



THE UNIVERSITY OF  
**WESTERN  
AUSTRALIA**

## Student Guild Regulations

**Approved by Senate on 4 March 2021**

These Regulations are made by the Senate of the University of Western Australia, as the governing authority of the University of Western Australia, under section 16E of the *University of Western Australia Act 1911*.

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## Chapter 1 — Preliminary

### 1 Purpose

The purpose of these Regulations is to regulate the administration and operation of the Student Guild.

### 2 Authorisation

These Regulations are made by the Senate pursuant to the *University of Western Australia Act 1911* section 16E.

### 3 Commencement

These Regulations take effect on 4 March 2021.

### 4 Application

- (1) Subject to the Act, statutes, and by-laws of the University, these Regulations apply to —
  - (a) all Students;
  - (b) all Members of the Student Guild; and
  - (c) all Officers of the Student Guild.

### 5 Interpretation and definitions

- (1) A term used in these Regulations that is given a meaning or effect by the *Interpretation Act 1984* (WA) has the same meaning or effect in these Regulations unless the contrary intention appears.

- (2) In these Regulations, unless the contrary intention appears —

**Act** means the *University of Western Australia Act 1911* (WA);

**Affiliated Society** means a Student Society which is affiliated with a Subsidiary Council of the Guild in accordance with regulation 71;

**Associate Member** means a person approved by the Student Guild as an Associate Member of the Guild pursuant to regulation 8;

**Capital expenditure** means moneys spent by the Guild on acquiring or maintaining fixed assets, such as land, buildings, and equipment;

**Capital works** means work that is undertaken to create a new asset or space, or to change the use, function or layout of an existing asset or space including provision of new building infrastructure, renovation of an existing building or space;

**Department Officer** means those persons elected to the position of a Department Officer as defined in regulation 40;

**Faculty Society** means a Student Society registered by the Guild as a Faculty Society in accordance with regulation 72;

**Finance Director** means the Guild employee responsible for the Guild's financial position through the management of accounting and financial control functions, including establishing the financial strategy with the Managing Director of the Guild;

**First Semester** means the first semester as specified in the University calendar;

**General Guild Elections** means the Annual General Election specified in the Guild Election Regulations, and which are conducted in accordance with the requirements of the Guild Election Regulations.

**Guild** means the Student Guild as established by the *University of Western Australia Act 1911* (WA);

**Guild By-Laws** means the rules approved by Guild Council and includes the matters prescribed in regulation 13;

**Guild Election Regulations** means the current UWA Student Guild Electoral Regulations.

**Guild Committee** means a committee approved by the Guild Council pursuant to regulation 44;

**Guild Councillors** means the members of Guild Council specified in regulation 28;

**Guild Department** means a collective of individuals interested in a particular issue or intrinsically represented by a certain group and approved as a Guild Department by the Guild Council pursuant to regulation 37;

**Guild Executive** means the executive positions of Guild Council which are prescribed in the regulation 31;

**Guild Misconduct** is defined in regulation 86;

**Guild Officer** means any elected or appointed officer of Guild Council, a Subsidiary Council, a Guild Department, Guild Committee, Student Society or any other committee or division of the Guild. This includes, but is not limited to, Office Bearers.

**Guild Personnel Board** means the Guild Committee responsible for the Guild's Enterprise Bargaining Agreement and matters attaining to general Guild staff matters;

**Guild Stances** means the stances adopted by Guild Council pursuant to regulation 12 and recorded in the 'Register of Guild Stances';

**Guild Year** means the period from 1 December to 30 November of the following year;

**Honorary Life Member** means a person approved by the Guild as an Honorary Life Member of the Guild pursuant to regulation 9;

**Managing Director of the Guild** means the Guild employee in overall charge of the running of the organisation including the strategic planning, governance, implementation and operations on a daily basis;

**Member** means a member of the Guild which includes Ordinary Members, Associate Members and Honorary Life Members;

**Office Bearers** means the positions specified in regulation 18;

**Ordinary Member** means a Student member of the Guild pursuant to regulation 7;

**Referendum** means a proposal to students, being any person enrolled in the University as a student on the date of the close of Electoral Rolls, at an Annual General Election to:

- (a) change the affiliation status of the Guild with the NUS; or
- (b) propose amendments to the regulations identified in regulation 16(2)(b) of the Guild Regulations.

**Register of Guild Stances** means the document maintained by Guild Council which records all Guild Stances;

**Returning Officer** means the person appointed to administer elections related to the Guild, Affiliated Societies, Guild Departments, and the Guild General Elections;

**Student** has the meaning given in the Act, which as at the date of these Regulations is: means a person enrolled in the University as a student;

**Student Assist** means the Guild staff department which deals primarily around Student welfare and wellbeing, financial assistance, counselling and academic assistance;

**Student Society** means a University club, society or association which is registered by the Guild in accordance with regulation 70 and which includes Affiliated Societies and Faculty Societies;

**Second Semester** means the second semester as specified in the University calendar;

**Semester** means the two University teaching periods during a calendar year, the dates for which are specified in the University calendar;

**Subsidiary Council** means the subsidiary councils prescribed in regulation 32;

**University Working Day** has the meaning given in the University of Western Australia Statute clause 6, which as at the date of these Regulations is that 'University Working Day' means any day other than a:

- (a) Saturday;
- (b) Sunday;
- (c) a day specified by in the University calendar as a University holiday; and
- (d) the University's annual shut-down period as determined by the University's executive each year.

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## Chapter 2 — Guild Membership

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### 6 Categories of membership

There are three categories of Guild membership:

- (1) Ordinary membership;
- (2) Associate membership; and
- (3) Honorary life membership.

### 7 Ordinary membership

- (1) Only Students of the University are eligible to become an Ordinary Member of the Guild.
- (2) Only Ordinary Members are eligible for election as a Guild Officer.

### 8 Associate membership

- (1) The following persons are eligible to become an Associate Member of the Guild:
  - (a) a Student enrolled in a non-award course at the University;
  - (b) a student at another university or TAFE;
  - (c) a current or former staff member of the Student Guild;
  - (d) a current or former staff member of the University; and
  - (e) a graduate of the University.
- (2) Applications for Associate Membership must be submitted as required by the Guild By-Laws and must be approved by the Guild Executive.
- (3) Associate Members are not eligible for election as a Guild Officer.
- (4) Associate Members do not have voting rights but may contribute to discussions at general meetings of the Guild.
- (5) The term of Associate Membership is determined by the Guild Executive.

### 9 Honorary life membership

- (1) A person, other than a current member of Guild Council, may be admitted as an Honorary Life Member of the Guild where it is considered they —
  - (a) have made a substantial and lasting contribution to the Guild;
  - (b) have upheld the rules, regulations and objects of the Guild at all times; and
  - (c) are of equal standing to other Honorary Life Members.
- (2) Nominations for Honorary Life Membership must be submitted in accordance with the Guild By-Laws.
- (3) Honorary Life Membership must be approved by Guild Council and announced at the next general meeting of the Guild.



- (4) Honorary Life Members are not eligible for election as a Guild Officer.
- (5) At general meetings of the Guild, Honorary Life Members do not have voting rights but may contribute to discussions.
- (0) Subject to regulation 10, Honorary Life Members hold membership for life.

## **10 Suspension, cancellation and resignation of membership**

- (1) The Guild Council may suspend or cancel an Associate Member or Honorary Life Member's membership by providing written notice to the member.
- (2) The written notice to the member must include a copy of this regulation 10.
- (3) An Associate Member or Honorary Life Member whose membership is suspended or cancelled by the Guild Council under regulation 10, can request that the decision be appealed to a Guild general meeting, provided the request is —
  - (a) made in writing to the Guild General Secretary;
  - (b) signed by at least 15 Members; and
  - (c) received by the Guild General Secretary within 14 days of the date of the written notice of suspension or expulsion.
- (4) A Member of the Guild may resign as a Member by providing written to the Guild General Secretary, and their resignation will take effect on the date received by the Guild General Secretary unless a later date is specified in the written notice of resignation.

## **11 Membership fees**

- (1) The Guild may levy a membership fee for Ordinary Membership and Associate Membership, however —
  - (a) Ordinary Membership fees are subject to the approval of the University Senate; and
  - (b) Associate Membership fees must be approved by Guild Council.
- (2) Membership fees may be different for different classes of membership.
- (3) The Guild Executive may authorise the refund of a membership fee paid by an Associate Member.

## Chapter 3 — Guild Governance

### Part 1 — Guild By-Laws, Guild Stances, Guild Policies and Regulations

#### 12 Guild operational policies

- (1) The operational policies of the Guild are made by Guild Council and must be prescribed in the Guild By-Laws.
- (2) The operational policies of the Guild do not lapse at the end of the Guild Year and remain in force until amended or rescinded by resolution of the Guild Council.

#### 13 Guild By-Laws

- (1) The Guild Council must maintain the Guild By-Laws which contains all —
  - (a) Standing Orders of the Guild;
  - (b) Subsidiary Council's Rules;
  - (c) Guild Department Rules;
  - (d) Guild Committee constitutions;
  - (e) Guild policies (as opposed to Guild Stances which are maintained in a separate Register of Guild Stances); and
  - (f) any other rules governing the internal administration and operations of the Guild and which are approved by Guild Council.
- (2) The Guild By-Laws is subject to, and must not be inconsistent with the UWA Statute, these Regulations and the Guild Election Regulations.
- (3) The Guild By-Laws must be made publicly available on the Guild's official website.

