



## Constitution of Bachelor of Philosophy (Honours) Union

### CHAPTER ONE: THE ARTICLES OF ASSOCIATION

#### 1: Name

(1) The name of the Organisation shall be *Bachelor of Philosophy (Honours) Union*.

#### 2: Objectives

(1) The objectives of the Organisations shall be:

- (a) To become affiliated to, and remain affiliated to, the relevant Subsidiary Councils of the Guild of Undergraduates;
- (b) To advocate for, provide services to, and the publically represent the view of Student of the Bachelor of Philosophy (Honours) degree at the University of Western Australia;
- (c) To encourage and promote cooperation between the Organisation and other affiliated societies of the University;
- (d) To do all such things as would appear necessary and proper for the benefit or advancement of members of the Organisation;

(2) The property and income of the Organisation shall be applied solely towards the promotion of the objectives of the Organisation and no part of that property or income shall be paid or otherwise distributed, directly or indirectly, to members, except in good faith and in the promotion of those objectives.

#### 3: Membership

(1) The Members of the Organisation shall consist of Standard Members, Associate Members and Honorary Life Members;

(2) Standard Members shall consist of those persons enrolled part-time or full-time at the University of Western Australia who have fulfilled the registration requirements and paid the annual membership fee as determined by the Council.

(a) The Council shall deem any person enrolled in the Bachelor of Philosophy (Honours) program at the University of Western Australia to have fulfilled the registration requirement for Standard Membership.

(b) The Council shall have the power to exclude other individuals from Standard Membership, subject to legislative and regulatory protections those other persons may have.

(3) Associate Members shall consist of all other persons who have fulfilled the registration requirements for Associate Membership, and paid the annual membership fee as determined by the Council.

(a) The Council may differentiate the registration requirements for Associate Members from the registration requirement for Standard Members.

(4) Life Members shall consist of those persons on whom the Council and Membership has conferred the award of Life Membership on.

(5) The annual membership fees shall be prescribed by the Council of the Organisation, and shall be no less than \$2 per annum.

(a) The annual membership fee payable by Members who are also Members of the Guild of Undergraduates shall be discounted in such a manner consistent with the Regulations of the Guild of Undergraduates of the University of Western Australia.

#### **4: General Meetings of the Organisation**

(1) The Organisation shall hold its Annual General Meeting no less than four (4) weeks before the conclusion of the second semester of the academic year at the University of Western Australia.

(2) The Executive or Council of the Organisation may, by simple majority vote, call an Ordinary General Meeting of the Organisation.

(3) The Secretary shall call a Special General Meeting of the Organisation upon receipt of a written requisition signed by any ten (10) Members of the Organisation.

(a) A Special General Meeting of the Organisation called in this manner shall be held within fourteen (14) days after the receipt of the written requisition by the Secretary.

(b) If the Secretary fails to call a Special General Meeting within fourteen days, any signatories of the requisition may do so.

(c) Any business set out in the requisition shall have precedence over all other business discussed at the Special General Meeting.

#### **5: Provisions governing Meetings of the Organisation**

(1) The Secretary shall cause written notice of any Annual General Meeting, Ordinary General Meeting or Special General Meeting to be posted on the Guild notice boards, or

on a designated Internet forum of the Organisation, at least seven (7) days before the date appointed for that Meeting.

(a) The Secretary shall, at the same time, publish the proposed agenda for that Meeting.

(2) No General Meeting called under section 4 of the Constitution shall be held while a Guild General Meeting is in progress.

(3) The quorum for a General or Special Meeting shall consist of at minimum one-eighth of the current number of Standard Members.

(4) A resolution other than a resolution to amend this Constitution shall be passed by the affirmative vote of a simple majority of the Standard Members voting.

(5) Within not more than two (2) days after any Meeting, the Secretary shall cause minutes of said Meeting to be made available to all Members of the Organisation.

(6) Subject to this Constitution, Meetings of the Organisation shall be conducted with such procedure as the Council may enact. In absence of these procedures, the procedures shall be the Standing Orders of UWA Student Guild Council.

## 6: Council of the Organisation

(1) The Council of the Organisation shall consist of:

- (a) The members of the Executive; and
- (b) The General Councillors;

(2) No person shall hold more than one position of the Council simultaneously.

