of Notre Dame Australia, Sydney; and

6.1.1.3. is studying at least one law unit; and

6.1.1.4. the person has not ceased membership following the operation of 6.3.

### **6.2. Rights and Duties of Members**

6.2.1. Membership of the Society is personal and is not transferable.

6.2.2. Any Member may:

6.2.2.1. vote at the election of the Committee in accordance with this Constitution; and

6.2.2.2. be given notice of, attend, speak, propose and vote on resolutions at any General Meeting of the Society; and

6.2.2.3. receive all services and regular publications of the Society on the terms determined by the Committee.

6.2.3. If a Member or person introduced by a Member damages or loses any property of the Society, the Member shall make good the damage or loss to the extent of the damage or loss suffered.

### **6.3. Cessation of Membership**

6.3.1. A person automatically ceases to be a Member of the Society if the person:

- 6.3.1.1. dies; or
- 6.3.1.2. graduates from the School of Law; or
- 6.3.1.3. withdraws enrolment from the School of Law; or
- 6.3.1.4. the Member delivers to the Secretary a written notice of resignation of the membership.

6.3.2. Subject to this Constitution, the membership of a Member may at any time be terminated by a resolution in a General Meeting if the Member:

- 6.3.2.1. refuses or neglects to comply with the provisions of this constitution or any By-Law of the Society; or
- 6.3.2.2. engages in conduct which is, in the opinion of the Committee, contrary to the interests of the Society; or
- 6.3.2.3. fails to pay any debt due to the Society for a period deemed unreasonable by the Committee.

6.3.3. The operation of 6.3.2. requires the Member in question:

- 6.3.3.1. be provided, by the Secretary, written notice of the resolution to be considered no less than seven (7) days prior to the meeting; and
- 6.3.3.1. be provided an opportunity to respond to the matter at the meeting; and
- 6.3.3.2. be given prompt notice of the decision reached.

## **PART 7 - GRIEVANCES**

### 7.1. Grievances

7.1.1. For the purpose of this Constitution, a grievance is an issue that arises between two (2) or more current Committee Members.

7.1.2. All grievances should, at first instance, attempt to be resolved by civil discussion between the parties involved. If unsuccessful, the grievance should be brought to the attention of the Equity Officer for resolution.

7.1.2. The grievance should be brought to the attention of the Equity Officer by filling out the Grievance Form. The link to this form is as follows: <https://forms.gle/KCQbcoCyW7angNGo8>

7.1.3. All grievances must be treated in confidence and in accordance with the NDSLS Committee Code of Conduct and the University of Notre Dame Australia Code of Conduct.

7.1.4. The Equity Officer may act within the role of an arbitrator and/or mediator if a resolution is not reached between the aggrieved parties.

7.1.5. The Equity Officer's decision in its role as arbitrator and/or mediator is binding upon the aggrieved parties.

7.1.6. The Equity Officer must abide by the NDSLS Committee Code of Conduct and the University of Notre Dame Australia Code of Conduct.

7.1.7. In the case a grievance arises between a Committee Member and a Member, the Equity Officer does not have jurisdiction to resolve this grievance.

7.1.7.1. The Equity Officer should refer the aggrieved party or parties to the appropriate University resources. These include but are not limited to:

- (a) the University Grievance Officer;
- (b) the University Respect Officer;
- (c) the School of Law.

7.1.8. In the case the grievance is between the Equity Officer and a Committee Member, the whole Executive may act as the arbitrator and/or the mediator in that circumstance and their decision shall be binding on the parties, as in 7.1.5.

7.1.9. In the case the grievance is between the Equity Officer and the President, the responsibility for administering the grievance procedures shall fall to the following, in order;

- (a) The Vice President;
- (b) The Secretary;
- (c) The Treasurer.

7.1.10. In the case the grievance is between the Equity Officer and a Member of the Executive Committee other than the President, the responsibility for administering the grievance procedures shall fall to the following, in order;

- (a) The President;
- (b) (b) The Vice President;
- (c) The Secretary;

(d) The Treasurer.

7.1.11. In the case the grievance is between the Equity Officer and two or more Executive Members, then resolution of the grievance shall be through an agreed upon University process.

