

# **QUT Student Guild Constitution**

## **Contents**

<b>Part 1</b>	<b>Name, Objects and Powers</b>
C1	Name
C2	Objects
C3	Powers
<b>Part 2</b>	<b>Membership</b>
C4	Members
C5	Entitlements of Students
<b>Part 3</b>	<b>General Meetings</b>
C6	General Meetings
<b>Part 4</b>	<b>Guild Council</b>
C7	Establishment
C8	Delegation
C9	Membership
C10	Meetings
C11	Chairperson
C12	Term of Office
<b>Part 5</b>	<b>Guild Bodies</b>
C13	Guild Bodies
<b>Part 6</b>	<b>Elected Officers</b>
C14	Elected Officers
C15	Sharing of Office
<b>Part 7</b>	<b>Elections</b>
C16	Conduct
C17	Electoral Tribunal
C18	Eligibility to Stand and Vote
C19	Casual Vacancy
<b>Part 8</b>	<b>Affiliated Bodies</b>
C20	Affiliated Bodies
<b>Part 9</b>	<b>Finance and Legal</b>
C21	Financial Year
C22	Funds and Accounts
C23	Annual Budget
C24	Guild Major Projects Reserves
C25	Audit
C26	Documents
C27	Common Seal
C28	Indemnity
C29	Publications
C30	Validity of Acts
C31	Alteration of Constitution
C32	Regulations
C33	Interpretation
C34	Dissolution
C35	Commencement

C36 Transitional

**Schedule 1 Dictionary**

**Schedule 2 Continuing Provisions of Former Constitution**

## **Part 1 Name, Objects and Powers**

### **C1 Name**

1.1 The name of the body is the Queensland University of Technology Student Guild.

### **C2 Objects**

2.1 The objects of the Guild are:

- (a) to promote the educational and academic activities, and progress of the University and generally to further the aims, objects and interests of the University;
- (b) to advance and promote the interests of students both within and outside the University;
- (c) to represent the views of students to individuals, corporations, bodies or any other group within and outside the University;
- (d) to provide, conduct and/or manage educational, cultural, sporting, welfare, recreational, social, commercial or other such services, amenities and/or facilities which are in the interest or for the benefit of students;
- (e) to examine, recommend and negotiate improvements, wherever possible, on matters concerning the welfare of students;
- (f) to provide a forum for the discussion of matters of interest to students;
- (g) to encourage students to participate in educational, cultural, social, political, religious, sporting and recreational activities;
- (h) to nominate students, as required, to serve on any boards or committees of the University which have provision for student membership;
- (i) to join with the University in providing such cultural, sporting, recreational, social, commercial, welfare or other services, amenities and/or facilities which are in the interest or for the benefit of students;
- (j) to promote the social life of the University by organising and supervising activities;
- (k) to establish and maintain means of communication, consultation and co-operation between students and the University;
- (l) to promote the improvement or reform of any aspect of education within the Commonwealth of Australia or the State of Queensland;
- (m) to review the Statutes that apply to students and recommend to QUT Council as and when appropriate amendments to the Statutes;
- (n) to provide such services, amenities and/or facilities to persons other than students of the University as may be incidental to and appropriate in achieving these objects otherwise described in this sub rule;
- (o) to promote the concept of universal membership to the students of QUT and to the general community;
- (p) to ensure the Guild is an equal opportunity employer and to promote equality of opportunity in carrying out these objects;
- (q) to ensure the Guild is a discrimination free workplace and to promote the principles of anti-discrimination in carrying out these objects; and
- (r) generally to do all things which will benefit students and further the objects of the Guild.

2.2 Each of the objects set out in C2.1(b) to (r) shall be read and construed as and shall operate only as objects which are ancillary or incidental to the object in C2.1(a).

- 2.3 In attaining the objects set out in C2.1, the Guild shall at all times remain independent of any religious or party political organisation.