(a) If a person is validly elected or accepts appointment to a position on the Council such that they hold multiple positions, the office they previously had held shall be deemed to be vacant.

(3) No person shall be elected to the position of President of the Bachelor of Philosophy (Honours) Union if they have served a full term as President of the Bachelor of Philosophy (Honours) Union.

(4) The Council may deem an office of a member of the Executive or General Councillor (with the exception of the President) vacant, through a Special Resolution of the Council.

(a) A Special Resolution shall only pass with the consent of three-quarters of the Council.

(5) The Office of the President of the Bachelor of Philosophy (Honours) Union shall only be deemed vacant by an Extraordinary Resolution of the Council;

(a) An Extraordinary Resolution of the Council shall only pass with the consent of three-quarters of the Council.

(b) An Extraordinary Resolution of the Council must be passed separately in two consecutive Council Meetings for the motion to come into effect.

(6) If a person ceases to be a member of the Organisation, then any office they may hold on the Council shall fall vacant from the moment that person ceases to be a member.

## 7: Provisions governing Meetings of the Council

- (1) The Council shall meet at such times and places as the Secretary shall determine.
- (2) The Council shall meet not less than once every three months.
- (3) The Secretary shall, issue notice of the upcoming Meeting to all Councillors not less than seven (7) days in advance of that Meeting, together with an agenda of the business to be discussed.
- (4) Unless the Council resolves otherwise, Meetings of the Council shall be open to all Members of the Organisation.
- (5) The Council shall establish rules, procedures and quorum requirements for its meetings. In absence of these rules, Quorum shall be set at six (6) Councillors, at least 3 of whom are members of the Executive. In absence of these rules, the Council shall adopt the Standing Orders of the Guild Council to govern the procedure of Council Meetings.
- (6) A resolution of Council shall be passed by the affirmative vote of a simple majority of the Councillors voting.
- (7) Within not more than two (2) days after any Meeting of the Council, the Secretary shall cause minutes of said Meeting to be made available to all Members of the Organisation.

### **8: Powers of the Council of the Organisation**

- (1) Subject to this Constitution, the Council shall be responsible to the Organisation in General Meeting for giving effect to the Objectives of the Organisation and for carrying on its everyday business;
- (2) The Council shall have the power to
  - (a) Acquire, hold, deal with and dispose of property;
  - (b) Invest and dispose of the Organisation's money;
  - (c) Open and operate banking accounts;
  - (d) Enter into contracts;
  - (e) Seek out and coordinate sponsorship for the Organisation;
  - (f) Make regulations for the orderly and proper management of the affairs of the Organisation, ensuring that no regulation is inconsistent with, or repugnant to, this Constitution;
  - (g) Make, alter or repeal By-Laws and impose fines for the breach thereof.
    - i. The maximum fine imposed shall not exceed the amount prescribed by Guild Regulations.

### **9: Executive of the Organisation and Executive Office Bearers**

- (1) The Executive of the Organisation shall consist of:
  - (a) The President;
  - (b) The Secretary;
  - (c) The Treasurer;
  - (d) The Vice-President (Education);
  - (e) The Vice-President (Activities);
  - (f) The Vice-President (Outreach).

(2) The members of the Executive may act as a trustee and accept and hold real and personal property upon trust:

(a) In giving effect to the Objects of the Organisation and for the efficient administration, organisation and conduct of the activities and affairs of the Organisation; or

(b) For a charitable organisation, but only:

i. In connection with the activities and affairs of the Organisation; and

ii Where a prior resolution of the Organisation in General Meeting authorises the Executive to act as trustee and to accept and hold real or personal property specified in the resolution upon trust for a charitable organisation also specified in the resolution.

(3) The Executive shall not do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Constitution.

### 10: General Councillors

(1) The General Councillors shall consist of:

(a) Ordinary Council Members; and

(b) Fresher Councillors.

1.1 Fresher Councillors shall be students in their first year of enrolment in the Bachelor of Philosophy (Honours) program and at the University of Western Australia or students in their first year of enrolment in the Bachelor of Philosophy (Honours) program after having transferred from a different degree program offered at the University of Western Australia, during the electoral term following their election.

