

University Statute No.11 Student Guild

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1. Definitions

(1) In this Statute, unless the contrary intention appears:

“**Associate Member**” means an associate member of the Guild as defined in the Constitution;

“**Australian Accounting Standards**” means accounting standards prescribed by the Australian Accounting Standards Board from time to time;

“**Committee**” means a committee of the Guild as described in the Constitution;

“**Common Seal**” means the common seal of the Guild;

“**Constitution**” means the constitution of the Guild adopted by the Senate in accordance with section 5 of this Statute, as amended from time to time;

“**Department**” means a department of the Guild as described in the Constitution;

“**Election**” means an election to fill an elected position or office of the Guild;

“**Election Procedures**” means the election procedures of the Guild prescribed in the Rules and the Constitution;

“**Financial Member**” means a financial member of the Guild as defined in the Constitution;

“**General Member**” means a general member of the Guild as defined in the Constitution;

“**General Secretary**” means any General Member or Financial Member elected to the position of General Secretary of the Guild in accordance with the Constitution;

“**Guild**” means the Edith Cowan University Student Guild as continued in existence under section 41 of the Act;

“**Guild Body**” means any body of the Guild established under the Constitution including but not limited to the Senate, Secretariat, Departments and Committees;

“**Guild Employee**” means any person employed or engaged by the Guild;

“**Guild President**” means the president of the Guild as elected in accordance with section 4 of this Statute and the Constitution;

“**Honorary Life Member**” means an honorary life member of the Guild as defined in the Constitution;

“**Member**” means a member of the Guild and “**Membership**” means the status of a person as a Member;

“**Officer**” means a person holding a position or office in the Guild and includes members of the Senate and any other Guild Bodies but does not include Guild Employees;

“**Returning Officer**” means the person for the time being appointed as the returning officer for an Election in accordance with the Rules;

“**Rules**” means rules made under section 13 of this Statute;

“**Secretariat**” means the executive members of the Senate as described in the Constitution;

“**Senate**” means the governing body of the Guild;

“**Special Majority**” means at least a 75% majority of all voting members of the relevant body present at the relevant meeting; and

“**Statute 11**” or “**this Statute**” means University Statute No. 11 – Student Guild.

- (2) Any terms which are not defined in this Statute but are defined in University Statute No 1 – Interpretation shall have the meaning given to them in Statute 1.

2. Functions

- (1) Subject to the Act and this Statute, the functions of the Guild are to –
- (a) provide leadership in relation to matters affecting the common interests of its Members;
 - (b) represent and further the common interests of its Members including but not limited to in communications with the Council, the Vice-Chancellor, other senior officers of the University and committees of the University;
 - (c) promote a co-operative spirit and sense of solidarity amongst Members;
 - (d) advance the education, welfare, social life and cultural activities of Members;
 - (e) provide facilities and services for Members;
 - (f) represent and protect Members in matters affecting their interests and rights;
 - (g) promote equal opportunity and affirmative action in its policies and activities;
 - (h) support and co-ordinate the activities of affiliated bodies;
 - (i) provide a recognised means of communication between Members and the University, other student organisations, educational and governmental bodies and the wider community;
 - (j) co-operate with and affiliate to other organisations having similar purposes in whole or in part;
 - (k) co-ordinate Member representation on University decision-making bodies where appropriate;
 - (l) facilitate greater recognition and appreciation of the standard of academic awards made by the University;
 - (m) do all other things as are incidental or conducive to the attainment of the above and the exercise of the powers of the Guild; and

- (n) perform any other matter or thing prescribed under the Act, Statute 11 or the Constitution.
- (2) The Guild has the power to do all things that are necessary or convenient to be done for or in connection with the performance of the above functions.

