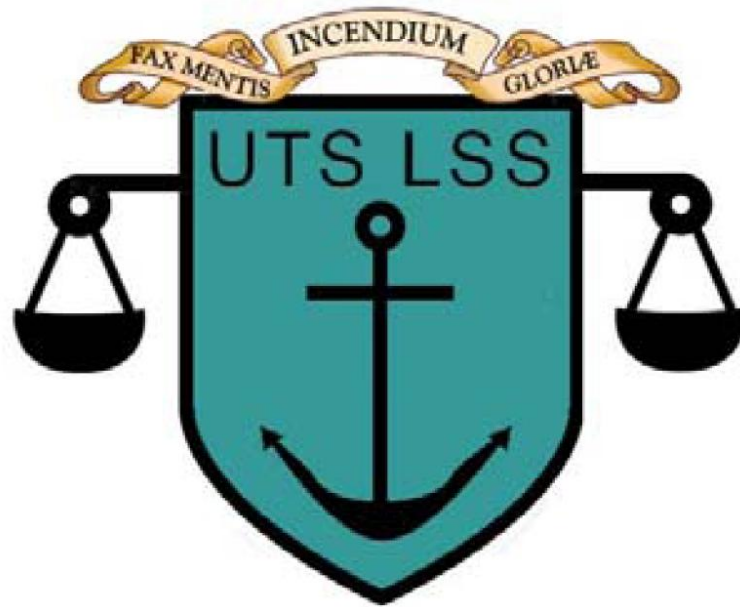


UNIVERSITY OF TECHNOLOGY, SYDNEY
LAW STUDENTS' SOCIETY
CONSTITUTION



As at 13 October 2009

1. NAME OF THE SOCIETY

This constitution formally establishes a society of law students at the University of Technology, Sydney. The name of this society shall be the "UTS Law Students' Society."

2. DEFINITIONS AND INTERPRETATION

Unless contrary intention appears, the following terms shall have the meaning set out below wherever they are used in this constitution:

“Portfolio of a council member” means the responsibilities set out in the By-Laws and all matters reasonably incidental there to.

“Register” means the register of members.

“Society” means the UTS Law Students' Society.

“Special Majority” means at least two thirds of the voting members present at that meeting.

“Student” means a student currently enrolled at UTS or a graduate from UTS.

“Union” means the UTS Union.

“University” means the University of Technology, Sydney (UTS).

2.1 Headings are for convenience only and do not affect the interpretation of this constitution.

3. OBJECTIVES

The objectives of the Society shall be as follows:

- 3.1 To represent persons and bodies interested in the study of law at UTS, particularly law students.
- 3.2 To act as the officially recognised body for the accreditation of teams wishing to represent UTS in inter-varsity law competitions.
- 3.3 To become and remain affiliated with any organisation having the same or substantially similar objectives as the Society, in particular the Australian Law Students' Association (ALSA).
- 3.4 To annually convene academic legal competitions, such as, but not limited to, Client Interviewing and Mooting.
- 3.5 To foster and promote social and cultural interaction between members.
- 3.6 To produce a quarterly publication.
- 3.7 To foster, promote and enhance the general well being of law students at UTS, particularly the environment in which law is studied at the University.
- 3.8 To annually produce Careers Information
- 3.9 To annually affiliate with the Union.

- 3.10 To actively promote and assist with a broad interpretation of educational concerns of law students.

4. MEMBERSHIP OF THE SOCIETY

4.1 Qualification for Membership

4.1.1 Classes of Membership

The Society shall consist of:

- (a) "Tiered members" who are students who become members of the Society upon payment of the ordinary annual subscription fee to the Society.
- (b) "Associate members" who are any other people or bodies who become a member of the Society upon payment of the associate annual subscription fee to an officer of the Society.
- (c) "Life Members" who are students or other people chosen at a meeting of Council for their outstanding service to the Society.
- (d) "Council Members" are members of the council as set out in this constitution and officers of the Society.
 - (i) First Year Representatives are taken to be Council Members for the purposes of voting and raising agenda items at meetings of the UTS LSS.
- (e) "Ordinary Members" who are students who become members of the Society upon subscription to the LSS.