At least one Fresher Councillor shall be a student in their first year of enrolment in the Bachelor of Philosophy (Honours) program and at the University of Western Australia, during the electoral term following their election.

1.2 The titles and responsibilities may be decided by the Executive and Councillors, and positions may include:

(a) Communications Officers;

(b) Interfaculty Sports Representatives; and

(c) International Students' Representatives.

(1) The General Councillors shall consist of:

(a) Four Ordinary Council Members; and

(b) Two Fresher Councillors

(2) The Fresher Councillors shall be

(a) Students in their first year of enrolment in the Bachelor of Philosophy (Honours) program and at the University of Western Australia, during the electoral term following their election; or

(b) Students in their first year of enrolment in the Bachelor of Philosophy (Honours) program after having transferred from a different degree program

offered at the University of Western Australia, during the electoral term following their election.

(3) Only Standard Members of the Organisation shall be eligible for election or appointment as General Councillors.

(4) The Fresher Councillors shall be elected on or before March 31 of the year of their term.

### **11: Elections**

(1) Only Standard Members shall be permitted to nominate for any position in elections of the BPhil Union.

(2) Only Members eligible to nominate for a particular position for election shall be eligible to cast a ballot in an election.

(3) Elections shall be conducted in accordance with Chapter III of the Constitution.

(4) Any breaches of Chapter III of the Constitution shall be dealt with according to the procedures contained within Chapter III of the Constitution.

### **12: Duration of Office**

(1) Persons elected to the Executive or the Council of the Organisation shall hold office from January 1 to December 31 of the year subsequent to the year of their election.

(a) Fresher Councillors shall hold office from the date on which their election is declared by the appropriate Returning Officer, to December 31 of the year of their election.

### **13: Appointed Officers of the Organisation**

(1) The Council of the Organisation may enact By-Laws that allow for the appointment of individuals as officers of the Bachelor of Philosophy (Honours) Union, subject to the following restriction:

(a) That the Appointed Officers of the Bachelor of Philosophy (Honours) Union not be given any voting rights on the Council, the ability to count towards quorum for Council Meetings, or the automatic attendance rights to a discussed by the Organisations Council.

(2) The President may extend a standing invitation for an Appointed Officer to attend Council Meetings.

### **14: In-Term Succession**

(1) Any member of the Executive, General Councillor, Fresher Councillor or Appointed Officer of the Organisation may resign their office by sending notice of that fact to the Secretary of the Bachelor of Philosophy (Honours) Union.

(a) The Secretary may resign their office by sending notice of that fact to the President of the Bachelor of Philosophy (Honours) Union.

(2) If a vacancy arises in the office of the President of the Bachelor of Philosophy (Honours) Union, then the Secretary shall immediately take office as Acting President of the Union, and shall remain as Secretary for the duration of their temporary appointment.

(3) If a vacancy arises in the office of Secretary of the Bachelor of Philosophy (Honours) Union, then the President shall immediately take office as Acting Secretary of the Union, and shall remain as President for the duration of their temporary appointment.

(4) If a vacancy arises in any other Executive Office, any General Committee or Fresher Committee member position, the President shall have the right to appoint any Standard Member of the Union to act in that capacity. In the event there is no Presidential appointment, the office shall remain vacant.

(5) The Acting Secretary or Secretary shall call a meeting of the Council within seven (7) days of a vacancy arising in any Executive Office or General Committee Member or Fresher Committee Member position. The exclusive business of that meeting shall be the election of individuals to fill the vacancy/ vacancies. Any Presidential appointment made under s14 (4) shall lapse upon the commencement of the meeting.

(6) Any Election under the aforementioned section shall be held in compliance with Chapter III of the Constitution.

### **15: Chair**

(1) The President may take the Chair at any Meeting of the Organisation or of the Council of the Organisation.

(2) In the event that the President is unwilling or unable to chair any Meeting, that Meeting may elect its own Chair.