### **C3 Powers**

- 3.1 The powers of the Guild are:

- (a) to use and expend its income, however derived, in the purchase of equipment, goods, chattels and stock for anything, purpose or use as may be necessary to carry out the objects of the Guild;
- (b) to invest and deal with the monies of the Guild which are not immediately required from time to time in secured investments;
- (c) to operate banking accounts and to transact such financial business as may be necessary to carry out the objects of the Guild;
- (d) to apply any grants and payments of money made by the University and other monies in the nature of grants which are made available to it for any specific purposes for which such grants might be made;
- (e) to borrow or raise or secure the payment of money for any of the objects of the Guild in such manner and upon such terms as determined and to secure the repayment thereof by any mortgage or charge of any property present or future of the Guild or to secure any guarantee by any other person, firm, corporation or unincorporated association in respect of the repayment of such money or to secure the repayment of such money in any other manner;
- (f) to enter into contracts;
- (g) to lend monies to enrolled students on such terms and conditions as determined in furtherance of the objects of the Guild;
- (h) to purchase, take on lease or in exchange, hire or otherwise acquire any real or personal property and to sell, lease, mortgage, or otherwise dispose of it;
- (i) to establish and supervise all affiliated bodies and to make grants thereto for approved purposes;
- (j) to engage and dismiss persons or hire agents in its service and to remunerate a student in cash, or otherwise, for services rendered;
- (k) to hold licences under any legislation for the time being in force;
- (l) to publish, print and circulate a Guild Newspaper and such other student publications in any media form as determined;
- (m) to carry on business of any kind, type or description whether in partnership with or under any arrangements as to the sharing of profits or otherwise with a student or a body;
- (n) to establish, operate, maintain, whether on the property of the Guild or elsewhere, any physical facilities or services for student accommodation, refectories, commercial and recreational amenities and all other things without restriction of any kind for the benefit of students, provided that any such physical amenities and facilities which are established on campuses must first be approved by the University;
- (o) to generally act in any matter authorised in the Act or this Constitution or as necessary or convenient for giving effect to this Constitution; and
- (p) without limiting the powers set out in C3.1(a) to (o) all of the powers of an individual.

- 3.2 Each power set out in C3.1 shall not limit any other power set out in C3.1.

- 3.3 The Guild may only exercise its powers in furtherance of its objects.
- 3.4 The income and property of the Guild must be used solely in promoting the Guild's objects and exercising the Guild's powers.

## **Part 2 Membership**

### **C4 Members**

- 4.1 All students are members of the Guild.

### **C5 Entitlements of Students**

- 5.1 Subject to this Constitution and the Regulations, only students may:
- (a) use the amenities and services of the Guild;
  - (b) stand as, vote for, and nominate or second candidates in elections;
  - (c) requisition, attend, speak, and move and second motions, and vote, at general meetings;
  - (d) attend, speak, and move and second motions at any meeting of Guild Council which is not in camera; and
  - (e) by prior arrangement with the Guild Secretary, inspect records and books of account of the Guild.

## **Part 3 General Meetings**

### **C6 General Meetings**

- 6.1 A general meeting may be convened:
- (a) to debate any matters of concern to students; and/or
  - (b) to make recommendations to Guild Council.
- 6.2 A general meeting may be called on the requisition:
- (a) of Guild Council by resolution; or
  - (b) by petition bearing the name, signature and student number of 250 students.
- 6.3 Upon receiving the requisition the Guild Secretary shall convene a general meeting at a suitable location at the University within two weeks of receipt of the requisition, provided that not less than seven days notice of the meeting shall be given to students by prominently displaying the notice on the noticeboards maintained by the Guild on each campus.
- 6.4 The business of a general meeting shall be restricted to the matters referred to in the requisition and that business shall be stated in the notice of meeting.
- 6.5 The Chairperson, or if the Chairperson is not present, the President, who shall be entitled to exercise a deliberative but not a casting vote, shall chair a general meeting, provided that should neither the Chairperson or President be present within 30 minutes after the appointed time for commencement of the meeting, a student appointed by and from those students present shall chair the meeting and shall act with the powers of the

of the Chairperson, provided that any student acting as chair shall be entitled to exercise a deliberative vote.

- 6.6 Quorum at a general meeting is 150 students.
- 6.7 If a quorum is not present within 30 minutes after the appointed time for commencement of the meeting, or at any time during the meeting, the meeting shall lapse.
- 6.8 Each student shall have one vote and no proxies shall be permitted. All resolutions of a general meeting shall be by a simple majority of votes cast by students present. In the event of a vote being tied, a resolution shall be declared lost.
- 6.9 When a vote has been taken, the person chairing the meeting shall announce whether the motion has been carried or lost.
- 6.10 A resolution passed at any general meeting shall be in the form of a recommendation to Guild Council.
- 6.11 The next meeting of Guild Council shall consider and vote upon all resolutions passed at a general meeting.