#### 14 Guild Stances

- (1) Subject to (3), Guild Stances are made by Guild Council and must be recorded in the 'Register of Guild Stances'.
- (2) Guild Stances must relate to the Guild's objects or powers as prescribed in Chapter 5 of the *University of Western Australia Statute*.
- (3) Where an issue is not covered by an existing Guild Stance, the Guild Executive may temporarily determine an interim Guild Stance, in which case —
  - (a) the interim Guild Stance remains in effect until it is considered by a meeting of the Guild Council, and the Guild Council must resolve to either ratify the Guild Stance or allow it to lapse; and
  - (b) lapsed interim Guild Stances will not be readopted by the Guild Executive, either in style or substance until the next Guild Year.
- (4) The 'Register of Guild Stances' must be made publicly available on the Guild's official website.
- (5) Guild Stances do not lapse at the end of the Guild Year and remain in force until amended or rescinded by resolution of the Guild Council.

## 15 Guild referendum

- (1) Subject to the approval of the Guild Council, a Referendum may be held where —
  - (a) approved by a general meeting of the Guild; or
  - (b) requested by written petition of at least 500 Ordinary Members, setting out a Referendum question, submitted to the Guild General Secretary.
- (2) If requested by written petition, the written petition must explicitly and clearly state that it is a petition to hold a Referendum.
- (3) Referendums may only be held once a calendar year in conjunction with the General Guild Elections and must be conducted in accordance with the relevant requirements of the Guild Election Regulations.
- (4) There is no limit to the number of referendums that can happen at a General Guild Election in any one year.
- (5) Subject to the Guild Election Regulations, the Guild Council determines all matters of detail in connection with any Referendum.
- (6) A Referendum is decided in the affirmative if 50 per cent of the valid votes cast plus one are in the affirmative.

## Amendments to Guild Regulations

### 16

- (1) The Guild will endeavour to notify the University Secretary of any proposed amendments to these Regulations or the Guild Election Regulations prior to approval by Guild Council or a general meeting of the Guild for the purpose of ensuring proposed amendments are consistent with the Act, UWA Statute and By-laws.
- (2) Amendments to these Regulations or the Guild Election Regulations must be —
  - (a) endorsed by absolute majority of Guild Council; and
  - (b) where the amendment proposes to amend —
    - (i) the membership of Guild Council as prescribed in regulation 28;
    - (ii) the approval of Guild Policy Stances under regulation 14; or
    - (iii) this regulation 16;endorsed by a general meeting of the Guild or a Referendum under regulation 15 and the Guild Election Regulations; and
  - (c) where the amendment does not relate to the matters specified in (b), comply with the requirements of (3) below.
- (3) Where the proposed amendment does not relate to the matters specified in sub-regulation (2)(b) —
  - (a) the Guild Council's resolution must be published on the Guild's official website and included in an email to all Guild members;
  - (b) the notice under (a) must include advice that Ordinary Members of the Guild may have the resolution considered at a general meeting of the Guild if 15 Ordinary Members give notice to that effect within 14 days of the date of sending the all-member email;

- (c) if no notice is received within 14 days in terms of (b), then the proposed amendments
  - (i) are deemed to be endorsed by the Guild at the expiration of the 14 day period;
  - (ii) must then be submitted to the University Secretary for approval by the Senate; and
  - (iii) must be reported by the Guild President to the next general meeting of the Guild;
- (d) if 15 Ordinary Members of the Guild give the notice required by (b) within 14 days, then —
  - (i) the resolution must be considered by a general meeting of the Guild, which may —
    - (A) confirm, amend or reject the proposed Guild Regulations; or
    - (B) require that it be submitted to a Referendum, which must be held at the next scheduled General Guild Election; and
  - (ii) if approved by a general meeting of the Guild under (A) or Referendum held under (B), must then be submitted to the University Secretary for ultimate approval by the Senate.
- (4) All proposed amendments to these Regulations or the Guild Election Regulations will only take effect once approved by the Senate in accordance with the Act.
- (5) The Senate may reject any proposed amendments to these Regulations or the Guild Election Regulations, in whole or in part.
- (6) Changes to the voting membership of Guild Council that are approved and passed in accordance with this regulation will take effect on 1 December following approval by Senate.

## 17 Amendments to the University of Western Australia Statute

- (1) The Guild may recommend to the Senate an amendment to Chapter 5 (Student Guild) of the University of Western Australia Statute, where the proposed amendment is approved by Guild Council or a general meeting of the Guild.
- (2) A recommendation under (1) must fully specify the nature of the proposed amendment but need not specify verbatim the text of the proposed amendment.

## Part 2 — Guild Officers

### 18 Guild Office Bearers

- (1) The Guild Office Bearers, their process of election and their role is specified in Table 1 below:

TABLE 1. GUILD OFFICE BEARERS, PROCESS OF ELECTION & ROLE			
Item	Position	Process of Election	Role
<b>Guild Executive</b>			
1	<b>Guild President</b>	Elected in the General Guild Elections in accordance with the Guild Election Regulations	<p>The role of the Guild President is to —</p> <ul style="list-style-type: none"> <li>(a) conduct the relations of the Guild with the University and the general public;</li> <li>(b) assist and coordinate the work of the members of the Guild Council and office bearers of the Guild;</li> <li>(c) implement the policy and decisions of the Guild Council;</li> <li>(d) be a member of the Guild Executive;</li> <li>(e) be a Student representative on the University Senate under the Act;</li> <li>(f) attend and preside at all Guild general meetings;</li> <li>(g) attend and report to all meetings of the Guild Council;</li> <li>(h) present an annual report to the Guild Council meeting held in November on the activities undertaken by the President during the President's term in office;</li> <li>(i) perform such other duties as may be prescribed by these Regulations.</li> </ul>
2	<b>Guild Vice-President</b>	Elected by and from Guild Council at the first meeting for the Guild Year	<p>The role of the Guild Vice-President is to —</p> <ul style="list-style-type: none"> <li>(a) assist the Guild President;</li> <li>(b) be a member of the Guild Executive;</li> <li>(c) regularly report to Guild Council on the activities undertaken by the Vice-President;</li> <li>(d) liaise with Guild departments, University colleges and other bodies on behalf of the Guild Executive as required;</li> <li>(e) inform — <ul style="list-style-type: none"> <li>(i) Students of the proceedings and decisions of the Guild Council using on-campus media;</li> <li>(ii) those directly affected by Guild Council and Executive decisions of those decisions;</li> </ul> </li> <li>(f) promote Student awareness of on-campus issues;</li> <li>(g) oversee and implement the transport and parking policy of the Guild, including — <ul style="list-style-type: none"> <li>(i) the activities of the Guild associated with transport and parking needs of Students;</li> <li>(ii) liaising with the University and other bodies as required, on issues associated with the transport and parking needs of Students;</li> <li>(iii) acting as the Guild representative on the University Parking Infringement Advisory Panel;</li> </ul> </li> <li>(h) oversee and implement the policy of the Guild regarding University facilities, including — <ul style="list-style-type: none"> <li>(i) make assessments of the adequacy of facilities, including issues of safety and security (including buildings, grounds, technology and information services) provided by the University;</li> <li>(ii) collect and collate Student opinion and feedback on University facilities; and</li> <li>(iii) run campaigns and assist the President in lobbying towards improvements in the quality of University facilities.</li> </ul> </li> <li>(i) in November each year — <ul style="list-style-type: none"> <li>(i) organise and conduct training of all incoming Guild Councillors (elected in the most recent Annual Guild Elections) in order to familiarise the incoming Guild Councillors with all Guild facilities and outlets; and</li> <li>(ii) present an annual report to the Guild Council meeting on the activities undertaken by the Vice-President during their term in office.</li> </ul> </li> </ul>