### **16: Duties of Councillors of the Organisation**

(1) In addition to any duties described elsewhere in this Constitution, the duties of the Councillors of the Organisation shall be as follows:

(a) The President shall:

- i. Direct, coordinate and supervise the work of the other Councillors of the Organisation;
- ii. Direct the activities and manage the affairs of the Organisation;
- iii. Maintain, promote and uphold appropriate standards of conduct within the Council;
- iv. In the event of a tied vote at any Meeting of the Organisation or Meeting of the Council of the Organisation, exercise a casting vote in addition to their ordinary voting rights;
- v. Represent and promote the views and collective interests of all Bachelor of Philosophy (Honours) students;

- vi. Represent the Organisation when called to do so by the University of Western Australia or the UWA Student Guild; and
  - vii. Preserve, Protect and Defend the mascots of the Organisation.
- (b) The Secretary shall:
- i. Record all proceedings of Meetings of the Organisation and Meetings of the Council of the Organisation;
  - ii. Supply the Secretary of the Guild with the information required to be recorded in the Guild Register of the University Societies by deadlines established by the Guild;
  - iii. Notify the Secretary of the Guild within fourteen (14) days of alterations in the foregoing information;
  - iv. Lodge with the Secretary of the Guild a copy of the Constitution and any By-Laws made under its authority;
  - v. Notify the Secretary of the Guild within fourteen (14) days from the making therefore of any alterations to this Constitution or to any By-Laws made under its authority;
  - vii. Notify the Secretary of the relevant subsidiary council/(s) of the names of the delegates to the subsidiary Council/(s) the Organisation is a member of in accordance with Guild Regulations.
  - viii. In the event of the Organisation being de-registered, present to the Guild Secretary within thirty (30) days a duly audited statement of the financial position of the Organisation together with a copy of a resolution which may have been passed by the Organisation as to the disposition of its funds.
- (c) The Treasurer shall:
- i. Keep such accounting records as correctly record and explain the financial transactions and financial position of the Organisation and to furnish the Council with such accounts and information relating to the finances and property of the Organisation as the Council from time to time require;
  - ii. Keep the Organisation's accounting records in such manner as shall enable true and fair accounts of the Organisation to be prepared from time to time;
  - iii. Keep the Organisation's accounting records in such manner as shall enable true and fair accounts of the association to be conveniently and properly audited;
  - iv. Submit to each Annual General Meeting, accounts showing the financial position of the Organisation at the end of the immediately preceding financial year;
  - v. Arrange and be responsible for the handling of petty cash; and
  - vi. Prepare necessary forms and receipts for relevant Subsidiary Council's in accordance with any Grants policy of the UWA Student Guild.
- (d) The Vice-President (Education) shall:
- i. Conduct the educational and academic activities of the Organisation under the direction of the President.
- (e) The Vice-President (Activities) shall:



i. Conduct the social and cultural activities of the Organisation under the direction of the President.

(f) The Vice-President (Outreach) shall:

ii. Assist the President in conducting the interaction of the Organisation with the student body at the University of Western Australia, the UWA Student Guild, the Bachelor of Philosophy (Honours) Board of Studies and any other relevant person, persons or organisation; and

(g) The Fresher Councillors shall:

i. Represent the interests and concerns of Standard Members in their first year of enrolment in the Bachelor of Philosophy (Honours) program; and

ii. Undertake duties given to them by the Executive.

(h) The Ordinary Council Members shall:

iii. Undertake duties given to them by the Executive.

(2) The Council may make By-Laws imposing additional duties on members of the Council, or provide specific interpretation of the clauses of the section.

### **17: Deposit and Withdrawal of Monies**

(1) All monies due and payable to the Organisation shall be received by the Treasurer who shall lodge them without undue delay in the Central Banking of Guild Council for the credit of the Organisation, or any other bank account designated by the Council for conducting the affairs of the Organisation.

(2) Any two Executive Office Bearers may jointly sign cheques and forms of authority for the payment of funds of the Organisation.

### **18: Major Obligations of the Organisation to the Guild**

(1) The Organisation shall comply with the Regulations of the Guild, the Rules of the relevant Subsidiary Council the Organisation is affiliated to, and all other provisions enrolled upon the Guild Statutes book.

(2) All Councillors and appointed officers, shall be jointly and severally responsible for such compliance, and shall be deemed liable in the event of non-compliance therewith.