## **Part 4 Guild Council**

### **C7 Establishment**

- 7.1 Guild Council is the governing body of the Guild and exercises the powers of the Guild.

### **C8 Delegation**

- 8.1 Guild Council may, by Regulation, delegate any of its powers to:
- (a) a member of Guild Council; or
  - (b) a Guild body that includes one or more members of Guild Council;
- and may impose restrictions to be observed in the exercise of such powers. A delegate must report to Guild Council at least quarterly on any exercise of the powers of the Guild set out in C3.
- 8.2 A power delegated under C8.1 may not be further delegated.

### **C9 Membership of Guild Council**

- 9.1 The members of Guild Council are:
- (a) the Chairperson (non-voting);
  - (b) the elected officers (voting); and
  - (c) the councillors (voting).
- 9.2 Subject to this Constitution, two councillors for each faculty must be directly elected by students. Only a student may stand for election as a councillor.
- 9.3 Each councillor shall only exercise half of one vote at Guild Council.

- 9.4 A member of Guild Council has the function of ensuring the Guild Council performs its functions and exercises its power appropriately, effectively and efficiently.
- 9.5 In performing the function, a member -
- (a) must act honestly and in the best interests of the Guild; and
  - (b) must exercise reasonable skill, care and diligence; and
  - (c) must disclose to Guild Council any conflict that may arise between the member's personal interests and the interests of the Guild; and
  - (d) must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member of another person.

### **C10 Meetings**

- 10.1 Quorum of Guild Council shall be an absolute majority of votes exercisable.
- 10.2 The Guild Secretary is responsible for convening and giving notice of meetings of Guild Council.
- 10.3 Upon receiving a requisition in writing for an extraordinary meeting of Guild Council from:
- (a) the President; or
  - (b) members of Guild Council comprising an absolute majority of votes exercisable; or
  - (c) one per cent of students;
- the Guild Secretary must, by the conclusion of the next business day, convene and give notice of the meeting in accordance with the requisition.
- 10.4 Where the Guild Secretary fails to give notice of, and convene, an extraordinary meeting of Guild Council under C10.3, any member of Guild Council may give notice of, and convene the meeting.

### **C11 Chairperson**

- 11.1 The Chairperson shall chair meetings of Guild Council. The Chairperson is independent of the voting members and is responsible for ensuring the proper conduct of business at meetings of Guild Council.
- 11.2 At the first meeting of Guild Council for a term of office, it shall be the first business of the meeting to hold an election for Chairperson. Where there is a casual vacancy in the office of Chairperson, it shall be the first order of business at the next meeting of Guild Council to hold an election for Chairperson.
- 11.3 The Guild Secretary shall be the Deputy Chairperson of Guild Council and shall chair meetings where the Chairperson is absent, or declines to occupy the chair, or leaves the chair.

11.4 If both the Chairperson and Deputy Chairperson are absent, or decline to occupy the chair, or leave the chair, Guild Council must elect a person present to temporarily chair the meeting.

## **C12 Term of Office**

12.1 Guild Council for each year shall hold office from 1 December in its year of election to 30 November in the following year.

## **Part 5 Guild Bodies**

### **C13 Guild Bodies**

13.1 Guild Council must make Regulations establishing and governing Guild bodies to promote or advance the Guild objects set out in C2.

## **Part 6 Elected Officers**

### **C14 Elected Officers**

14.1 Subject to this Constitution, the following officers must be directly elected by students:

- (a) President;
- (b) Guild Secretary;
- (c) Treasurer;
- (d) Vice-President (Student Rights);
- (e) Vice-President (Campus Culture);
- (f) Vice-President (Sport);
- (g) Vice-President (Gender & Sexuality Rights);
- (h) Guild Newspaper Editor;
- (i) Environment Officer;
- (j) Caboolture Campus Officer;
- (k) Indigenous Officer;
- (l) International Students Officer; and
- (m) Postgraduate Students Officer.

14.2 Only a student may stand for election as an elected officer.

### **C15 Sharing of Office**

15.1 Subject to C15.2, C15.3 and C15.4, up to two persons may, on a shared basis, stand for and hold any office in C14.1.