4.1.2 Eligibility

- (a) Any UTS student may become an ordinary member of the Society upon subscription by virtue of their enrolment in any course offered by the UTS Faculty of Law commencing in or after the Autumn Semester of 2008.
- (b) Nothing in this section shall limit any other person or body from becoming an associate member.

4.1.3 Register of Members

Upon becoming a member of the Society, a person or body shall be entered onto a Register of Members by a nominated councillor.

4.2 Rights and Duties of Membership

4.2.1 Membership not Transferable

Membership of the Society is personal and is not transferable.

4.2.2 Rights of Ordinary Members

Without limiting any other rights conferred on ordinary members, an ordinary member may:

- (1) Vote at any election of Councillors in accordance with this Constitution;
- (2) Be given notice of, attend, speak, propose motions and vote at any

General Meeting of the Society;

- (3) Receive all services and regular publications of the Society on the terms determined by Council and pursuant to 4.2.6.
- (4) Receive access to things associated with Careers Activities or Education portfolios

4.2.3 Rights of Associate Members

- (1) Without limiting any other rights conferred on associate members, an associate member may receive all services and regular publications of the Society on the terms determined by Council and pursuant to 4.2.6.
- (2) An associate member does not have a right to vote at General Meetings or Council elections.

4.2.4 Rights of Life Members

- (1) Without limiting any other rights conferred on life members, a life member may receive all services and regular publications of the Society on the terms determined by Council and pursuant to
- (2) Be given notice of, attend, speak, propose motions and vote at any General Meeting of the Society; .

4.2.5 Rights of Council Members

Without limiting any other rights conferred on council members, a council member may:

- (1) Vote at any election of Councillors in accordance with this Constitution;
- (2) Be given notice of, attend and vote at any General Meeting of the Society;
- (3) Receive all services and regular publications of the Society on the terms determined by Council and pursuant to 4.2.6.

4.2.5A Rights of Tiered members

Without limiting any other rights conferred on tiered members, a tiered member may:

- (1) Vote at any election of Councillors in accordance with this Constitution;
- (2) Be given notice of, attend, speak, propose motions and vote at any General Meeting of the Society;
- (3) Access to publications including the Buzz, things associated with Careers Activities and Education portfolios, competitions, access to discounts on LSS social events and access to LSS funding for ALSA competition.

4.2.6 Right to use Services and Facilities of the Society

Subject to this Constitution and any directions by Council, all members shall be entitled to use any services and facilities provided by the Society.

4.2.7 Duties of Members

If a member or person damages or loses any property of the Society, the member or the member responsible for introducing the person causing the damage or loss, shall make good the damage or loss to the satisfaction of the Council.

4.3 Cessation of Membership

4.3.1 Memberships for the respective classes cease as follows:

- (1) Associate Memberships cease at the end of the calendar
- (2) Life memberships never cease.
- (3) Council members become members on 1 December prior to their year of office. Their memberships cease on 1 December of their year of office.
- (4) Tiered Memberships will either
 - (a) Revert at the end of the calendar year to Ordinary Memberships subject to eligibility; or
 - (b) Cease at the end of the calendar year
- (5) An Ordinary membership will cease
 - (a) Upon completion/discontinuance of the enrolled courses offered by the UTS Faculty of Law for students not undertaking a degree offered by the UTS Faculty of Law at the time of membership; or
 - (b) Upon completion/discontinuance of the undertaken degree offered by the UTS Faculty of Law for students undertaking a degree offered by the UTS Faculty of Law at the time of membership

4.3.2 Automatic Termination of Membership

Subject to this Constitution, the membership of any member terminates if:

- (a) The member delivers to the Society a written notice resigning the member's membership of the Society; or
- (b) The member dies.

4.3.3 Termination of Membership by Resolution of Council

(1) Subject to this Constitution, the Council or members in General Meeting may at any time terminate the membership of a member if the member:

- (a) Is an ordinary member, tiered member or council member and ceases to be a student;
- (b) Refuses or neglects to comply with the provisions of this Constitution or any By-Laws made by the Council;
- (c) Engages in conduct which in the opinion of the Council is unbecoming of the member or prejudicial to the interests of the Society; or
- (d) Fails to pay any debt due to the Society for a period deemed unreasonable in the opinion of the Council.