(3) The Council may apply for membership of Subsidiary Councils of the Guild and may enter into agreements related to the membership of affiliated Subsidiary Council's.

### **19: Expulsion of Members**

(1) The Council may pass a resolution by a two-thirds majority, to issue a notice of intended expulsion to any Standard, Associate or Honorary Life Member of the Organisation. The Secretary shall then write to the member advising them that the notice of intended expulsion has been issued.

(2) If, fourteen (14) or more days after having received such written notice, the Associate or Honorary Life Member concerned has not resigned from the Organisation, they shall be

deemed to have resigned their membership of the Organisation, and they shall no longer enjoy any privileges of Standard, Associate or Honorary Life Membership .

(3) Any expulsion of a Member shall be subject to review at the next Meeting of the Organisation, with the member concerned present and to be heard, if so willing.

### 20: Availability of Constitution

(1) The Council shall make electronic copies of this Constitution available on request to all Members.

### 21: Amendments

(1) Any three (3) Financial Standard Members of the Organisation may, not less than five (5) days before the day appointed for the next General Meeting of the Organisation, submit to the Council a notice of special resolution signed by them proposing an alteration to this Constitution.

(a) Written notice of this special resolution shall be submitted to all Members of the Organisation before the next General Meeting.

(b) The special resolution shall then be considered by Members of the Organisation voting at the next General Meeting.

i. Amendments that are relevant to the subject matter thereof may be moved without notice.

(2) The special resolution pertaining to any amendment shall not be adopted unless it receives a three-fourths majority of the Members of the Organisation present, and voting.

(3) The special resolution as adopted with any amendments shall come into force upon receiving the approval of the relevant subsidiary Councils of the UWA Student Guild.

### 22: Interpretation of the Constitution

(1) In the event of any conflict between this Constitution and any relevant provision enrolled upon the Guild Statutes book or any resolution passed by Guild Council, or the subsidiary Councils of the Guild of Undergraduates, the provision or resolution of the Guild shall take precedence.

(2) In any circumstance where the interpretation of this Constitution is required, the President shall have the power to provisionally interpret the meaning of any provisions contained therein.

(3) The Council may by simple majority pass a motion interpreting any section of this Constitution. This interpretation shall take place over any interpretation made exclusively by the President.

### 23: Dissolution

(1) Any property remaining in the event of the dissolution of the Organisation, after satisfaction of all the Organisation's liabilities, shall not be paid or distributed among the Members but shall be given or transferred to another association that:

(a) Has similar objects;

(b) Is not carried out for the purposes of profit or gain to its individual members;  
and

(c) Is approved by resolution of the Organisation in Meeting.

## **24: Board**

(1) A Board will consist of people who have been associated with BPhil Union and Members will be appointed to the Board in accordance with the following standards:

1.1 Board Members will be appointed to the position based on an affirmative two-thirds majority vote of the Executive.

1.2 A candidate for the Board may be voted on by the Executive if and only if they have demonstrated both an ongoing commitment to the objectives of the BPhil Union and they have the knowledge necessary to assist in critical decision-making.

1.3 Board Members will be elected for periods of two (2) years before their membership is reviewed to ensure that they remain aligned with the features described in 1.1.2.

(2) Board Members will serve as advisors to the Society's Council. Advice should be requested in a manner which suits the Board Member's other commitments.

2.1 Board Members should aim to assist in BPhil Union decision-making and coordination between the BPhil Union, outside organisations and University Faculty.

2.2 The Board shall hold no direct power over the society's finances, and members will remain neutral to the yearly election of Executive and Committee positions.

2.3 Board Members should advise the Council of the Society which method of communication is most convenient to them.

2.4 Board Members should advise the Council on the minimum notice time required when scheduling an in-person or online meeting.

2.5 Meetings involving the Board will be conducted with a notice no shorter than the longest requested notice period provided by a Board Member. They may be called by the Secretary (upon the request of three (3) Executive members) or the President.

(3) The Board will be headed by a Board Chair who meets the conditions laid out in 1.1.2 and who has the support of two-thirds of the Executive.