15.2 C15.1 does not apply to the offices of President, Guild Secretary and Treasurer.

15.3 Up to ten persons may, on a shared basis, stand as candidates and hold the office of Guild Newspaper Editor.

15.4 Two persons must stand as candidates and hold the office of Vice-President (Gender and Sexuality Rights), of whom:

- (a) at least one must be a woman, and



(b) at least one must identify as queer.

15.5 Where more than one person is elected to an office:

- (a) the powers and responsibilities are attached to the office and not the persons who share the office;
- (b) each person so elected has the same powers and duties as if only one person had been elected;
- (c) for the purpose of attendance at Guild Council, the attendance of one of the persons so elected is sufficient for the officer to be recorded in attendance;
- (d) each elected officer has only one vote on Guild Council irrespective of the number of persons holding office; and
- (e) in the event that a vote on Guild Council is taken and there is an irreconcilable difference among the persons sharing the office as to the manner in which the vote is to be cast, the vote will be recorded as an abstention.

15.6 Subject to C15.7, if one person who shares an office vacates that office under C18.1(a), (b) or (c), the remaining person immediately ceases to hold that office, and a casual vacancy arises for the office as a whole.

15.7 If one person who shares the office in C14.1(g) or C14.1(h) vacates that office under C18.1(a), (b) or (c), a casual vacancy arises only for that person, not for the office as whole.

## **Part 7 Elections**

### **C16 Conduct**

16.1 Guild Council must make Regulations:

- (a) for the conduct of elections in a free and democratic manner with independent oversight;
- (b) for the appointment of an independent Returning Officer to conduct all elections; and
- (c) to establish and delegate electoral powers to an independent Electoral Tribunal.

16.2 All elections must be conducted by secret ballot.

16.3 Elections must be conducted annually for all elected officers and councillors.

16.4 An office not filled at the annual elections becomes a casual vacancy on the first day of the next term of office.

### **C17 Electoral Tribunal**

17.1 The Electoral Tribunal shall consist of three members each of whom shall be a legal practitioner. The members of the Electoral Tribunal shall be appointed as follows:

- (a) one member appointed by the President of the Queensland Law Society or any successor body performing the functions of the Queensland Law Society as may exist from time to time;

- (b) one member appointed by the President of the Queensland Bar Association or any successor body performing the functions of the Queensland Bar Association as may exist from time to time; and
- (c) one member appointed by the President of QUT Alumni or any successor body performing the functions of QUT Alumni as may exist from time to time.

17.2 The Electoral Tribunal shall have the power to hear and determine:

- (a) appeals against decisions of the Returning Officer;
- (b) appeals against the result of an election;
- (c) complaints about a breach of the Regulations applying to elections; and
- (d) any other matter referred to the Electoral Tribunal in accordance with the Regulations applying to elections.

17.3 In exercising the powers in C17.2, the Electoral Tribunal shall have the power to:

- (a) determine its own procedures;
- (b) direct the Returning Officer in the conduct of elections;
- (c) affirm or revoke decisions of the Returning Officer;
- (d) recommend to Guild Council that the appointment of the Returning Officer should be terminated;
- (e) invalidate an election and order a new election;
- (f) discipline a person for breaching the Regulations applying to elections.

## **C18 Eligibility to Stand and Vote**

18.1 Subject to C18.2 to C18.13, all students may stand as, vote for, and nominate or second candidates in elections for any office established by this Constitution.

18.2 A student may only vote once in each election in which they are eligible to vote.

18.3 A student may not stand for more than one office on Guild Council.

18.4 Any person who is, or has been in the past three years, a full-time or part-time employee of the Guild, may not stand as a candidate in any election.

18.5 Any person who has been a member of Guild Council for a total of three years or more, whether served consecutively or not, and including periods before this Constitution commenced, may not stand as a candidate in any election.

18.6 A person disqualified by the Electoral Tribunal for breaching the Regulations applying to elections may not stand as, vote for, nor nominate or second candidates in any election for the duration of their disqualification.

18.7 Only Caboolture students may stand as, vote for, and nominate or second candidates in an election for Caboolture Campus Officer.

18.8 Only Indigenous students may stand as, vote for, and nominate or second candidates in an election for Indigenous Officer.

18.9 Only international students may stand as, vote for, and nominate or second candidates in an election for International Students Officer.