7.1.11.1 These include but are not limited to:

- (a) the University Grievance Officer;
- (b) the University Respect Officer;
- (c) the School of Law.

7.1.12. In the case that one of the aggrieved parties is a current or outgoing Committee Member of the Society and the other aggrieved party is an incoming Member of the Society, the Equity Officer does not have jurisdiction to resolve this grievance.

7.1.12.1. The Equity Officer should refer the aggrieved party or parties to the appropriate University resources. These include but are not limited to:

- (a) the University Grievance Officer;
- (b) the University Respect Officer;
- (c) the School of Law.

7.1.13. If the aggrieved person remains unsatisfied by the resolution, or the Equity Officer's decision, the grievance may be resolved through other appropriate channels.

7.1.13.1. These appropriate channels but are not limited to:

- (a) the University Grievance Officer;
- (b) the University Respect Officer;
- (c) the School of Law.

## **PART 8 - ELECTIONS**

### **8.1. Notice of elections and nominations**

8.1.1. Notice of election shall be given at the discretion of the President.

8.1.2. Notice must be given through display on the Society website and via email to Members.

8.1.3. The notice of the election, nomination period and campaign period shall run in accordance with the Society By-Laws.

8.1.4. The President or their delegate is to receive all nominations.

8.1.5. Nominations must include:

- (a) the Members' full name; and
- (b) the Committee position(s) for which they are nominating (in order of preference); and
- (c) a statement of candidature.

8.1.6. Any Member may nominate for up to three (3) Committee positions.

## 8.2. Eligibility

8.2.1. To nominate for an Executive position (President, Vice President, Treasurer and/or Secretary), the Member must currently be or have been a Committee Member, and must not have been removed from office following the operation of 5.5.

8.2.1.1. This includes all Ordinary Committee Members listed in 5.2.3.1.

8.2.2. In the event that no eligible Member nominates for an Executive position (President, Vice President, Treasurer and/or Secretary), by the conclusion of the nomination period, any Member may nominate for these positions if they have the written consent of 30 Members.

8.2.3. Any Member is eligible to nominate as an Ordinary Committee Member.

8.2.4. If nominations are not received for any Committee position, they shall be taken to be a Casual Vacancy.

8.2.4.1. The First Year Representative position is an exception to be governed by 8.4.

8.2.5. Where 8.2.2. applies, that being, no nominations are received for Executive positions (President, Vice President, Treasurer and/or Secretary), and no Member has nominated themselves with the consent of 30 Members, the nomination period will be extended by five (5) business days.

8.2.6. In the event that more than one nomination is received for a Committee position, a ballot is to be held in the voting period to determine which candidate shall fill the position.

8.2.7. Only Members are eligible to vote.

## 8.3. Casual Vacancy/ Vacancies

8.3.1. In the event of a Casual Vacancy/ Vacancies occurring, the Executive may appoint, by resolution, a Member to fill the vacancy. The Member

appointed is to hold office, subject to this Constitution, until the conclusion of the term of office.

8.3.2. A Casual Vacancy/ Vacancies occurs if the Committee Member:

- (a) dies;
- (b) ceases to be a Member;
- (c) resigns by notice in writing given to the Secretary; or
- (d) is removed from office through the operation of 5.5.

#### 8.4. First Year Representative

8.4.1. Nominations for First Year Representative may be received from the date chosen by the President at their discretion.

8.4.2. Notice of election shall be given at the discretion of the President in Semester One.

8.4.3. The voting procedure shall follow the procedure set out in Part 8 and Society By-Laws.

#### 8.5. Transition Period

8.5.1. The transition period shall begin at the conclusion of the Annual General Meeting and will extend for the subsequent fourteen (14) days.

8.5.2. The outgoing President shall ensure that:

- (a) each Member of the outgoing Committee prepare a handover document with all the relevant materials and information to be handed to the incoming Committee; and
- (b) the handover is to be handed to the incoming Committee at the Annual General Meeting; and
- (c) the outgoing Committee is to assist the incoming Committee with developing a strategy for the incoming Committee's term of office, and also to ensure all reasonable steps are taken to obtain sponsorship.