**TABLE 1. GUILD OFFICE BEARERS, PROCESS OF ELECTION & ROLE**

Item	Position	Process of Election	Role
3	<b>Guild General Secretary</b>	Elected in the General Guild Elections in accordance with the Guild Election Regulations	<p>The role of the General Secretary is to —</p> <ul style="list-style-type: none"> <li>(a) be a member of the Guild Executive;</li> <li>(b) carry out the administrative work of the Guild for which these Regulations do not provide and for which the Guild Council has not nominated any executive officers;</li> <li>(c) call all Guild meetings and Guild Council meetings as required in accordance with these Regulations;</li> <li>(d) publicise all Guild meetings and Guild Council meetings;</li> <li>(e) take responsibility for all Guild Council correspondence;</li> <li>(f) on behalf of the Guild Council present to the general meeting               <ul style="list-style-type: none"> <li>(i) a detailed report of the activities of the Guild during the previous year;</li> <li>(ii) the budgets of the Guild Council and Subsidiary Councils for the current year; and</li> <li>(iii) the balance sheet, the auditor's report and the financial statements of the Guild for the previous year; and</li> </ul> </li> <li>(g) inform relevant Guild Councillors and office bearers of the decisions of the Guild Council or subsidiary bodies or committees which affect their portfolio;</li> <li>(h) in conjunction with the Guild Finance Director;               <ul style="list-style-type: none"> <li>(i) supervise all correspondence of the Guild which relates to financial matters;</li> <li>(ii) supervise and recommend to the Guild Council and the Strategic Resources Committee on all issues involving finance;</li> <li>(iii) present to the Guild Council an annual triple bottom line budget, as recommended by the Strategic Resources Committee (which accounts for the social, financial and environmental performance of the Guild);</li> </ul> </li> <li>(i) carry out the instructions of the Guild Council;</li> <li>(j) carry out such duties as are prescribed by these Regulations;</li> <li>(k) regularly report to the Guild Council on the activities undertaken by the General Secretary; and</li> <li>(l) present an annual report to the Guild Council meeting held in November on the activities undertaken by the General Secretary during their term in office.</li> </ul>
4	<b>Chair of the Guild Council and Governance Committee</b>	Elected by and from Guild Council at the first meeting for the Guild Year	<p>The role of the Chair of the Guild Council and Governance Committee is to —</p> <ul style="list-style-type: none"> <li>(a) preside over and act as chair of all meetings of the Guild Council and the Governance Committee;</li> <li>(b) oversee the Guild's compliance with governance requirements, including the University's statutes, Guild Regulations, Guild Election Regulations and to advise the Guild on issues relating to Guild governance;</li> <li>(c) be a member of the Guild Executive;</li> <li>(d) convene meetings of the Governance Committee; and</li> <li>(e) present an annual report to the Guild Council meeting held in November on the activities undertaken by the Chair of the Guild Council and Governance Committee during their term in office.</li> </ul>
<b>Subsidiary Council Presidents</b>			
5	<b>Education Council President</b>	Elected in the General Guild Elections in accordance with the Guild Election Regulations	<p>The role of the President of a Subsidiary Council is to —</p> <ul style="list-style-type: none"> <li>(a) attend and preside at all meetings of the relevant Subsidiary Council;</li> <li>(b) be an ex-officio member of all committees of that Subsidiary Council;</li> <li>(c) regularly report to Guild Council on the activities, role and responsibilities undertaken by the Subsidiary Council; and</li> <li>(d) present an annual report to the November Guild Council meeting on the activities, role and responsibilities undertaken by the Subsidiary Council during the year.</li> </ul>
6	<b>Public Affairs Council President</b>		
7	<b>Societies Council President</b>		
<b>Ordinary Guild Councillors</b>			
8	<b>Ordinary Guild Councillors</b>	Elected in the General Guild Elections in accordance with the Guild Election Regulations	The role of Ordinary Guild Councillors is to participate in meetings of Guild Council, and contribute to committees, and manage projects to further the objects of the Guild.
<b>Department Officers</b>			
9	<b>Department Officers</b>	Elected either in the General Student Guild Elections or at an annual general meeting of the	<p>The role of each Department Officer is to —</p> <ul style="list-style-type: none"> <li>(a) regularly report to Guild Council on the activities undertaken by the Department Officer and the Guild Department; and</li> </ul>

TABLE 1. GUILD OFFICE BEARERS, PROCESS OF ELECTION & ROLE

Item	Position	Process of Election	Role
	(The list of Guild Departments and Department Officers are published on the Guild's official website)	department, as required by the Guild Election Regulations and the Guild Department's rules.	(b) undertake any other roles as prescribed in each Student Guild Department's Rules as approved by Guild Council.

## 19 Election process

- (1) Office Bearers are elected annually as specified in regulation 18, Table 1.
- (2) Office Bearers who are elected through the General Guild Elections must be elected in accordance with the requirements of the Guild Election Regulations.
- (3) Other Officers of the Guild who are not required to be elected through the General Guild Elections must be elected in accordance with the procedures in the Guild Election Regulations, Schedule 2.

## 20 Eligibility

- (1) In accordance with the Act, in order to hold any elective office of the Guild, a person must be an Ordinary Member of the Guild.
- (2) A Student seeking election as a Guild Office Bearer must meet any eligibility requirements particular to that position, which are prescribed in these Regulations and —
  - (a) In the case of Students seeking election to positions elected through the General Guild Elections, the eligibility requirements are also to be found in the Guild Election Regulations; and
  - (b) In the case of Students seeking election as Department Officers, the eligibility requirements are also to be found in in the Department's Rules.
- (3) A Student cannot be elected to the position of Guild President, or Vice-President, or General Secretary or Chair of the Guild Council more than once. Accordingly, a Student who has been elected to any of those positions is not eligible to stand for election for that same position at any future time.
- (4) A Student cannot be elected as the President of a particular Subsidiary Council more than once.
- (5) In accordance with regulation 24(2), a member of Guild Council who resigns their position cannot stand for election to the same position in a subsequent Guild election.
- (6) A member of Guild Council who has had their position declared vacant under regulation 23(1) is not eligible for election as an Office Bearer for at least one year after their position was declared vacant.

## 21 Term of office

- (1) The term of office of all Officers of the Guild is from 1 December until 30 November of the following year.
- (2) Where the timetable for an Annual General Election has been extended past the last Teaching Day of Second Semester, in accordance with the Guild Election Regulations, Guild Council, on advice from the Managing Director and the Returning Officer, may temporarily extend the term of office for all Officers of the Guild for no longer than six months.

## 22 Student members of Senate

- (1) The two members of Senate who are elected by and from the Students pursuant to the Act section 8(1)(g) are those who are elected in the manner prescribed in the Guild Election Regulations to the offices of —
  - (a) Guild President; and
  - (b) President of the Postgraduate Students' Association.



- (2) The Senate members elected in accordance with (1) hold office on Senate for a one-year term from 1 December until 30 November of the following year.

### 23 Casual vacancies

- (1) Where an Officer Bearer is absent from three consecutive formal meetings of a body of which they are a member (including Guild Council, a Subsidiary Council, Guild Committee or Guild Department) without the prior written approval of that body, the body may declare the Office Bearer's position vacant.
- (2) A member whose position is declared vacant under (1) is not eligible to be a member of Guild Council for one year from the date their position is declared vacant.
- (3) A Guild Officer ceases to hold office and creates a casual vacancy where the member holding that position —
- resigns under regulation 24;
  - is no longer eligible to hold the position;
  - has their position declared vacant due to absence under (1);
  - commits an offence under the Guild Election Regulations;
  - is permanently incapacitated by mental or physical ill health; or
  - dies.
- (4) Where a casual vacancy arises under (3), the vacancy is to be filled as follows:

Item	Position in which vacancy arises	Process of filling vacancy
1	Guild President	The vacancy is to be filled in accordance with regulation 26.
2	Office Bearer other than Ordinary Guild Councillor	The vacancy is to be filled by Guild Council who may appoint any person who is eligible to fill the position.
3	Ordinary Guild Councillor	(a) Where the vacancy arises prior to the last day of the First Semester, it is to be filled by a recount of the votes case for that position at the General Guild Elections in accordance with the Guild Election Regulations. (b) Where the vacancy arises on or after the last day of the First Semester, it is to be filled by Guild Council who may appoint any person who is eligible to fill the position.
4	Subsidiary Council Committee member (other than the President of the Subsidiary Council)	The vacancy is to be filled by the Subsidiary Council Committee who may appoint any person who is eligible to fill the position.
5	Any other Guild Officer (not covered by Items 1, 2 or 3 above)	The vacancy is to be filled by Guild Council who may appoint any person who is eligible to fill the position.

### 24 Resignation

- (1) An Office Bearer may resign from their position by giving written notice to the Guild General Secretary (or for the resignation of the Guild General Secretary, to the Guild President) of their intention to resign, and their resignation will take effect the day after it is received by the General Secretary unless a later date is specified in the notice.
- (2) A member of Guild Council who resigns their position cannot stand for election to the same position in a subsequent Guild election.
- (3) Any other Guild Officer may resign their position by giving written notice to the relevant head of the council, committee or department on which they serve, and their resignation will take effect the day after it is received by the person on whom it is served unless a later date is specified in the notice.

## 25 Guild President

- (1) During their term of office, the Guild President must not hold any other office in the Guild or in any Student Society.
- (2) The Guild pays the Guild President an honorarium for the duration of their term, which is set and approved by the Guild Council each year.
- (3) Any increase in the honorarium of the Guild President —
  - (a) will occur only in accordance with federal safety net increases awarded through the Industrial Relations Commission or equivalent body and only when the Guild Personnel Board has confirmed that the Industrial Relations Commission or equivalent body has approved a safety net increase; and
  - (b) will take effect in the first pay period following the decision to increase the stipend by the Industrial Relations Commission or equivalent body.
- (4) The Guild President is entitled to take up to 20 days annual leave during their term of office and will receive leave loading entitlements as defined in the Guild Enterprise Bargaining Agreement. Those 20 days of annual leave may be comprised of any combination of:
  - (a) University Working Days; and
  - (b) the days during a University annual shut-down period (as determined by the University's executive) which are not Saturdays, or Sundays, or days specified in the University calendar as University holidays.

## 26 Acting Guild President

- (1) The Guild President may nominate any other member of the Guild Executive to act as Guild President —
  - (a) in the Guild President's absence; or
  - (b) where the Guild President is unable to continue in that position for any reason, for the remainder of their term of office.
- (2) If no member of the Guild Executive is available to act as Guild President under (1), the Guild Council may nominate a member of Guild Council to act as Guild President.