- 18.10 Only postgraduate students may stand as, vote for, and nominate or second candidates in an election for Postgraduate Students Officer.
- 18.11 A student may only stand as, vote for, and nominate or second candidates in an election for councillor in one faculty they are enrolled in.
- 18.12 Any person nominated and seconded by two members of Guild Council may stand in an election for Chairperson.
- 18.13 Only voting members of Guild Council may vote in a casual vacancy election and in an election for Chairperson.
- 18.14 A person is not eligible to stand for the office of President, Guild Secretary or Treasurer if:
- (a) the person has been disqualified from managing a corporation under the Corporations Act 2001 (Cwth); or
  - (b) the person has a conviction for an indictable offence other than an offence in relation to which the student is not eligible under C18.14(a).

## **C19 Casual Vacancy**

- 19.1 A person ceases to hold office and a casual vacancy arises where:
- (a) they die;
  - (b) they resign by written notice to the Guild Secretary, or if the person resigning is the Guild Secretary, to the President;
  - (c) they are not, under C18, eligible to stand as a candidate for that office if an election was held at any time during their term of office;
  - (d) they are absent from any three of six consecutive ordinary meetings of Guild Council without leave of absence approved by Guild Council;
  - (e) they are disqualified from managing corporations under the Corporations Act 2001 (Cwth); or
  - (f) they are convicted of an indictable offence, other than an offence in relation to which the person's office becomes vacant under C19.1(e).
- 19.2 If a casual vacancy arises, an election shall take place at the next meeting of Guild Council.
- 19.3 A person elected to fill a casual vacancy shall take office at the close of the Guild Council meeting at which they are elected, and will hold office until the expiration of the current term of office.
- 19.4 If a person holding a position on Guild Council is elected to another position on Guild Council in a casual vacancy election, they shall be deemed to have resigned from their original position.

## **Part 8 Affiliated Bodies**

### **C20 Affiliated Bodies**

20.1 Guild Council must make Regulations governing the affiliation of bodies with the Guild.

## **Part 9 Finance and Legal**

### **C21 Financial Year**

21.1 The financial year of the Guild is from 1 January to 31 December.

### **C22 Funds and Accounts**

22.1 The funds of the Guild must be kept in accounts in the name of the Guild with a reputable financial institution as determined by Guild Council.

22.2 Accounts and associated records must be kept in the English language and in sufficient detail as required to properly explain and justify all transactions in relation to the funds and assets of the Guild. The Treasurer is responsible for keeping the books of account and associated records.

22.3 All amounts must be deposited in the financial institution account as soon as practicable after receipt.

22.4 A payment by the Guild greater than a limit determined by Guild Council must be made by cheque or electronic funds transfer.

22.5 All payments greater than a limit determined by Guild Council must be approved by two persons authorised by Guild Council.

22.6 Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.

22.7 Every petty cash account must be kept on the imprest system, and Guild Council must determine the amount of petty cash to be kept in the account.

### **C23 Annual Budget**

23.1 An annual budget for expenditure of the Guild's funds shall be prepared for each financial year.

23.2 The annual budget shall be submitted to a meeting of Guild Council for adoption before the commencement of the financial year.

### **C24 Guild Major Projects Reserves**

24.1 There shall be a Guild Major Projects Reserve which shall be devoted exclusively to the provision of new or replacement capital items, which shall consist of:

- (a) annual transfers by the Guild;
- (b) all monies in the Guild Major Projects Reserve not expended which shall accumulate from year to year; and
- (c) additional funds allocated by the Guild to the Guild Major Projects Reserve.

24.2 Subject to C24.1, the Guild may expend monies from the Guild Major Project Reserves at any time.

## **C25 Audit**

25.1 Guild Council shall at its first meeting following elections appoint an independent and qualified external auditor, who is a registered accountant and not a student.

25.2 The term of appointment for the auditor shall not be longer than twelve months provided that an auditor may be re-appointed.

25.3 In the event that the position falls vacant for any reason, Guild Council shall appoint another auditor as soon as is practicable.

25.4 As soon as practicable after the end of the financial year, the Treasurer shall cause to be audited by the auditor the income and expenditure for the financial year just ended, and the assets and liabilities and all mortgages, charges and securities affecting the property of the Guild at the close of that financial year, and shall present the audited financial statements to Guild Council at the earliest opportunity for Guild Council to approve.