3.1 The role of the Board Chair will primarily be to assist the President with organising joint Board and Council meetings by communicating with other Board members.

(4) Resigning from the Board may be executed via a notice to the President of the BPhil Union.

## **CHAPTER TWO: Provisions relating to the Incorporation of the Bachelor of Philosophy (Honours) Union**

### **1: Supremacy of Chapter Two of the Constitution**

(1) If any part of Chapter Two of the Constitution is inconsistent with other sections of the Constitution, The section within Chapter Two of the Constitution shall override the other sections of the Constitution to the extent of the inconsistency.

## 2: Application of Chapter Two of the Constitution

(1) The provisions of Chapter Two of the Constitution (with the exception of this section) shall come into effect if:

- (a) The Bachelor of Philosophy (Honours) Union, in a General Meeting, passes a Special Resolution instructing the Council of the Organisation to apply to become an incorporated association under the *Associations Incorporation Act 1987* (WA); and
- (b) The Guild Council passes a motion consenting to the Bachelor of Philosophy (Honours) Union deciding to Incorporate; and
- (c) The Bachelor of Philosophy (Honours) Union, in a General Meeting, formally agrees that the Constitution of the Bachelor of Philosophy (Honours) Union should become the Rules for the Association; and
- (d) The Association received a Certificate of Incorporation from the Government of Western Australia.

(2) In the absence of all those criteria being the case, the provisions of Chapter Two of the Constitution shall not apply.

(3) The term “organisation” and “association” as used in this Constitution connote the same continuing entity of the Bachelor of Philosophy (Honours) Union and the Bachelor of Philosophy (Honours) Union (Inc.)

(4) If the *Associations Incorporation Act 1987* is repealed by the Parliament of Western Australia, prior to the conditions outside in Chapter II, section 2 of this Constitution being fulfilled, the Council of the BPhil Union may make reasonable, specific amendments to this Constitution without having to comply with the normal processes for amending the Constitution as specified in Chapter I, section 21, provided that changes to the Constitution made under this clause are necessary for allowing the Incorporation of the Association under the laws of the State of Western Australia.

(5) In the event of subsection 4 of this section being enacted, all references to the *Associations Incorporation Act 1987* may be deemed by Council to be references to a similar future Act, passed by the Parliament of Western Australia.

## 3: The Name of the Incorporated Association

(1) The name of the Association shall be The *Bachelor of Philosophy (Honours) Union Inc.*

(2) Any references in the Constitution to The *Bachelor of Philosophy (Honours) Union* should be interpreted as references to The *Bachelor of Philosophy (Honours) Union Inc.*

## 4: The Register of Members

(1) The Secretary, on behalf of the Association, shall keep and maintain-

in an up to date condition a register of the members of the Association and their postal or residential addresses and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may

make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

(2) The register must be so kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.

(3) The Secretary must cause the name of a person who dies or who ceases to be a member to be deleted from the register of members.

#### 4: The Common Seal of the Association

(1) The Association must have a common seal on which its corporate name appears in legible characters

(2) The common seal of the Association must not be used without the express authority of the Council and every use of that common seal must be recorded in the minute book.

(3) The affixing of the common seal of the Association must be witnessed by any two of the President, the Secretary and the Treasurer.

(4) The common seal of the Association must be kept in the custody of the Secretary or of such other person as the Council from time to time decides.

#### 4: The Records of the Association

(1) The Secretary shall cause proper minutes of all proceedings of all general meetings and Council meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Council meeting, as the case requires, in a minute book kept for that purpose. The Secretary shall also maintain all records required of the Association under the *Associations Incorporation Act 1987 (WA)*

(2) The President must ensure that the minutes taken of a general meeting or Council meeting are checked and signed as correct by the Chair of the general meeting Council meeting to which those minutes relate or by the Chair of the next succeeding general meeting or Council meeting, as the case requires.

(3) A standard, associate or honorary life member, may at any reasonable time, inspect without charge the books, documents, records and securities of the Association.

#### 4: The Alteration of the Constitution

(1) Provisions of the Constitution relating to the name of the Association and the objectives of the association shall not be amended.