## Part 3 — Guild Council

### 27 Functions and powers

- (1) The Guild Council is the governing authority of the Guild.
- (2) The functions of the Guild Council are to —
  - (a) represent members, the UWA Student body and their interests;
  - (b) provide strategic direction for the Guild;
  - (c) oversee and monitor the Guild's operations, services and finances;
  - (d) approve policy in accordance with these Regulations;
  - (e) ensure risks are identified and that appropriate control and monitoring systems are in place to manage the impact of these risks;
  - (f) ensure that the Guild's affairs are conducted with transparency and accountability, including reporting back to members at General Meetings;
  - (g) any other matters specified in these Regulations and the Guild Election Regulations; and
  - (h) determine any other matter relating to the Guild which is not otherwise provided for in the Regulations.

### 28 Membership

- (1) The members of Guild Council are prescribed in Table 3 below:

TABLE 3. COMPOSITION OF GUILD COUNCIL	
Item	Office Bearers
1	Guild President
2	Guild General Secretary
3	President of Education Council
4	President of Public Affairs Council
5	President of Societies Council
6	President of the Postgraduate Students' Association
7	President of the International Students' Department
8	Western Australian Students' Aboriginal Corporation Chair
9	Women's Officer
10	13 Ordinary Guild Councillors

### 29 Standing invitees

- (1) All other Department Officers and the immediate past Guild President are standing invitees to meetings of Guild Council.
- (2) Standing invitees are not members of Guild Council but have the rights and privileges and are subject to the restrictions prescribed in the Standing Orders of the Guild.

## Part 4 — Guild Executive

### 30 Function and powers

- (1) The Guild Executive's powers and functions are to —
  - (a) act as an intermediary between the Guild Council and the Guild's employees and oversee the day-to-day operations of the Guild, its committees, sub-committees, divisions and departments;
  - (b) determine any matters deferred to it by the Guild Council;
- (2) determine all matters which cannot reasonably be deferred until the next meeting of the Guild Council, Guild Subsidiary Council, Guild Committee, Department or any other subsidiary body or committee of the Guild;
- (3) determine an interim Guild Policy Stance where the issue is not covered by an existing Guild Policy Stance in accordance with regulation 12; and
- (4) determine whether to conduct the annual University Procession ('Prosh'), and if so to appoint one or more directors for this purpose, a committee to assist the director(s) and editors.

### 31 Membership

- (1) The Guild Executive is comprised of the Office Bearers prescribed in Table 4 below:

TABLE 4. COMPOSITION OF GUILD EXECUTIVE	
Item	Office Bearer
1	Guild President
2	Guild Vice-President
3	Guild General Secretary
4	Chair of the Guild Council

- (2) A person who is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws, is not capable of being or continuing to be a member of the Guild Executive.

## Part 5 — Subsidiary Councils

### 32 Establishment of Subsidiary Councils

- (1) Subsidiary Councils of the Guild advance the objects of the Guild through engagement with Affiliated Societies on specific areas of interest for Students.
- (2) The Subsidiary Councils of the Guild are as prescribed in Table 5 below:

Item	Subsidiary Councils
1	Education Council
2	Public Affairs Council
3	Societies Council

### 33 Subsidiary Council Rules

- (1) Each Subsidiary Council must have rules, approved by Guild Council, for the proper conduct of its affairs and which prescribes that Subsidiary Council's role, functions and membership.
- (2) A Subsidiary Council's Rules are subject to the University of Western Australia Statute and the Regulations.
- (3) A Subsidiary Council's Rules may establish sub-committees, in which case it must also prescribe the sub-committee's membership and functions.
- (4) A Subsidiary Council's Rules may impose fines for a breach of its rules.
- (5) A Subsidiary Council's Rules form part of, and must be published in, the Guild By-Laws.
- (6) The Guild Council may review, alter or rescind any decision of a Subsidiary Council.

### 34 Executive Officers

- (1) Each Subsidiary Council must maintain an executive who, with the exception of the Subsidiary Council President, are elected annually from Guild Members at the final meeting of the Subsidiary Council for office for the next Guild Year.
- (2) The President of a Subsidiary Council must not be a member of the executive of an Affiliated Society or other body affiliated to that Subsidiary Council.

### 35 Budget

Each Subsidiary Council must have an annual budget, including an estimate of all receipts and disbursements for the financial year, which must be provided to the Guild's Strategic Resources Committee at the start of the academic year and approved by Guild Council.

### 36 Meetings

Subsidiary Council meetings must be called and conducted in accordance with the Standing Orders of the Guild and any requirements in the Subsidiary Council's rules.

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## Part 6 — Guild Departments

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### 37 Power to create, amend and dissolve Guild Departments

- (1) The Guild Council may —
  - (a) establish new Guild Departments; and
  - (b) amend the role or title of a Department or its Department Officer.
- (2) A Guild Department may only be dissolved by resolution at a general meeting of the Guild.
- (3) No two Guild Departments may fill substantially the same role.

### 38 List of Guild Departments

The Guild Departments are those approved by Guild Council in accordance with regulation 37 and must be listed and publicly available on the Guild's official website.

### 39 Guild Department Rules

- (1) Each Guild Department is to be governed by its own rules which must be approved by Guild Council and prescribe —
  - (a) the department's role or functions;
  - (b) the department's membership;
  - (c) any eligibility criteria for the Department Officer (if required);
  - (d) the election and/or appointment of the Department's committee; and
  - (e) any additional matters specific to that Guild Department.
- (2) Guild Department Rules are subject to these Regulations and the Guild Election Regulations.
- (3) Guild Department Rules form part of, and must be published in, the Guild By-Laws.

### 40 Department Officers

- (1) The Department Officer is the head of, and responsible for, that Guild Department.
- (2) The Department Officers are elected through the General Guild Elections or at an ordinary general meeting of the Guild Department, as required by the Guild Election Regulations and the Guild Department's rules.
- (3) Any eligibility criteria for a Department Officer must be prescribed in the Guild Department's Rules.

### 41 Department committees

- (1) Each Guild Department must annually elect and/or appoint a committee in accordance with the Student Guild Department's Rules.
- (3) The role of each Guild Department committee is to assist the Department Officer and address all matters referred to it by the Guild Council.

## **42 Meetings**

Guild Department meetings are conducted in accordance with the Standing Orders of the Guild and the Guild Department's rules.

## **43 Funding**

The Guild Council is to determine the amount and any conditions of funding which is to be provided to Guild Departments.

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## Part 7 — Guild Committees

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### 44 Power to create, amend and dissolve Guild Committees

- (1) Subject to these Regulations, the Guild Council may —
  - (a) establish Guild Committees;
  - (b) delegate policy and operational responsibility for areas not covered by Subsidiary Councils to a Guild Committee;
  - (c) approve and amend the constitution of a Guild Committee; and
  - (d) dissolve a Guild Committee.

### 45 Guild Committee constitution

- (1) Where a Guild Committee is not already prescribed by these Regulations, it must have a constitution approved by Guild Council, which set out the committee's —
  - (a) role and functions;
  - (b) membership; and
  - (c) any additional matters specific to that Guild Committee.
- (2) A Guild Committee's constitution is subject to the University's Statutes and Regulations.
- (3) A list of Guild Committees and each committee's constitution must be published in the Guild By-Laws and publicly available on the Guild's official website.

### 46 Guild Committee members

- (1) Guild Committee members and officers are elected in accordance with the Guild Committee's constitution and the procedures in the Guild Election Regulations, Schedule 2.
- (2) Unless otherwise specified in a Guild Committee's constitution, the Guild President is an ex-officio member of all Guild Committees.

### 47 Meetings

Guild Committee meetings are conducted in accordance with the Standing Orders of the Guild and the Guild Committee's constitution.



## Chapter 4 — Meetings

### Part 1 — General requirements

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#### 48 Application

- (1) Unless the contrary intention appears, this Chapter applies to —
- (a) general meetings of the Guild;
  - (b) meetings of Guild Council; and
  - (c) meetings of the Guild Executive.

#### 49 Standing Orders of the Guild

Subject to these Regulations, the Guild Council may make standing orders to govern the conduct of meetings of the Guild.

#### 50 Decision making

Unless otherwise provided, all decisions must be made by a simple majority, being 50% + 1 of members voting.

#### 51 Minutes

The proceedings of all meetings must be minuted, provided to the General Secretary and retained in accordance with the Guild Record Keeping Plan.

## Part 2 — General meetings

### 52 Frequency and schedule of meetings

- (1) An ordinary general meeting of the Guild must be held once each year.
- (2) General meetings must not be held during a non-teaching period as published in the official University calendar.

### 53 Notice

- (1) Members must be given at least 10 University Working Days' notice of a general meeting of the Guild, which must provide details of all matters to be considered at the meeting.
- (2) Notice must be given through an all-student email and posted on the Guild's official website.

### 54 Special general meetings

- (1) The Guild Council or Guild Executive may call a special general meeting of the Guild.
- (2) A special general meeting of the Guild must be held if requested by at least 50 Ordinary Members of the Guild, and the request —
  - (a) is in writing;
  - (b) specifies the proposed purpose of the meeting; and
  - (c) is given to the Guild General Secretary.
- (3) Subject to regulation 52(2), a special general meeting of the Guild requested by members under 54(2) —
  - (a) must be held no later than 14, and no sooner than three, University Working Days after the request is received; and
  - (b) if not held within the time required by (a), the persons who requested the meeting are entitled to call the meeting which is to be held 10 University Working Days after the deadline in (a).
- (4) All members of the Guild Executive are encouraged to attend a special general meeting, however a special general meeting will not be inquorate on the basis that not all members of the Guild Executive are present.
- (5) No person may introduce any matter for discussion at the special general meeting which has not been included in the agenda for the meeting, except with the consent of two-thirds of the members present.
- (6) Unless otherwise resolved by Guild Council, special general meetings of the Guild can only pass motions to provide a recommendation to the Guild Council, which must be endorsed by Guild Council before it takes effect.