(2) A decision of the Council or members in General Meeting under 4.3.3(1),(b),(c) or (d) is not effective unless:

- (a) The nominated councillor has given the member concerned notice of the resolution to be considered by the Council not less than 7 days prior to the date of the meeting;
- (b) The member has been invited and permitted to attend that part of the meeting of the Council at which the resolution is considered and permitted to make submissions to the meeting in writing and orally;

- (c) The member is given an opportunity to respond to any matters raised in the meeting; and
- (d) Notice of the decision of the Council is given promptly to the member.

4.3.4 Name to be Removed from Register of Members

The name of any person or body whose membership is terminated or ceases shall be removed from the Register, subject to other provisions of the Constitution.

4.4 Membership fees

4.4.1 Annual Membership fees

- (a) Ordinary and associate members must pay an annual ordinary subscription fee OR associate subscription fee respectively.
- (b) Provision must be made for Council member's annual subscription fee in the accounts.
- (c) Life members, council members and ordinary members do not pay an annual subscription fee.
- (d) The Council may from time to time determine the annual subscription fee payable by each class of member.
- (e) The subscription fees are prescribed in the By-Laws.

4.4.2 Refund of Membership Fees

Members shall not be entitled to a refund of their membership fees.

5. GOVERNANCE OF THE SOCIETY

5.1 Executive

The Society shall be governed by an Executive. The Executive shall be composed of the following persons:

- (1) President;
- (2) Vice President (Promotions);
- (3) Vice President (Activities);
- (4) Vice President (Finance & Administration); and
- (5) Vice President (Education)

Members of the Executive are Council members.

5.1.1 Powers and Duties of Executive

(a) Convene Council

The Executive shall convene a Council, which shall meet from time to time at least once every month during semester periods or as otherwise directed by the President.

(b) Urgent Matters

The Executive may act without the express approval of Council in urgent matters. Where reasonable expenditure is incurred in pursuing such an action which is in the interests of the Society, that expenditure must be subsequently ratified by the Council.

5.2 Council

The Council shall consist of the following council members:

- (1) The five (5) elected members of the Executive;
- (2) The ten (10) other elected members;
- (3) The Immediate Past President, ex officio, where not otherwise a member of the Executive or Council; and
- (4) Members of the Society co-opted by vote of the Council (non-voting);

5.2.1 Powers and Duties of Council

- (a) Manage general business of Society

The general business of the Society shall be managed by the Council.

- (b) Power to delegate

The Council may delegate any of its powers to committees appointed by Council provided that at least 75% of the members of a committee are ordinary members or tiered members of the Society.

5.2.2 Removal of Council Members

A Council member may be removed by a special resolution at any meeting of the Society if that Council member:

- (a) Has failed to adequately fulfil his or her portfolio; or
- (b) Has failed to attend two consecutive meetings without forwarding reasonably acceptable apologies.

Where a Council Member is removed under this provision their membership will be terminated.

5.2.3 Termination of Office of Council Members

The office of a Council member is terminated if the Councillor resigns that office by notice in writing to the Society or if they die.

5.2.4 Where a Council Member is Terminated or Removed

Where a Council member is either removed or their office terminated, the name of that person shall be published in the Society's next publication along with details of the grounds of the removal or termination so that notice may be given to sponsors of the Society.

5.3 Term of Office

All members of the Council, including members of the Executive, shall be elected for a term of one (1) year, commencing on 1 December.

5.4 By-laws

The Council shall be governed by the By-Laws of the Society.

6. MEETINGS

6.1 General Meetings

6.1.1 Calling an Annual General Meeting

(a) Annual General Meetings

An Annual General Meeting of the members must be held in the month of October or November each year.

(b) Convening an Annual General Meeting

The President shall convene an Annual General Meeting.

(c) Notice Requirements

(i) At least seven (7) days notice of the Annual General Meeting must be given.

(ii) Notice must specify the place, date and time of the meeting and the business to be transacted at the meeting.

6.1.2 Procedure at an Annual General Meeting

(a) Quorum at an Annual General Meeting

Quorum at an Annual General Meeting shall be ten (10) members or one-third of the Society's voting members at that time, whichever is the lesser.

(b) Chair

An Annual General Meeting shall be chaired by the President.

(c) By-Laws

An Annual General Meeting shall be conducted in accordance with any relevant By-Laws of the Society.