(2) If in accordance with the Constitution, the Association in a General Meeting passes a special resolution amending the Constitution of the Association, The Secretary shall lodge with the Commissioner for Consumer Protection, notice of the special resolution setting out particulars of the alteration, together with a certificate given by a member of the Committee

certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of the *Associations Incorporation Act* 1987 (WA).

(3) The alteration of the Constitution shall not take effect until the above clause is complied with.

#### **5: Distribution of surplus property on winding up of the Association**

(1) If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another association incorporated under the *Associations Incorporation Act* 1987 (WA), which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which association shall be determined by resolution of the members.

#### **6: Additional Duties of the Treasurer**

(1) The Treasurer shall comply on behalf of the Associations with sections 25 and 26 of the *Associations Incorporation Act* 1987 (WA), by maintaining appropriate accounting records.

#### **7: The Financial Year**

(1) The Association shall hold its Annual General Meeting no more than four months after the end of its Financial Year.

(2) The financial year of the association shall not exceed 15 months, and shall be a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year.

## CHAPTER THREE: Electoral Regulations of the Bachelor of Philosophy (Honours) Union

- (1) The Electoral Regulations shall apply to all elections to the Council of the Association.
- (2) The Association shall only hold an ordinary election no more than four (4) weeks before the conclusion of the second semester of the academic year of the University of Western Australia.
- (3) In accordance with the Constitution, the Association shall hold elections for the Fresher Councillors before March 31 in the year of their term.
- (4) In accordance with the Constitution, the Association shall hold a special election within seven (7) days of a vacancy occurring within the Council of the Association.

### *Ordinary Elections*

(5) The Council shall affix a date for the Ordinary Elections no less than six (6) weeks before the conclusion of the second semester of the academic year at the University of Western Australia. The Council shall also commission a Returning Officer and Deputy Returning Officer no less than six (6) weeks before the conclusion of the second semester of the academic year of the University of Western Australia.

(6) The Council shall not appoint any person who is:

- (a) A Nominated Candidate in the Ordinary Elections; or
- (b) Is in an intimate relationship with any candidate nominating for a position in the Ordinary Elections -

As Returning Officer or Deputy Returning Officer. If a person duly appointed as Returning Officer or Deputy Returning Officer becomes ineligible to be appointed after their appointment, their office shall be declared vacant.

(7) The Returning Officer or Deputy Returning Officer may resign their commission by sending a letter to the President of the Bachelor of Philosophy (Honours) Union.

(8) If the Returning Officer resigns or is declared vacant, The Deputy Returning Officer shall succeed them as Returning Officer.

(9) If the positions of both Returning Officer and Deputy Returning Officer and Deputy Returning Officer are vacated, the President of the Bachelor of Philosophy (Honours) Union shall assume the power to unilaterally appoint an Acting Returning Officer, who shall assume all the powers of the Returning Officer.

(9) No less than seven (7) days before the first polling day for the Ordinary Elections, The Returning Officer shall issue a Notice on Guild Noticeboards and on relevant electronic platforms informing the membership that nominations are open for all Executive and General Councillor positions.

(10) Nominations shall remain open for at least a five (5) day period. The Returning Officer may place manner and form requirements on the submission of valid nominations, provided that any standard member of the Association is able to nominate for any position contested in an Ordinary Election.

(11) Nominations shall close at least two (2) Days before the first polling day. The Returning Officer shall issue a Notice either declaring the individuals elected to the various positions, or informing the membership that a Poll shall be required. This Notice should contain all the names of the individuals nominating for elections, and the positions they have nominated for.

(12) The Returning Officer shall have the ability to direct the Council to remove defamatory or inappropriate materials from the electronic media associated with the Organisation.

(13) The Returning Officer shall conduct a ballot if required. A Ballot shall be open for a minimum of 72 hours. Elections shall involve by Optional Preferential Voting, and multi-member positions shall use the Single Transferable Vote.

(14) The Ballot shall be conducted electronically. The Returning Officer shall be provided with an e-mail account, and ballots shall be submitted to that e-mail. Only the Returning Officer and Deputy Returning Officer shall have access to this e-mail.

(15) The Returning Officer shall, upon receiving an electronic ballot, confirm that the e-mail was sent from a standard member of the Association, and send that member a receipt containing the time that e-mail was submitted and a randomized specific number.