### 55 Chair

- (1) The Guild President is to preside as the chair of a general meeting of the Guild.
- (2) In the absence of the Guild President, or where the Guild President elects not to act as chair, the Vice-President is to preside as the chair.

- (3) In the absence of both the Guild President and Vice-President, the chair is to be elected by and from those members present.

## **56 Quorum**

- (1) The quorum for an ordinary general meeting is 100 members.
- (2) The quorum for a special general meeting is 50 members.
- (3) If a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will lapse.

## **57 Voting**

- (1) Only Ordinary Members have a vote at general meetings of the Guild. Associate Members and Honorary Life Members may contribute to discussions but do not have a vote.
- (2) The chair of the meeting has an ordinary vote and a casting vote.
- (3) Voting rights are non-transferable and may not be assigned by way of proxy for a general meeting of the Guild.

## Part 3 — Guild Council meetings

### 58 Frequency of meetings

- (1) The Guild Council meets monthly throughout the Guild Year.
- (2) Guild Council meetings must not be held at the same time as an ordinary meeting of the University Senate, Academic Board or Academic Council.

### 59 Notice

- (1) Subject to (2), at least seven University Working Days' notice must be given for a Guild Council meeting (whether ordinary or special).
- (2) Where the Guild Council or Guild President considers the matter to be urgent, at least three University Working Days' notice must be given for a Guild Council meeting (whether ordinary or special).

### 60 Special meetings

- (1) The Guild Council, Guild Executive or Guild President may call a special meeting of the Guild Council.
- (2) A special meeting of the Guild Council must be held if requested by at least three members of Guild Council and the request —
  - (a) is in writing;
  - (b) specifies the proposed purpose of the meeting; and
  - (c) is given to the Guild General Secretary.
- (3) A special meeting of Guild Council requested by members under (2) must be held no later than nine University Working Days after the request is received.

### 61 Chair

- (1) The Chair of the Guild Council is to preside as chair of Guild Council meetings.
- (2) In the absence of the Chair of the Guild Council, or where the Chair of the Guild Council elects not to chair a meeting, the role of chair is filled in accordance with the Standing Orders of the Guild.

### 62 Quorum

- (1) The quorum for a meeting of Guild Council is one half of the voting membership, at least two of whom must be members of the Guild Executive.
- (2) If a quorum is not present within 15 minutes after the time appointed for the meeting, the members present may, in accordance with the Standing Orders of the Guild, move into Committee of the Whole.

### 63 Voting and proxies

- (1) The Chair does not have a casting vote.

- (2) A member of Guild Council who is unable to attend a Guild Council meeting may, in accordance with the Standing Orders of the Guild, assign proxy voting rights to another Ordinary Member (who may or may not be a member of Guild Council), who satisfies any eligibility criteria associated with the position of the member who is transferring their voting rights.

*Note: E.g. If a member of Guild Council holds a position required to be held by a postgraduate Student, they may only transfer their voting right to another postgraduate Student.*

- (3) No Ordinary Member may hold more than one vote at one time.

## **64 Validity of Guild Council decisions**

- (1) Guild Council decisions are not invalidated solely by reason of —
- (a) a defect in the election or appointment of any of its members;
  - (b) a vacancy in the membership of the Guild Council at the time the decision was made;  
or
- ( ) any person having failed to receive proper notice of the meeting.

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## Part 4 — Guild Executive meetings

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### 65 Frequency of meetings

The Guild Executive meets as and when required.

### 66 Notice

(1) Subject to (2), at least one University Working Days' notice must be given for a meeting of the Guild Executive.

(2) A member of the Guild Executive may call a meeting of the Guild Executive without notice where they consider the matter to be urgent.

### 67 Chair

The Guild President, or in the absence of the Guild President, the Vice-President, is to preside as the chair of a meeting of the Guild Executive.

### 68 Quorum

(1) The quorum for a meeting of the Guild Executive is three members.

(2) If a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting will lapse.

### 69 Voting and proxies

(1) The Chair does not have a casting vote.

(2) Voting rights are non-transferable and may not be assigned by way of proxy for a meeting of the Guild Executive.

## Chapter 5 — Societies

### 70 Registration of Student Societies

- (1) Organisations whose constitution provides for disciplinary measures for non-participation in any sort of initiation ceremony, or which require participation in any sort of initiation ceremony as a precondition of membership, cannot be registered as a Student Society.
- (2) In addition to (1), all other criteria for registration as a Student Society is determined by Guild Council and must be prescribed in the Guild By-Laws.
- (3) Applications for registration must be submitted in accordance with the Guild By-Laws.
- (4) The Guild Council may register an organisation as a Student Society where the organisation satisfies the prescribed criteria and these Regulations.
- (5) The Guild Council's decision to approve or reject an application for registration as a Student Society may be reconsidered at the next Guild general meeting.

### 71 Registration of Affiliated Societies

- (1) A Subsidiary Council may approve the affiliation of a Student Society with the Subsidiary Council (with that Student Society becoming an **Affiliated Society**), where it meets the requirements in (2) and any additional requirements that may be prescribed in the Guild By-Laws.
- (2) A Student Society may only be granted or retain status as an Affiliated Society where its constitution or rules —
  - (a) requires its members to agree to comply with these Regulations and the Guild Election Regulations, the Guild By-Laws, Guild and Guild Council resolutions and the rules and resolutions of the Subsidiary Council to which it seeks to be affiliated; and
  - (b) are approved by the Subsidiary Council to which it seeks affiliation.
- (3) Applications for affiliation must be submitted as required by the Guild By-Laws.
- (4) No body is entitled to exercise any of the privileges or rights of an Affiliated Society unless it complies with this regulation.

### 72 Registration of Faculty Societies

- (1) A Faculty Society is a Student Society which —
  - (a) has as its chief aim, the representation of University Students by virtue of their membership of a University Faculty or School; and
  - (b) is directly associated with at least one school of the University.
- (2) The Guild Council may register a Student Society as a Faculty Society where it meets the requirements in (1) above and does not unreasonably overlap with an existing registered Faculty Society.
- (3) A Faculty Society is an Affiliated Society that is affiliated with the Education Council.
- (4) The Guild must publish and maintain on its official website a list of Faculty Societies.

### **73 Obligations of Student Societies, Affiliated Societies and Faculty Societies**

- (1) All Student Societies, Faculty Societies and Affiliated Societies must —
  - (a) comply with —
    - (i) the University's Statutes and these Regulations;
    - (ii) the Guild By-Laws;
    - (iii) resolutions of the Guild and Guild Council; and
    - (iv) its own constitution and rules;
    - (v) maintain an executive including a President, Secretary and Treasurer (or similar office bearers); and
  - (b) notify the relevant Subsidiary Council Secretary of any alteration made to the society's constitution, rules, names, objects or the composition of its executive, administrative body or office bearers.
- (2) All Affiliated Societies must comply with the rules, policies and resolutions of the Subsidiary Council to which it is affiliated. All Faculty Societies must comply with the rules, policies and resolutions of the Education Council.
- (3) The executive officers of a Student Society are jointly and severally responsible for the society's compliance with Student Society's rules, these Regulations, the Guild By-Laws and resolutions of the Guild and Guild Council.

### **74 Register of societies**

- (1) The Guild must maintain a register of all —
  - (a) Student Societies;
  - (b) Affiliated Societies; and
  - (c) Faculty Societies.
- (2) The register must include details of each society's name, objects, and the name and contact details of the society's executive.
- (3) Registration of a Student Society, affiliation of an Affiliated Society and registration of a Faculty Society each take effect from the date of inclusion in the register in (1).

### **75 Student Society budgets**

- (1) Any Student Society which intends to conduct a public appeal for funds, must apply to the Guild Executive for its approval at least one week before the date on which it intends to hold the appeal.
- (2) Student Societies must pay all amounts owing within one month, unless otherwise approved by the Guild's Strategic Resources Committee. The Guild's Strategic Resources Committee may take any action necessary for the purpose of enforcing compliance with this requirement.

### **76 Grants to Faculty Societies & other Affiliated Societies**

- (1) Only Faculty Societies and other Affiliated Societies registered in accordance with this Part are eligible for a grant or subsidy from the Guild.



- (2) The budget for grants to Faculty Societies and other Affiliated Societies is approved by Guild Council.
- (3) A Subsidiary Council may authorise the allocation and distribution of grants to its Affiliated Societies in accordance with the budget approved by Guild Council, these Regulations and the Guild By-Laws.
- (4) A grant provided to a Faculty Society or Affiliated Society must —
  - (a) only be applied for the purposes of providing amenities or services for Students or for the development of cultural, social, sporting or recreational activities related to the University;
  - (b) not be used to make any gift; and
  - (c) comply with any other conditions attached to the grant.
- (5) Where a Subsidiary Council has provided a grant to a Faculty Society or Affiliated Society, it may request the society to provide it with evidence of compliance with the conditions of the grant.
- (6) A grant provided to a Faculty Society or Affiliated Society may be revoked where the Student Society —
  - (a) fails to use the grant within one month of receipt for the purpose for which it was made; or
  - (b) fails to comply with the conditions of the grant.
- (7) Each Student Society which has received a grant must, at the end of each semester, submit to the relevant Subsidiary Council a report detailing grant expenditure.