25.5 The audited financial statements of the Guild shall be published in the annual report of the Guild and shall be presented to QUT Council for its information. QUT Council may, at its discretion, request further information from the auditor about any material matters or internal control issues affecting the integrity of the financial statements and may request that further audit or review work be undertaken by an independent auditor.

## **C26 Documents**

26.1 The Guild Secretary must provide for the safe custody of books, documents, records and instruments of title and securities of the Guild.

## **C27 Common Seal**

27.1 The Guild shall have a common seal.

27.2 The Guild Secretary shall provide for the safe custody and use of the common seal.

27.3 Each instrument to which the seal is affixed shall be signed by two persons authorised by Guild Council.

## **C28 Indemnity**

28.1 The Guild shall indemnify and save harmless in all respects but not limited to incurring of legal costs, whether on an ordinary or indemnity basis:

- (a) members of Guild Council;
- (b) members of the Electoral Tribunal;
- (c) the Returning Officer and subordinates; and
- (d) all other persons elected or appointed under this Constitution or the Regulations;

for acts and omissions, whether beyond the authority of the person concerned or not, committed by that person in good faith whilst honestly intending to discharge their position.

### **C29 Publications**

29.1 The President is the publisher of all material published by the Guild.

29.2 The Guild shall be liable for all material published by the Guild and for the consequences of the breach of any law which may apply to Guild publications.

### **C30 Validity of Acts**

30.1 The proceedings of Guild Council and Guild bodies are not invalid by reason only of:

- (a) an irregularity in the election of, or appointment of, or disqualification of, a member of Guild Council or a member of a Guild body;
- (b) an irregularity in the convening or conduct of any meeting of Guild Council or a Guild body; or
- (c) a vacancy in the membership of Guild Council or a Guild body.

30.2 The acts of elected officers are not invalid by reason only of an irregularity in their election, appointment or disqualification.

30.3 Guild Council may, by an absolute majority, extend or abridge any time limit prescribed by this Constitution or the Regulations.

30.4 C30 does not apply to a time limit or procedural requirement set out in C31.

### **C31 Amendment of Constitution**

31.1 Subject to the Act, this Constitution may only be amended by resolution passed by an absolute majority of Guild Council, provided at least fourteen days' notice of the proposed amendment has been given to all members of Guild Council.

31.2 This Constitution and each amendment of this Constitution must be submitted to QUT Council for its approval, and has no effect until approved by QUT Council.

31.3 An amendment to this Constitution approved by QUT Council shall take effect on the day after it is approved by QUT Council, or on such other day as may be specified in the resolution passed by Guild Council and approved by QUT Council.

### **C32 Regulations**

32.1 Guild Council may make and amend Regulations to give effect to this Constitution.

32.2 Regulations may only be made or amended by resolution passed by an absolute majority of Guild Council, provided at least seven days' notice of the proposed amendment has been given to all members of Guild Council.

- 32.3 Any Regulation which is inconsistent with the Act or this Constitution, shall be inoperative to the extent of the inconsistency.
- 32.4 Guild Council shall provide QUT Council with copies of the Regulations and any amendments to the Regulations within fourteen days of the Regulations or amendments being approved by Guild Council.

### **C33 Interpretation**

- 33.1 Guild Council is responsible for interpreting this Constitution.
- 33.2 Unless wholly or partly displaced by a contrary intention, the *Acts Interpretation Act 1954* (Qld) shall apply to this Constitution.
- 33.3 A reference to “C” followed by a number or a number and letters is a reference to the correspondingly numbered provision in this Constitution.
- 33.4 The dictionary in schedule 1 defines particular words used in this Constitution.

### **C34 Dissolution**

- 34.1 If upon winding-up or dissolution of the Guild there remains, after satisfaction of all its debts and liabilities, any income or property whatsoever, the same shall not be paid or distributed among students, but shall devolve upon a trust to be used for the purposes of establishing some other representative student organisation recognised by the University and having objects similar to the objects of the Guild, and which shall prohibit the distribution of its income and property among its members.

### **C35 Commencement**

- 35.1 This Constitution shall take effect on the day after it is approved by QUT Council.