3. Membership

- (1) The University shall inform a student at the time of his or her enrolment that he or she—
 - (a) becomes a Member upon enrolment unless he or she elects not to become a Member in accordance with section 41(6) of the Act; and
 - (b) may resign as a Member in accordance with the provisions of section 41(6a) of the Act.
- (2) An enrolled student who resigns as a Member may be reinstated as a Member upon requesting reinstatement, subject to any administrative requirements of the Guild.
- (3) The Guild may designate categories of Membership which may include the following categories of Members –
 - (a) General Members;
 - (b) Financial Members;
 - (c) Associate Members; and
 - (d) Honorary Life Members.
- (4) The categories of Membership and their associated rights, obligations and responsibilities shall be set out in the Constitution.
- (5) An enrolled student shall be a General Member unless he or she elects –
 - (a) to be a Financial Member; or
 - (b) not to become a Member.

4. Senate

- (1) The Guild shall be governed by a Senate comprising the Guild President, General Secretary and such other persons to be elected or co-opted to the Senate as specified in the Constitution.
- (2) The majority of members of the Senate, including the Guild President and the General Secretary, shall be elected through an election process, conducted in accordance with the Constitution, this Statute and the Election Procedures.
- (3) The primary function of the Senate is to manage the administrative, financial and other affairs of the Guild.
- (4) In accordance with section 41(7) of the Act, each enrolled student (whether a Member or not) may vote in an election held to fill a vacancy of the Senate, but an enrolled student cannot be elected to the Senate unless that enrolled student is a Member. Senate members shall be elected by enrolled students in accordance with section 10 of this Statute.
- (5) In addition to the elected Senate members, the Senate may co-opt up to 3 persons with relevant skills and expertise to be Senate members.
- (6) The Constitution shall specify the eligibility of Members to stand for election to Senate positions.

- (7) A Senate member's term of office, duties, responsibilities and other matters relevant to the operation of the Senate shall be specified in the Constitution.
- (8) A casual vacancy in a Senate position shall be filled in accordance with the procedures specified in the Constitution.
- (9) A Senate member may not be a Guild Employee during his or her term of office.

5. Constitution

- (1) The Guild shall adopt the Constitution made in accordance with this section and the Rules.
- (2) Subject to the Act, the Constitution is to provide for –
 - (a) the day to day administration, organisation and financial management of the Guild;
 - (b) the manner of carrying out the functions of the Guild;
 - (c) the convening of meetings of Members, including an annual general meeting of Members each year; and
 - (d) any other matter required by the Act, this Statute or the Rules to be specified in the Constitution.
- (3) The Constitution shall be adopted, amended or repealed in accordance with the procedure set out in the Rules.

6. Common Seal

- (1) The Common Seal shall not be affixed to a document except by authority of a resolution of the Senate passed by Special Majority.
- (2) Where the Common Seal is to be affixed to a document, the affixing of the Common Seal shall be carried out in the presence of and attested by the Guild President and one other Senate member.
- (3) Where the Common Seal is to be affixed to a document, the form used shall be the following words or words to the like effect –

*“The Common Seal of the
Edith Cowan University Student Guild
was affixed by authority of
a resolution of the Senate
in the presence of:*

Guild President

Authorised Officer of the Guild’

- (4) The Senate shall provide for the safe custody of the Common Seal.
- (5) The Senate shall maintain a record of each document to which the Common Seal is affixed.

7. Officers’ duties and responsibilities

- (1) Each Officer shall comply with the duties and responsibilities prescribed in the Rules and the Constitution.
- (2) Each Officer shall comply with the procedures relating to the disclosure of interests prescribed in the Rules.

- (3) The Constitution may contain provisions granting an indemnity by the Guild in favour of the Officers, whereby each Officer is indemnified by the Guild against any loss, expense or liability incurred by reason of any act or omission done by the Officer in good faith in his or her capacity as an Officer.
- (4) The Senate may by resolution passed by Special Majority take disciplinary action against an Officer who, following investigation, is found to be in breach of section 7(1) or section 7(2) of this Statute and may impose a penalty against the Officer including –
 - (a) the suspension or removal of the relevant Officer from his or her position for a period as determined by the Senate; or
 - (b) the disqualification of the relevant Officer from holding any position as an Officer within the Guild for a period as determined by the Senate.
- (5) The procedures for investigation, disciplinary action and the imposition of a penalty under section 7(4) of this Statute shall be described in the Constitution and shall be consistent with the principles of equity and natural justice.