## **77 Suspension, disaffiliation and deregistration**

- (1) The Guild Council may suspend the rights and privileges of a Student Society for any period where that society has not complied with the Regulations.
- (2) Where a Student Society —
  - (a) no longer complies with the requirements for registration as prescribed in these Regulations and the Guild By-Laws; or
  - (b) fails to conduct its affairs in accordance with its constitution; or
  - (c) breaches the Regulations on more than one occasion; or
  - (d) brings the Guild, the society or the University into serious disrepute; or
  - (e) contravenes the laws of Western Australia or the Commonwealth of Australia;  
then —
  - (f) the Guild Council may deregister the society as a Student Society; and, or alternatively
  - (g) where the society is also registered as a —
    - (i) Faculty Society, the Guild Council may deregister the society as a Faculty Society; or
    - (ii) Affiliated Society, the relevant Subsidiary Council may disaffiliate the society as an Affiliated Society.

- (3) A Student Society will be deregistered where it submits a written request to that effect to the Guild Council and the deregistration is approved by general meeting of the Student Society.
- (4) An Affiliated Society will be disaffiliated with a Subsidiary Council where it submits a written request to that effect to the Subsidiary Council and the disaffiliation is —
  - (a) approved by a general meeting of the Affiliated Society; and
  - (b) approved by the relevant Subsidiary Council to which it is affiliated.
- (5) A Faculty Society will be deregistered as a Faculty Society by the Guild Council where the deregistration is —
  - (a) approved by a general meeting of the Faculty Society; and
  - (b) approved by Guild Council.
- (6) A society which is deregistered or disaffiliated under this regulation must immediately be removed from the relevant register or registers under regulation 73.

## Chapter 6 — Finance

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- Note: The *University of Western Australia Statute* includes information regarding the following matters relevant to this Chapter:
- (a) Amenities & Services Fee (clause 61);
  - (b) Audit (clause 64 – see also section 28B(3) of the Act);
  - (c) reporting to the Senate (clause 64);

### 78 General requirements

- (1) The Guild must adhere to the accounting practices and principles of the *Financial Management Act 2006 (WA)*.
- (2) The Guild's financial year ends on 31 December in each year.
- (3) The Guild and Student Societies must pay all amounts owing within one month, unless otherwise approved by the Guild's Strategic Resources Committee. The Guild's Strategic Resources Committee may take any action necessary for the purpose of enforcing compliance with this requirement.

### 79 Accounts

- (1) All Guild business must be transacted through, and all moneys received by the Student Guild and its committees must be deposited into, the Guild Operating Bank Account.
- (2) The signatories for the Guild Operating Bank Account are the —
  - (a) Managing Director of the Guild;
  - (b) Guild Finance Director;
  - (c) Guild Finance Officer;
  - (d) Guild President; and
  - (e) Guild General Secretary.
- (3) Cheques drawn by the Guild must be signed by two the authorised signatories listed in (2) above.

### 80 Capital works and expenditure

The Guild Council must approve all capital works and capital expenditure.

### 81 Investments

All monies invested by the Guild (other than loans to Students under regulation 84, loans to registered clubs and staff, or loans to incorporated Student organisations on the recommendation of the Guild Strategic Resources Committee) must be placed in investments authorised under the *Trustees Act 1962 (WA)* or otherwise approved by the Senate.

### 82 Budgets

The Guild's Strategic Resources Committee must present and report all budgets requiring approval by Guild Council to the Guild Council.

### 83 Fundraising

Any committee of the Guild which intends to conduct a public appeal for funds, must apply to the Guild Executive for its approval at least one week before the date on which it intends to hold the appeal.

### 84 Student loan scheme

- (1) The Guild may provide loans to Ordinary Members in accordance with Guild policy.
- (2) Loans must be approved by the Guild Executive in consultation with Student Assist, and can be signed by an authorised signature.

### 85 Audits

- (1) An independent external audit of the financial affairs of the Guild will be undertaken —
  - (a) annually as required by and in accordance with the requirements of the UWA Act and UWA Statute;
  - (b) as required by the Guild Council; and
  - (c) as required by the Senate.
- (2) An auditor appointed to undertake an audit of the Guild under the University of Western Australia Statute or (1) above, must be —
  - (a) an independent external auditor who is a member of CPA Australia, CA ANZ or the Institute of Public Accountants or a registered company auditor; and
  - (b) approved by the Senate.
- (3) All Officers of the Guild and employees of the Guild must cooperate and produce any documents required for an audit in a prompt and timely manner.

## Chapter 7 — Misconduct

### Part 1 — Guild Misconduct Matters

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#### 86 Guild Misconduct

- (1) The Guild Council has the power to take disciplinary action against Members or Guild Officers in respect of their Membership and involvement in the Guild and its activities.
- (2) The Guild Council may make policies and procedures regarding the discipline of Members or Guild Officers under this Chapter in respect of Guild Misconduct, including the process for reporting allegations and complaints, investigating allegations and complaints, types of action or conduct that would constitute Guild Misconduct and nature and scope of penalties for Guild Misconduct that may be imposed.
- (3) Members and Guild Officers must not engage in Guild Misconduct.
- (4) Guild Misconduct means the following —
  - (a) an act or omission that contravenes the UWA Statute, Student Guild Regulations, Guild Election Regulations, Guild By-Laws, Guild policy, the Code of Conduct (as approved by the Senate from time to time) or any other written law;
  - (b) an act or omission that brings, or is likely to bring, the Guild or the University into disrepute;
  - (c) encouraging or procuring another person to engage in conduct set out in (a) or (b);
  - (d) during the course of any disciplinary investigation, hearing or appeal making a false statement or declaration knowing it to be false or not believing it to be true; or
  - (e) failing to comply with a penalty imposed as a result of a disciplinary process under this Chapter.
- (5) Subject to the procedures in this Chapter and any appeal, if a Member or Guild Officer is found, on the balance of probabilities, to have committed Guild Misconduct, then the Guild Misconduct Tribunal may impose a penalty under regulation 98.

#### 87 Reporting allegations of Guild Misconduct

- (1) A person who suspects that a Member or Guild Officer has committed Guild Misconduct must report it in accordance with Guild policy to one or more of the following:
  - (a) Guild President;
  - (b) General Secretary;
  - (c) Chair of the Guild Council; or
  - (d) Managing Director of the Guild.
- (2) Subject to regulation 89, where a report is made under 87(1) —
  - (a) the person to whom the report was made must notify the Guild President and the Managing Director of the Guild of the reported matter and provide to the Guild President and the Managing Director of the Guild all evidence relating to the report; and

- (b) the Guild President, after consulting the Managing Director of the Guild, must consider the report and the evidence and determine if —
  - (i) there are insufficient grounds to warrant further investigation or the that the allegation is frivolous or vexatious and take no further action under these provisions;
  - (ii) the matter may be resolved informally without imposition of a penalty, and take no further action under these provisions;
  - (iii) there are sufficient grounds to warrant further investigation and refer the matter to the Guild Misconduct Tribunal under Part 2;
  - (iv) the matter should be referred to the University; or
  - (v) the matter involves potential criminal conduct and should be referred to the Police; and
- (c) the reasons for the decision made under 87(2)(b) must be recorded and preserved as if regulation 111 applied to the decision.

## 88 Matters which must be referred to the University

- (1) The Guild must immediately notify the University (via the University's Integrity and Standards Unit) if it becomes aware of an allegation which may amount to —
  - (a) criminal conduct;
  - (b) misconduct under the University's Student Conduct & Discipline Regulations; or
  - (c) conduct that brings or is likely to bring the University into disrepute.

*Note: This includes, but is not limited to, conduct that could amount to physical misconduct (including assault, bullying, harassment or stalking), sexual misconduct, abusive behaviour, misconduct or abusive behaviour that occurs wholly or partly online or via social media, damage to property, unauthorised taking or use of property, fraud, causing a health or safety concern, interference or disruption with University's activities or functions and any other breach of the University's Code of Conduct & Ethics.*

- (2) The Guild may refer any matter to the University as it deems appropriate.
- (3) Where a matter is referred to the University under this regulation 88:
  - (a) the University will determine whether it will investigate and take action under the Student Conduct & Discipline Regulations; and
  - (b) for the avoidance of doubt, the matter may also be referred to the Guild Misconduct Tribunal to be dealt with under these Regulations.

## 89 Conflicts of interest

- (1) Where a Guild Officer who is referred to in this Chapter is under investigation, or is considered to have an actual, perceived or potential conflict of interest or is unable to complete the duties required of them under these provisions, the Managing Director of the Guild is to appoint another appropriate person to complete their duties.
- (2) Where the Managing Director of the Guild is the subject of a report under regulation 87 or an investigation under this Chapter, or is considered to have an actual, perceived or potential conflict of interest or is unable to complete the duties required of them under these provisions, the Associate Director, Human Resources is to complete their duties.

## 90 Notices

Written notices relating to disciplinary investigations, hearings or appeals under this Chapter must be served in accordance with regulation 109.