(d) Adjournment of an Annual General Meetings

The Chair may, with the consent of any meeting at which a quorum is present, and must if directed by the meeting, adjourn the meeting to another time.

(e) Voting

At an Annual General Meeting, a resolution put to the vote of the meeting is decided on a show of hands unless a ballot is demanded.

(f) Proxies

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

6.1.3 Special General Meetings

A Special General Meeting is a General Meeting other than an Annual General Meeting.

(a) Convening a Special General Meeting

(1) A Special General Meeting shall be called by the President within fourteen (14) days of receiving a written requisition from:

(i) A member of the Executive; or

(ii) 50 voting members of the Society.

(2) A written requisition for a Special General Meeting must state the resolutions to be put to the meeting.

(3) A Special General Meeting shall be held between 14 and 21 days after the President receives a written resolution.

(4) The President may also call a Special General Meeting at any time.

(b) Notice Requirements

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

(c) Procedure at a Special General Meeting

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

6.2 Council Meetings

6.2.1 Calling a Meeting

(a) Meetings

The Council may meet for the transaction of business and adjourn and otherwise regulate its meetings as it thinks fit.

(b) Convening a Meeting

The President shall convene Council Meetings of the Society.

(c) Notice Requirements

(1) All members of the Council must be notified of the meeting at least 48 hours in advance.

(2) A notice in the Society office and/or an email to all councillors shall satisfy the notice requirement.

6.2.2 Procedure at a Meeting

(a) Quorum at a Meeting

Quorum at Council Meetings shall be five (5) members of Council.

(b) Voting

All Council Members may vote at Council meetings.

(c) Attendance by non-Council members of the Society

All members of the Society shall be entitled to attend Council Meetings as observers unless a contrary motion is accepted by the meeting.

(d) Other procedures at Council Meetings

The procedures at a Council Meeting shall be the same as at an Annual General Meeting. However to the extent they are inconsistent with this provision this provision shall prevail.

6.3 Minutes of Meetings

6.3.1 Minutes to be Recorded

The society must keep a record of the proceedings of all meetings

6.3.2 Preparation, Circulation and Approval of Minutes

- (a) Draft minutes of all meetings must be promptly circulated to all members of Council for information and approval.
- (b) Subject to any objection, the Chair of the meeting or the next such meeting must sign the minutes to certify that they are a true and correct record of the proceedings of the meeting.

6.3.3 Electronic circulation

Circulation of the minutes may be undertaken by the nominated councillor forwarding the minutes to designated email addresses of the Council members.

6.3.4 Minutes to be available to members

The minutes of all meetings shall be available to members once they have been signed.

7. BY-LAWS

7.1 Passing and Amendment of By-Laws

By-Laws may be passed or amended at any meeting of the Society by a Special Majority.

7.2 Effect of By-Laws

The By-Laws shall be directory in nature.

7.3 Inconsistency with Constitution

Where any By-Law is inconsistent with the provisions of this Constitution, the Constitution shall prevail to the extent of the inconsistency.

8. ELECTIONS

Where Council members are elected they will be elected as set out in this provision.

8.1 Notice of Election and Nomination

8.1.1 Timing of Notice

- (1) Notice of the election must be given at least fourteen (14) days before the date for which the election is scheduled.
- (2) The Notice of the Election must be displayed prominently on Society notice boards.
- (3) It is the responsibility of the President to ensure that the notice requirement is satisfied.

8.1.2 Receipt of Nominations

- (1) President to Receive
The President is to receive nominations for Council positions.
- (2) Timing of Nominations
The nominations must be received no later than seven (7) days prior to the commencement of the election.
- (3) Contents of nomination

A nomination must include:

- (a) The member's name;
- (b) The Council position(s) for which they are standing; and
- (c) The signature of the nominee; and

A nomination may include:

- (a) A statement of candidature
- (4) Limits on Number of Nominations

An individual may not nominate for greater than two (2) positions on the Council.

8.1.1 Eligibility to Nominate for President

- (1) In order to nominate for the position of President, the member must be a member of council or have been a member of council, but not have had their membership terminated.
- (2) If no person satisfying (1) nominates for the position of President, the position shall be opened for nomination from all ordinary and tiered members of the Society.
- (3) Notwithstanding (1) an ordinary member may nominate for the position of President if they have the written consent from fifty (50) ordinary members of the Society.
- (4) Notwithstanding (1) an ordinary member may nominate for the position of President if they were a member of the "ALSA Conference 2004 Society".