8.5.3. Contracts entered into by the outgoing Committee that relate to events occurring within the transition period shall not, unless where reasonable, be cancelled by the incoming Committee.

### **PART 9 - MEETINGS**

#### 9.1. Annual General Meetings (AGM)

9.1.1. Annual General Meetings shall be held in the month of October or November each year.

9.1.2. The President shall convene the Annual General Meeting.

9.1.3. Notice must be given to all Members at least fourteen (14) days prior to the Annual General Meeting. This notice must specify the place, date and time of the meeting and the business to be transacted at the meeting in the form of an agenda.

9.1.4. Procedure at the Annual General Meeting.

9.1.4.1. Quorum shall be 15 Members or one third of the Society's Members at that time, whichever is the lesser.

9.1.4.2. The President shall chair the Annual General Meeting. In the President's absence, the Vice President shall chair the Annual General Meeting.

9.1.4.3. The Annual General Meeting shall be conducted in accordance with the By-Laws.

9.1.4.4. The President may, with the consent of the Members present by resolution, adjourn the meeting to another time if appropriate in all the circumstances.

9.1.4.5. A resolution put to the vote of the meeting is decided by a show of hands unless a private ballot is demanded by at least five (5) Members.

9.1.4.6. Where a private ballot is demanded, the votes shall be counted by the President and the Secretary, or in their absence, another Executive member.

9.1.4.7. Proxy votes shall not be accepted at an Annual General Meeting.

9.1.4.8. Prior to the conclusion of the meeting a motion shall be passed to confirm the incoming Committee into their positions.

## 9.2. Special General Meetings

9.2.1. A Special General Meeting shall be called by the President and held within fourteen days of receiving a written requisition from:

- (a) two Executive members; or
- (b) 25 Members.

9.2.2. The written requisition must state the resolutions being put to the meeting.

9.2.3. The President may also call a Special General Meeting at any time.

9.2.4. The notice requirement shall be the same as for an Annual General Meeting.

9.2.5. The procedure shall be the same as for an Annual General Meeting.

### 9.3. Committee Meetings

9.3.1. The Committee must meet on a monthly basis.

9.3.2. The President shall convene Committee Meetings.

9.3.3. All members of the Committee shall be given at least three (3) days notice of a meeting, including the time and place of the meeting.

9.3.4. Committee meetings shall be conducted in accordance with the By-Laws.

9.3.5. Quorum at Committee meetings shall be eight (8) Members of the Committee.

9.3.6. The President shall chair Committee meetings. In the President's absence, the Vice President shall chair Committee meetings.

9.3.7. All Committee members may vote at Committee meetings.

9.3.8. All Members are entitled to attend Committee meetings as observers. Observers may be granted speaking rights by the Chair.

9.3.9. A resolution put to the vote of a Committee Meeting is decided on a show of hands unless a private ballot is demanded by at least five (5) Members.

9.3.10. Where a private ballot is demanded, the votes shall be counted by the President and the Secretary, or in their absence, another Executive member.

9.3.11. Proxy votes may be accepted at Committee meetings.

### 9.4. Minutes of Meetings

9.4.1. The Society must keep a record of the proceedings of all meetings.

9.4.2. The minutes shall include

- (a) a record of attendance; and/or
- (b) all proposed resolutions discussed; and/or
- (c) All resolutions of the Committee; and/or
- (d) The rationale behind Committee Members' decisions.

9.4.3. The minutes must be signed by the Chair at the next succeeding meeting.

9.4.4. Draft minutes of all meetings must be circulated to all Members of the Committee within five (5) days of the close of the meeting for information and approval.

9.4.5. Subject to any objection, the Chair must sign the minutes to certify that they are a true and correct record of the proceedings of the meeting.

9.4.6. Circulation of the minutes shall be undertaken by the nominated Committee member.

9.4.7. The minutes of all meetings shall be available to Members upon ratification by the Chair.

## 9.5. Resolutions, Voting and Decisions

9.5.1. Questions or motions arising at a Committee meeting or at a General Meeting are to be resolved by resolution.

9.5.2. A resolution may be proposed by providing a written motion to the President and Secretary. For the proposed resolution to be valid it must specify:

- (a) the Member proposing the resolution;
- (b) the Member seconding the resolution; and
- (c) the resolution proposed.