## Part 2 — Guild Misconduct Tribunal

### 91 Role and composition of the Guild Misconduct Tribunal

- (1) The role of the Guild Misconduct Tribunal is to —
  - (a) investigate allegations of Guild Misconduct;
  - (b) determine whether an allegation of Guild Misconduct has been proven on a balance of probabilities; and
  - (c) if it determines that Guild Misconduct has been proven under (b), determine the penalty that should be imposed (if any) under these Regulations.
- (2) The Guild Misconduct Tribunal comprises —
  - (a) the Associate Director, Human Resources (as Chair);
  - (b) the Chair of the Guild Council;
  - (c) the Managing Director of the Guild; and
  - (d) such other members appointed by the Associate Director, Human Resources as required from time to time, who may be a Guild Councillor, a University employee or Student, other than the Guild President and the General Secretary.
- (3) The Guild Misconduct Tribunal may determine its own procedures consistent with the principles of fairness and natural justice, Guild Policy and these Regulations.
- (4) The deliberations and decisions of the Guild Misconduct Tribunal will be confidential and the Guild Misconduct Tribunal may determine that the submission of evidence may be confidential.
- (5) Upon receipt of a notice under regulation 92, and pending its final decision under regulation 97, the Guild Misconduct Tribunal may temporarily exclude the person alleged to have committed Guild Misconduct from all or part of the buildings occupied by the Guild if it considers, acting reasonably, that the allegation is of a serious nature and the exclusion is reasonably necessary for the protection of property or the health and safety of people.

### 92 Notice to the Guild Misconduct Tribunal

Where the Guild President determines under regulation 87 to refer the matter to the Guild Misconduct Tribunal, the General Secretary must notify the Associate Director, Human Resources and the Managing Director of the Guild, by setting out the details of the report and all evidence relating to the report made under regulation 87.

### 93 Notice of allegations and opportunity to respond

- (1) If the Guild Misconduct Tribunal determines it is not required to investigate the matter the subject of the report, based upon reasons set out in regulation 87(2)(b)(i) or (ii), the Guild Misconduct Tribunal must notify the General Secretary of this decision.
- (2) If the Guild Misconduct Tribunal determines it has jurisdiction to investigate the matter the subject of the report, it must serve a written notice on the Member or Guild Officer alleged to have committed Guild Misconduct (hereafter referred to as the **respondent**). The **Initial Notice** must —
  - (a) specify the alleged Guild Misconduct, including reference to any particular part of these Regulations or the Guild By-Laws alleged to have been contravened;



- (b) inform the respondent that the Guild Misconduct Tribunal, on behalf of the Guild, is conducting an investigation;
  - (c) enclose a copy of this Chapter of the Regulations;
  - (d) enclose or provide a comprehensive summary of all evidence or documentation relevant to the alleged Guild Misconduct in the possession, custody or control of the Guild;
  - (e) inform the respondent of their right to respond to the allegation and provide a written response to the Guild in accordance with 93(3) below;
  - (f) inform the respondent that a hearing before the Guild Misconduct Tribunal will be held, which may include the notice of hearing required under regulation 95(2).
- (3) The respondent may provide a written response to the allegation and Initial Notice in writing to the Guild Misconduct Tribunal within five University Working Days from the date of receipt of the Initial Notice.
- (4) If the respondent admits to all of the allegations contained in the Initial Notice, regulation 94 will not apply and the Guild Misconduct Tribunal may impose a penalty as set out in these Regulations, or not, as it sees fit.

#### 94 Investigation report

- (1) The Guild Misconduct Tribunal may investigate the allegations contained in the Initial Notice, and upon concluding its investigation, it must provide to the respondent an **Investigation Report** which must include —
- (a) the particulars of the alleged Guild Misconduct;
  - (b) all relevant evidence;
  - (c) a copy of the Initial Notice;
  - (d) a copy of or a detailed summary of any other notices provided to the respondent; and
  - (e) a copy of any response received by the respondent under regulation 93(3).

#### 95 Guild Misconduct Hearing

- (1) A hearing before the Guild Misconduct Tribunal (**Misconduct Hearing**) must be held no sooner than 10 University Working Days and no later than 20 University Working Days after the respondent receives the Investigation Report.
- (2) The respondent must be provided with at least 10 University Working Days written notice of a Misconduct Hearing, which must include —
- (a) the date, time and place of the hearing; and
  - (b) the respondent's right to attend with a support person pursuant to (10);
  - (c) the respondent's right to request in writing to the Guild Misconduct Tribunal a change to the date or time of the hearing on reasonable grounds, subject to the approval of the Guild Misconduct Tribunal; and
  - (d) notice that the hearing may proceed in the absence of the respondent where they have been provided the required notice in accordance with these Regulations.
- (3) The Guild Misconduct Tribunal may request the attendance at the Misconduct Hearing of such persons it deems necessary by providing them with written notice at least 10 University Working Days prior to the Misconduct Hearing.

- (4) The Guild Misconduct Tribunal may approve a written request from a respondent to change the date or time of the hearing on reasonable grounds.
- (5) Where a respondent fails to attend the Misconduct Hearing, the hearing may proceed in their absence provided the respondent was provided notice in accordance with (2) above.
- (6) The Guild Misconduct Tribunal is not bound by the rules of evidence, may inform itself as it sees fit and determine its own procedure, within the bounds of Guild Policy, these Regulations and the principles of natural justice.
  - (5) The Guild Misconduct Tribunal may admit evidence from persons who are not Members.
  - (6) The Guild Misconduct Tribunal may admit evidence by declaration in the form provided by regulation 110.
  - (7) The Misconduct Hearing is, subject to (7), not open to other Members or the public.
  - (8) All persons required to appear at a Misconduct Hearing may be accompanied by a support person who must not be —
    - (a) a person alleged to have been involved in or associated with the matter of the subject of the allegation; or
    - (b) a qualified legal practitioner unless permitted by the Chair of the Guild Misconduct Tribunal.

## **96 Onus and standard of proof**

- (1) Where there is an allegation of Guild Misconduct, either before the Guild Misconduct Tribunal or on appeal —
  - (a) the Guild Misconduct Tribunal or Guild Council (as applicable) bears the onus of proof; and
  - (b) the standard of proof is on the balance of probabilities.

## **97 Guild Misconduct Tribunal's decision**

- (1) The Guild Misconduct Tribunal can either —
  - (a) dismiss the allegation;
  - (b) uphold the allegation, but impose no penalty;
  - (c) uphold the allegation, and impose a penalty; or
  - (d) adjourn (and reconvene within a reasonable time) the hearing to allow for further time to investigate and acquire information in relation to the allegation.
- (2) Within 10 University Working Days of the conclusion of the Misconduct Hearing, the Guild Misconduct Tribunal must provide the respondent(s) with a written report of its decision and its reasons, which must include —
  - (a) its decision whether the alleged Guild Misconduct has been substantiated in accordance with the onus and burden of proof required by regulation 96;
  - (b) where the Guild Misconduct Tribunal has determined that Guild Misconduct has been substantiated, any penalty to be imposed under regulation 98 and its reasons for imposing such penalty;
  - (c) a summary of the evidence presented to the Guild Misconduct Tribunal;
  - (d) a summary of oral evidence presented to the Guild Misconduct Tribunal; and

- (e) the respondent(s) right to appeal and a copy of Part 3 (Appeals) of this Chapter.
- (3) The Guild Misconduct Tribunal must provide to the Guild Council a written summary of the outcome of each Misconduct Hearing and the penalty imposed (if any).

## 98 Penalties

- (1) The Guild Misconduct Tribunal (or Guild Council in determining an appeal) may impose one or more of the following penalties upon a finding of Guild Misconduct:
  - (a) a requirement to provide a formal written apology to any person;
  - (b) a formal warning;
  - (c) a fine not exceeding \$200 payable to the Guild;
  - (d) suspension or removal of a Guild Officer, including as an officer of a Student Society, from holding their position within the Guild for a period of time as determined by the Guild Misconduct Tribunal;
  - (e) disqualification of a Guild Officer, including as an officer of a Student Society, from holding their position within the Guild for a period of time as determined by the Guild Misconduct Tribunal;
  - (f) exclusion from all or part of the buildings occupied by the Guild for a period of time as determined by the Guild Misconduct Tribunal;
  - (g) suspension of a Member's rights or privileges, for a period of time as determined by the Guild Misconduct Tribunal;
  - (h) for individuals who are an Associate Member or Honorary Life Member, a recommendation to Guild Council that it suspend or cancel an individual's Guild membership;
  - (i) where the matter relates to a Student Society, referral to the Student Society to be dealt with under its constitution, or a recommendation to Guild Council that it suspend, disaffiliate or deregister a Student Society; or
  - (j) In relation to Guild Misconduct that occurred in relation to General Guild Elections:
    - (i) a ban on campaigning at the polling booths for a period or periods of time determined by the Guild Misconduct Tribunal; or
    - (ii) a ban on campaigning generally for a period or periods of time determined by the Guild Misconduct Tribunal.
- (2) A penalty for Guild Misconduct may be imposed upon —
  - (a) an individual;
  - (b) a group of individuals, including a group of individuals that are part of a Student Society that was found to have committed the Guild Misconduct, even if the individuals themselves cannot be identified; or
  - (c) a Student Society.
- (3) The Guild Misconduct Tribunal (or Guild Council on appeal) must, when imposing a penalty for Guild Misconduct, take into account —
  - (a) the nature, frequency and seriousness of the Guild Misconduct;
  - (b) previous penalties imposed for similar Guild Misconduct;

- (c) the timing of any admission; and
- (d) any relevant mitigating circumstances.