(16) The Returning Officer and Deputy Returning Officers shall then print off a physical form of that ballot, mark the anonymized random number on that ballot that corresponds with the receipt number sent to the standard member, and place it in a ballot box.

(17) After the poll has closed. The Returning Officer and Deputy Returning Officer shall conduct a Count. Candidates may nominate standard members as their scrutineers, but shall not be scrutineers themselves.

(18) After the count, The Returning Officer and Deputy Returning Officer shall declare the Results of the Election within 24 Hours of the Poll closing. A Notice shall be sent to the Association's Members indicating the members elected to the positions, and the positions for which they have been elected.

(19) A Candidate can run for multiple positions in the election, and shall be deemed elected to the position they have expressed a preference for to the Returning Officer.

(20) In the event of a tie, the candidates shall draw lots. The Returning Officer shall supervise this process.

(21) Only Standard Members shall have the right to nominate for positions and vote in Ordinary Elections

*Breach of the Electoral Regulations relating to Ordinary Elections*



(22) A candidate may, before the declaration of the result and up to five days after the result, petition the incumbent Council to make a finding of fact that the Electoral Regulations have been breached.

(23) The Council must meet to consider the petition within three days of receiving the petition.

(24) The Council may make a finding of fact, if three-fourths of the Council agree to a special resolution finding that

(a) There was an intentional breach of Electoral Regulations by the Returning Officer or Deputy Returning Officers; and

(b) This breach was serious enough that, on the balance of probabilities, the results of one or more elections for positions would have changed had the breach not occurred.

(25) If the Council by special Resolution makes that finding of fact, it may at its discretion, void the election results for the disputed positions, and order a Special Ordinary Election be held after the Conclusion of the second semester of the Academic year of the University of Western Australia, notwithstanding the Electoral Regulations.

(26) All Electoral Regulations with the exception of Regulation 2 and Regulation 5 shall occur in the event of a Special Ordinary Election.

#### ***Fresher Councillor Elections***

(27) The President and Secretary of the Association shall serve as Joint Returning Officers for the election of Fresher Representatives.

(28) The Fresher Councillor Election shall involve a physical ballot.

(29) Nominations shall be open for at least three (3) days, and at least five (5) days notice of the date for the election shall be given to members of the Association.

#### ***Special Elections***

(30) The Council shall appoint a Returning Officer for a Special Election

(31) Only members of the Council shall be able to vote in a Special Election.

(32) Voting shall be by secret ballot.

(33) Standard Members wishing to nominate for a position in a Special Election must be nominated and seconded by a member of the Council.

(34) The Votes shall be counted, and the result declared before the Council meeting adjourns.

(35) In the event of a tie, The Returning Officer shall draw lots between the competing candidates.

(36) Members of Council who have been temporarily appointed to their positions by the President shall not exercise a vote in a Special Election.

(37) The Secretary shall post a notice to all members advising of the Casual Vacancy and the time and date of the Council meeting and Special Election.

(38) The Returning Office shall send a signed certificate of election to the Secretary with 24 Hours of the Election.

## **BYLAW ONE: The Declaration, Amendment and Repeal of By-Laws**

- (1) The Council of the BPhil Union may establish, amend or repeal By-Laws.
- (2) By-Laws may be passed, amended or repealed by an ordinary motion in a Council Meeting achieving a simple majority of voting members.
- (3) All By-Laws shall be recorded by the Secretary, and Signed by the President of the Organisation.
- (4) All By-Laws shall come into effect on the signature of the President.

## **BYLAW TWO: The Non-Voting Officers of the Bachelor of Philosophy (Honours) Union**

- (1) In Accordance with the Constitution, The Council of the Bachelor of Philosophy (Honours) Union establishes the following non-voting Officers of the Organisation:
  - i. The Sponsorship Officer
  - ii. The IT Officer
  - iii. The Promotions Officer
  - iv. The Volunteering Co-ordinator
  - v. The Ball Director
  - vi. The Deputy Ball Director
- (2) The positions may be filled by the President, with the advice and consent of the Council.
- (3) Individuals may be removed as a non-voting Officer by the President.