### **C36 Transitional**

- 36.1 Notwithstanding the adoption of this Constitution, the members of Guild Council immediately prior to the commencement of this Constitution will remain as members of Guild Council under the Constitution in effect immediately before this Constitution commenced, until the expiration of the current term of office.
- 36.2 For the avoidance of any doubt, the commencement of this Constitution will not have the effect of invalidating the election, appointment or employment of any officer or employee of the Guild.
- 36.3 For the avoidance of any doubt, the officers in C9.2 and C14.1 shall be elected at the first annual elections held after the commencement of this Constitution and shall take office upon the commencement of the next term of office.
- 36.4 The position of Treasurer will be created as at the commencement of this Constitution and will be filled as a casual vacancy.

36.5 The Regulations in effect immediately before the commencement of this Constitution shall continue in effect after the commencement of this Constitution until amended by Guild Council.

33.6 As at the commencement of this Constitution, the next financial year will begin on 1 December and conclude on 31 December of the following calendar year.



## Schedule 1 – Dictionary

In this Constitution, unless the contrary intention appears –

***absolute majority*** means a majority of the votes exercisable.

***Act*** means the *Queensland University of Technology Act 1998* (Qld) and any successor Acts thereof.

***affiliated bodies*** means organisations affiliated to the Guild under this Constitution and the Regulations.

***annual elections*** means the elections under C16.3.

***Caboolture student*** means a student who is enrolled in a course or unit of study at the University’s Caboolture campus.

***casual vacancy election*** means an election under C19.2.

***casual vacancy*** has the meaning given to it by C19.1.

***Chairperson*** means the person who holds the office established under C11.1.

***councillor*** means a person holding an office established under C9.2.

***elected officer*** means a person holding an office established under C14.1.

***election for Chairperson*** means an election under C11.2.

***election*** means annual elections, a casual vacancy election, and an election for Chairperson.

***Electoral Tribunal*** means the body established under C16.1(c).

***faculty*** means academic faculties as determined by the University from time to time.

***financial year*** has the meaning given to it by C21.

***general meeting*** means a meeting held under C6.

***Guild Council*** means the body established by C7.

***Guild*** means the Queensland University of Technology Student Guild established by the Act.

***Guild Secretary*** means the person who holds the office established under C14.1(b).

***Indigenous student*** is a student who identifies as Aboriginal or Torres Strait Islander.

***international student*** has the same meaning as “overseas student” in the *Higher Education Support Act 2003* (Cth).

***legal practitioner*** has the same meaning as “Australian legal practitioner” in the *Legal Profession Act 2007* (Qld).

***member of Guild Council*** means a person holding an office listed in C9.1.

***office*** means a position established by this Constitution or the Regulations, and includes members of Guild Council and Guild bodies, but not employees of the Guild.

***officer*** means a person elected or appointed to an office, and where an office is shared under C15, each person who is elected to that office.

*ordinary meeting* means all meetings of Guild Council that are not extraordinary meetings.

*postgraduate student* means a person enrolled in a postgraduate course or unit of study at the University.

*President* means the person who holds the office established under C14.1(a).

*QUT Council* means the Council of the Queensland University of Technology established under the Act.

*Regulations* means the Regulations made under this Constitution.

*Returning Officer* means the person appointed to that position as established under C16.1(b).

*Statutes* means the Statutes of the University made under the Act.

*student* means a person enrolled in a course or unit of study at the University.

*term of office* has the meaning given to it by C12.

*Treasurer* means the person who holds the office established under C14.1(c).

*University* means the Queensland University of Technology.

*votes exercisable* means the total number of votes eligible to be cast at a meeting of Guild Council or a Guild body, including those absent and those abstaining. Where a casual vacancy arises, a vote is not eligible to be cast for that office.

## **Schedule 2 – Continuing Provisions of Former Constitution<sup>1</sup>**

### **76 Campaigning**

- (a) (ii) (A) a candidate shall not, directly or indirectly, provide or offer to provide to an ordinary member a benefit where the obtaining of that benefit is conditional upon the ordinary member casting a ballot in any election, ballot or plebiscite conducted by the Guild.
- (B) rule 76(a)(ii)(A) and this rule, rule 76(a)(ii)(B), may only be amended by a special resolution.

For the purposes of interpreting this schedule –

*ordinary member* means a student.

---

<sup>1</sup> Rule 76(a)(ii) of the Constitution in operation immediately prior to the coming into effect of this Constitution could only be amended by a special resolution (75% affirmative votes cast by all Guild Council members voting in person following 28 days notice being given), and is therefore a continuing provision of the former Constitution.