9.5.3. After the proposed resolution has been read at the Committee meeting, both the Member proposing the resolution and seconding the resolution will be afforded the opportunity to speak on the resolution. The resolution will then be open for discussion by the Committee and those granted speaking rights which will be followed by a right of reply by both the Member proposing and seconding the resolution.

9.5.4. At the cessation of discussion, the Committee shall vote on the resolution. Any abstentions may be noted at the election of the Member.

9.5.5. Subject to this Constitution, a resolution shall be successful where a majority of votes were cast in its favour.

9.5.6. Each Committee Member and present at a Committee meeting is entitled to one vote.

9.5.7. In the event of an equality of votes, the Chair may cast a second vote.

9.5.8. The Chair and the minutes must state the number or proportion of the votes recorded in favour and against the resolution.

9.5.9. If the question is to be determined by a poll, it is to be conducted in accordance with the directions of the Chair.

## **PART 10 - FINANCES**

### **10.1. Budgeting**

10.1.1. A budget shall be prepared at the beginning of the term of office by the Treasurer, in consultation with the President and Vice President.

10.1.2. This budget shall be adjusted appropriately on receipt of funds obtained from sponsors.

10.1.3. The budget shall allocate funds to each Portfolio. The areas sponsored shall be a material consideration in this allocation of funds.

10.1.4. Any amount in excess shall be allocated to the General Fund.

10.1.5. Funds from sponsors shall not be allocated to the General Fund unless the obligations to the sponsor have been fulfilled, or have sufficient funds allocated to allow for the proper fulfilment and execution of sponsorship obligations.

10.1.6. Subject to representations made by the Society, amounts raised through other fundraising endeavours shall be allocated to the General Fund.

### **10.2. The General Fund**

10.2.1. The General Fund consists of all money collected by the Society not allocated to a Portfolio at the beginning of the term of office.

10.2.2. Amounts in the General Fund may be allocated at the discretion of the Executive.

10.2.3. The General Fund shall be used in accordance with the By-Laws.

### **10.3. The Trust Fund**

10.3.1. The Trust Fund consists of all money collected by the Society for a particular purpose.

10.3.2. All funds in the Trust Account are to be recorded on the trust ledger stating their particular purpose.

10.3.3. Trust funds can only be used at the direction of two members of the Executive.

### **10.4. Reimbursement and Funding**

10.4.1. Members shall be reimbursed for amounts spent bona fide in serving the interests of the Society.

10.4.2. The Society may provide equity to Members to assist in their attending legal competitions, educational conferences and other events which support the purpose and objectives of the Society including, but not limited to, ALSA council meetings and conferences, and legal competitions.

10.4.3. Reimbursement and funding shall be conducted in accordance with the By-Laws.

#### 10.5. Insurance

10.5.1. The Society, until such time that it becomes an incorporated entity, shall be insured by the University.

### **PART 11 - ADMINISTRATION**

#### 11.1. Accounts and Records

11.1.1. The Committee shall cause proper records of accounts and business to be kept.

11.1.2. The accounts and records shall be kept in the custody of the nominated Committee Member as the Committee deems appropriate.

11.1.3. The Committee shall prepare and present all relevant accounts at the Annual General Meeting; and any other meeting the Committee deems appropriate.

11.1.4. The President shall ensure that such proper accounts and records are kept and shall be responsible for ensuring that they are maintained by the nominated Committee member.

#### 11.2. Service of Notices

11.2.1. 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 email to the person,

11.2.2. For the purposes 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, and
- (b) in the case of a notice sent by email, on the date it was sent.

### **11.3. Reporting Period**

11.3.1. The reporting period for the Society shall be, for the purposes of annual reports presented at the Annual General Meeting, from 1 December to 30 November.

### **11.4. Privacy and Confidentiality**

11.4.1. The Society will take all reasonable steps to ensure that information and data collected from its Members is kept confidential.