8.1.2 Eligibility to Nominate for an Executive Position other than President

- (1) In order to stand for an Executive position other than that of President, the member must be a member of council or have been a member of council, but not have had their membership terminated.

- (2) If no person satisfying (1) nominates for any of the Executive positions, then that position shall then be open to nominations from all ordinary members of the Society.
- (3) Notwithstanding (1) an ordinary member may nominate for an executive position if they have the written consent from twenty five (25) ordinary members of the society.
- (4) Notwithstanding (1) an ordinary member may nominate for an executive position if they were a member of the "ALSA Conference 2004 Society".

8.2 Returning Officer

8.2.1 President to Appoint

The Returning Officer ("RO") shall be appointed by the President.

8.2.2 Returning Officer not to be Running for Council

The President shall not appoint a person who is running for Council as RO.

8.2.3 Returning Officer to Determine Method of Voting

The RO shall determine the precise method of voting.

8.2.4 President may be Returning Officer

The President may appoint him or herself as returning officer where they are not running for an elected position on council

8.3 Other Electoral Matters

8.3.1 Length of election period

The election shall be for a period of four (4) days for a minimum of two (2) hours per day.

8.3.2 Eligibility to Vote

Only members who are in class of members with voting rights may vote.

8.3.3 Candidates for election to a position on the Council are only permitted to campaign in the forms of campaigning that are specified in the Election Standing Rules attached to the nomination forms and available on the official UTS LSS website.

8.4 Election of a New Councillor

(1) The members of Council may elect a member of the Society to fill any casual vacancies on council.

8.4.1 Notice of Election and Nomination

(a) Timing of Notice

Notice of the election must be given at least seven (7) days before the date for which the election is scheduled.

- (1) The Notice of the Election must be displayed prominently on Society notice boards.
- (2) It is the responsibility of the President to ensure that the notice requirement is satisfied.

8.4.2 Receipt of Nominations

(a) President to Receive

The President is to receive nominations for the vacant Council position.

(b) Timing of Nominations

The nominations must be received no later than three (3) days prior to the commencement of the election.

(c) Contents of nomination:

A nomination must include:

- (1) The ordinary member's name; and
- (2) The Council position(s) for which they are standing;
- (3) The signature of the member; and

A nomination may include:

- (1) A statement of candidature.

8.4.3 Other Electoral Matters

(a) Eligibility to Vote

Only members of council are entitled to vote

(b) President to fulfil the Role of Returning Officer

In an election to fill a vacant councillor position (other than that of President) the President fulfils the role of the Returning Officer and pursuant to that role, will decide the precise method of voting.

9. AMENDMENTS TO THE CONSTITUTION

9.1 Special Majority Required

The Constitution may only be amended by a Special Majority at a General Meeting.

9.2 Certain obligations of nominated councillor

In the event of an amendment being passed, a nominated councillor shall make available amended copies of the Constitution.

10. INDEMNITY OF COUNCIL

The Council is indemnified against all actions, costs, expenses, losses and demands where the Council as a whole or an individual councillor is:

10.1 Acting within the scope of its/their portfolio

10.2 Acting in good faith

10.3 Not acting (or having acted) in breach of the Crimes Act

10.4 Not acting (or having acted) with gross negligence

11. ACCOUNTS

11.1 The Society to keep Accounts

The Council must cause proper books of account to be kept.

11.2 Where Accounts to be kept

The books of account must be kept at the office or at such other place as the Council thinks fit.

11.3 Annual accounts

The Council must cause to be prepared, circulated to and laid before the members in General Meeting such income and expenditure accounts, balance sheets and reports as are necessary from time to time.

**12. NON PROFIT AND DISSOLUTION PROVISIONS OF THE UTS LAW
STUDENTS' SOCIETY**

12.1 In the event of the dissolution of the Society for any reason whatsoever, the assets and income of the Society shall be applied solely in furtherance of its nominated objects and no portion shall be distributed directly or indirectly to the legal or beneficial interests of the members of the Society, except as bona fide compensation for services rendered or expenses incurred on behalf of the Society.

In the event of the Society being dissolved for any reason whatsoever, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to the UTS Union Ltd.