## Part 3 — Appeals

### 99 Grounds for appeal

- (1) The respondent or a person affected by the alleged Guild Misconduct may appeal a decision of the Guild Misconduct Tribunal.
- (2) An appeal of a decision of the Guild Misconduct Tribunal will be determined by the Guild Council.
- (3) An appeal of a decision of the Guild Misconduct Tribunal to the Guild Council must be based on one or more of the following grounds:
  - (a) there is new information that could not reasonably have been provided at the time of the original decision, and that would likely have affected the decision or any penalty imposed;
  - (b) the Guild Misconduct Tribunal —
    - (i) took into account a matter which should not have been taken into account; or
    - (ii) failed to take account or give sufficient weight to circumstances or facts which ought to have been taken into account;
  - (c) the penalty imposed was excessive; or
  - (d) the Guild Misconduct Tribunal did not comply with the prescribed process (which may include that the respondent has not received a fair hearing in all the circumstances).
- (4) For the avoidance of doubt, any penalty imposed by the Guild Misconduct Tribunal will apply even if a decision is the subject of the appeal, unless overturned on appeal.

### 100 Notice of appeal

- (1) A person who wishes to appeal a decision of the Guild Misconduct Tribunal (hereafter referred to as the **Appellant**) must lodge a notice of appeal with the Guild President within seven University Working Days of the Guild Misconduct Tribunal's decision.
- (2) The notice of appeal must —
  - (a) be in writing;
  - (b) clearly state the ground or grounds for appeal;
  - (c) summarise the basis for each ground or grounds;
  - (d) attach the notice of the original decision (in the case of the respondent); and
  - (e) include any relevant material on which the Appellant wishes to rely.

### 101 Consideration of notice of appeal

- (1) Upon receipt of a notice of appeal submitted in accordance with regulation 100, the Guild President, in consultation with the Managing Director of the Guild must determine whether
  - (a) the notice of appeal lacks merit, in which case they must dismiss the appeal without hearing and give notice of the decision; or

- (b) the notice of appeal has merit and for the Guild Council to hear the appeal in accordance with this Part 3.
- (2) The reasons for the decision made under 101(1) must be recorded and preserved as if regulation 111 applied to the decision.

### 102 Appeal hearing

- (1) The hearing of the appeal before the Guild Council must be held no sooner than 10 University Working Days and no later than 30 University Working Days after the Guild President has received a notice of appeal (**Appeal Hearing**).
- (2) The Appellant and the respondent must be provided with at least 10 University Working Days written notice of the Appeal Hearing, which must include —
  - (a) the date, time and place of the hearing; and
  - (b) the Appellant and respondent's right to attend with a support person pursuant to (8);
  - (c) the Appellant and respondent's right to request in writing to the General Secretary (on behalf of the Guild Council) a change to the date or time of the hearing on reasonable grounds, subject to the approval of the Guild President; and
  - (d) that the hearing may proceed in the absence of the respondent where they have been provided the required notice in accordance with these Regulations.
- (3) The Guild President may approve a written request from an Appellant to the General Secretary to change the date or time of the hearing on reasonable grounds.
- (4) The Guild Council may request the attendance at the Appeal Hearing of such persons it deems necessary by providing them with written notice at least 10 University Working Days prior to the hearing.
- (5) Where an Appellant fails to attend the Appeal Hearing, the hearing may proceed in their absence provided the Appellant was provided notice in accordance with (2) above.
- (6) The Appeal Hearing is, subject to (4), not open to other Members or the public.
- (7) The Appeal Hearing is an appeal by way of rehearing. The Guild Council may only consider new evidence where the evidence was not reasonably available at the time of the original Misconduct Hearing and it would likely have affected the decision or any penalty imposed.
- (8) All persons required to appear at an Appeal Hearing may be accompanied by a support person who must not be —
  - (a) a person alleged to have been involved in or associated with the matter the subject of the allegation; or
  - (b) a qualified legal practitioner unless permitted by the Guild Council.

### 103 Appeal decision

- (1) At the conclusion of the Appeal Hearing, the Guild Council may either —
  - (a) dismiss the appeal;
  - (b) confirm or vary the decision of, or penalty imposed by, the Guild Misconduct Tribunal; or
  - (c) set aside the decision of, or penalty imposed by, the Guild Misconduct Tribunal and substitute a new decision and/or penalty.

- (2) Within 10 University Working Days of the conclusion of the Appeal Hearing, the Guild Council must provide the Appellant and respondent with a written report of its decision and reasons for the decision.
- (3) Subject to the Appellant and/or respondent's right to pursue the matter outside the Guild, the Guild Council's decision in determining the appeal is final.

## Chapter 8 — Guild Employees

### 104 Employment by the Guild

- (1) Guild Council (or the Guild Executive where it is specifically authorised by Guild Council) may, on behalf of the Guild —
  - (a) create employee positions;
  - (b) enter into employment agreements;
  - (c) subject to the terms of any applicable employment agreement, abolish employee positions; and
  - (d) create, amend or abolish any Guild divisions to which Guild employees will be allocated.

### 105 Conditions of employment

- (1) A Guild employee's conditions of employment will be —
  - (a) where there is an applicable industrial award, covered by that industrial award;
  - (b) where an industrial award does not automatically apply but where an employee agrees to be covered by an industrial award, covered by that industrial award;
  - (c) if not covered by (a) or (b), to be determined at the time of their employment.
- (2) If more than one industrial award or agreement may apply to an employee, the conditions of employment must be determined under the industrial award or agreement that is most directly applicable.

### 106 Casual employees

- (1) In employing casual employees of the Guild, the Guild will wherever possible employ individuals who —
  - (a) are currently enrolled Students of the University;
  - (b) are a Member of the Guild;
  - (c) do not hold an elected position on Guild Council (whether as a member or standing invitee); and
  - (d) unless otherwise approved by Guild Council, have not nominated for any position of the Guild within the previous two years.

### 107 Guild Personnel Board

- (1) The Guild Personnel Board is, subject to these Regulations, responsible for all employee matters.
- (2) The Guild Personnel Board is to be governed by a constitution approved by Guild Council, and which must be included in the Guild By-Laws.



## Chapter 9 — Miscellaneous

### 108 Media and publications

- (1) The Guild must have a media policy which regulates the Guild's publications and official statements of the Guild, and which is approved by Guild Council in accordance with regulation 12.
- (2) The Guild must ensure that all Officers of the Guild and Guild employees comply with the Guild's media policy.
- (3) All Guild —
  - (a) publications and material (which includes, but is not limited to the Guild Student newspaper the 'Pelican' and annual 'Prosh' newspaper, Guild diary and directory, orientation handbook, electronic media, and other publications of the Guild); and
  - (b) official statements on behalf of the Guild,  
must —
  - (c) comply with the Guild's media policy;
  - (d) present issues in a balanced manner; and
  - (e) not be defamatory or breach anti-discrimination laws or otherwise be unlawful.
- (4) Material published in the Guild's Student newspaper, the 'Pelican', must be cited as having been written by —
  - (a) a Student of the University who is a member of the Guild;
  - (b) an employee of the Guild, the topic of their submission being relevant to the Guild's role in the University community; or
  - (c) a fully identified author of the material.

### 109 Notices

- (1) Written notices relating to disciplinary investigations or appeals under Chapter 7 must be served in accordance with the University's Student Conduct & Discipline Regulations and will be deemed to be received as prescribed in those regulations.
- (2) Notice may be served on a Student Society by way of service on the Secretary of the Student Society.

### 110 Declarations

- (1) A Guild Officer may require a declaration be included with any statement or certificate given in connection with —
  - (a) the membership, financial affairs and property of the Guild or of any Subsidiary Council;
  - (b) the registration, affiliation, membership activities, financial affairs and property of Student Societies;
  - (c) any election or Referendum conducted by the Guild;

- (d) the authenticity of any document or a copy or extract of a document;
  - (e) any alleged breach of a provision included in the Guild By-Laws;
  - (f) any damage to, or unauthorised interference with, the building, furniture, fittings and chattels of the Guild or of the University;
  - (g) lost property;
  - (h) appeals against decisions of the Misconduct Tribunal or any other disciplinary body of the Guild; and
  - (i) the preparation of annual reports.
- (2) Declarations must be made in accordance with the requirement as prescribed in the Guild By-Laws.
- (3) A person who makes a false declaration may be subject to disciplinary action under Chapter 7.

## 111 Guild records

- (1) The Guild must, in accordance with its records policy, maintain and preserve records of all official meetings and decisions of the Guild including meetings of Guild Council, Subsidiary Councils, Guild Departments, Guild Committees, divisions, other committees and councils of the Guild, and Student Societies.
- (2) The Guild's Managing Director is responsible for ensuring that records are lodged and maintained in accordance with the Guild's records policy.
- (3) The Guild Executive must take all action necessary in the name of the Guild to recover any records or archives unlawfully removed from the Guild.

### Version History

Version	Approved / Amended	UWA Endorsement	Commencement
V1	Approved – New Regulations	<i>7 December 2020</i> Senate Resolution S R102/20	<i>7 December 2020</i>
V2	Approved – Amended	<i>4 March 2021</i> Senate Resolution S R16/21	<i>4 March 2021</i>