11.4.2. All materials used and acquired in the carrying out of a Committee Members' role are to be considered the property of the Society.

11.4.3. All Committee Members will be responsible for ensuring the privacy, security and confidentiality of all relevant materials.

11.4.4. All Committee Members are to observe the highest standards of ethical behaviour and to act diligently to properly discharge their duties as Committee Members and facilitate the efficient and effective exercise of the functions of the Society.

11.4.5. All Committee Members are to avoid any action, position or interest that conflicts with, or may reasonably be perceived to be in conflict with, their duties of office, the Objectives of the Society, the Purpose of the Society and the general functions of the Society.

11.4.7. All Committee Members must keep all meetings, meeting minutes, papers, discussions and deliberations confidential (except where required or otherwise permitted to be disclosed).

11.4.8. In the event there is a breach of the Society systems, or any third party databases utilised by the Society, no responsibility shall be attributed to the Society.

11.4.9. The Society shall not be responsible for individual breaches of privacy and confidentiality committed by Committee Members.

## **PART 12 - DISSOLUTION**

### **12.1. Dissolution**

12.1.1. Dissolution of the Society will occur after the following conditions have been met:

(a) A Special General Meeting is petitioned in writing as set out in 9.2.1.

- (b) Procedures for notification as set out in 9.1.3. are followed, and the reasons for the proposed dissolution are included;
- (c) Quorum for the meeting to dissolve the Society shall be the same as for an Annual General Meeting;
- (d) No other business may be conducted at the meeting to dissolve the Society.
- (e) After the petitioning body has stated its case, any opposition must be given the opportunity to reply, with at least ten (10) minutes set aside for this purpose;
- (f) A vote is taken and the motion to dissolve lapses if opposed by fifteen (15) or more Members of the Society; and
- (g) If the motion to dissolve is carried, SAUNDA must be notified within ten (10) academic days.

12.1.2. Dissolution of the Society will also occur if the Society has been financially and administratively inactive for a period of eighteen (18) months. SAUNDA must give twenty (20) academic days notice in an official SAUNDA publication and in writing to the last known President before dissolving the Society in this way.

12.1.3. On dissolution of the Society, the Society is not to distribute assets to Members. All assets are to be distributed to an organisation with similar goals or objectives that also prohibits the distribution of assets to Members. This organisation may be nominated at the dissolution meeting of the Society. If no other legitimate organisation is nominated, SAUNDA will begin procedures to recover any property, monies, or records belonging to the Society which it perceives would be useful to other SAUNDA-affiliated clubs and societies. The Society will be given twenty (20) academic days to forward all relevant items to SAUNDA before any action is instigated.

### **PART 13 - ACKNOWLEDGEMENT OF/ WELCOME TO COUNTRY**

13.1. It is mandatory that every NDSL function, event and meeting (including Annual General Meetings, Special General Meetings and Committee Meetings) must contain, where appropriate, either:

- 13.1.1. A welcome to County; or
- 13.1.2. An acknowledgement of Country

13.2. An example of an acknowledgement of Country is found in section 13.2.1.

13.2.1. Example acknowledgement of Country,

*"The Notre Dame Sydney Law Society (NDSLS) acknowledges the Aboriginal and Torres Strait Islander people as Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders past, present and emerging. Our acknowledgement of these places and people is made with sincere intention and a commitment to practising decolonisation as a process of continuous learning and action. We are committed to recognition, reconciliation and justice for Aboriginal and Torres Strait Islander communities across Australia."*

## **PART 14 - CHANGING THIS CONSTITUTION**

14.1. Changing this Constitution

14.1.1. This Constitution may only be changed by Special Majority.

14.1.2. Any changes made to the Constitution must be passed by Special Majority of the Committee.

14.1.3. In the event of an amendment being passed, a nominated member shall make available amended copies of the Constitution to all Members within a reasonable time.

## **PART 15 - LIST OF EDITORS**

NAME	POSITION	DATE (FINAL EDIT)	DATE (EDITS PASSED BY COMMITTEE)
Andrew Gouveia	Vice President (2018-19)	05/12/2018	N/A
Paige Gavenlock-Ginns	President (2021-22)		