8. Grievances

The Constitution shall provide for the establishment and maintenance of a process to enable a Member who is aggrieved by an action or decision of the Guild to have the matter considered by the Senate.

9. Accounts

- (1) The Senate shall cause proper accounts and financial records to be kept in accordance with Australian Accounting Standards and shall do all things necessary to ensure that –
 - (a) all payments made by the Guild are correctly made and properly authorised; and
 - (b) adequate control is maintained over assets of the Guild and the incurring of liabilities of the Guild.
- (2) The Senate shall arrange for annual financial statements of the Guild to be audited by an independent external auditor approved by the Council in accordance with the Rules and the Constitution.
- (3) The Senate shall provide to the Council a copy of each audited balance sheet and an annual statement of the Guild's income and expenditure in accordance with the Rules.
- (4) Financial provisions including arrangements for budgeting and reporting may be prescribed in the Rules.

10. Elections

- (1) Elections shall be held and shall be conducted freely, fairly and independently and in accordance with the Election Procedures.
- (2) A Returning Officer shall be appointed to conduct each Election in accordance with the Rules.
- (3) Any enrolled student or the Vice-Chancellor may lodge a complaint or appeal in relation to the conduct of an Election or the validity of an Election outcome in accordance with the procedures set out in the Rules.

11. Resolution of disputes between University and Guild

- (1) If the University and the Guild are unable to agree in the first instance on any material electoral, governance, administrative or financial matter, then they shall enter into good faith negotiations in order to reach agreement on that matter.

- (2) If following such negotiations, the University and the Guild are still unable to reach agreement, then the matter may be submitted to mediation in accordance with and subject to the “Mediation and Conciliation Rules” of The Institute of Arbitrators and Mediators Australia (“Mediation Rules”).
- (3) Without limiting section 11(1) of this Statute, the mediator shall be nominated by the Institute for Arbitrators and Mediators Australia in accordance with the Mediation Rules.
- (4) The University and the Guild shall each appoint two representatives to participate in the mediation.
- (5) At the conclusion of the mediation, all of the representatives appointed under section 11(4) of this Statute shall report to both the University and the Guild on the outcomes of that process.
- (6) Unless otherwise agreed by the University and the Guild, the costs incurred in the mediation shall be borne equally by the University and the Guild.

12. Conflicts of Interest

- (1) The Senate may apply to the Council for a declaration in relation to a matter involving a potential or actual conflict of interest.
- (2) Upon such application, the Council may by writing declare that a conflict of interest does or does not exist in relation to a specified matter either generally or in voting on a particular resolution.
- (3) If the Council declares that a conflict of interest does exist, then the Council shall determine and direct the method and procedure for considering such matter.
- (4) The Senate shall comply with any such direction made by the Council.

13. Rules

- (1) The Council may make the Rules. The Rules shall regulate or provide for the regulation of any matter referred to in this Statute or for the purpose of carrying out or giving effect to this Statute.
- (2) The Council shall ensure that the Rules are consistent with this Statute and the Act. In the event of any inconsistency between this Statute and the Rules, then this Statute shall prevail.

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Amended by: Amending Statute No. 1 of 1986. Published: Government Gazette - 13 February 1987.

Amended by: Amending Statute No. 2 of 1987. Published: Government Gazette - 19 February 1988.

Amended by: Western Australian College of Advanced Education Amendment Act 1990 (assented to 17 December 1990).

Amended by: Amending Statute No. 1 of 1991. Published: Government Gazette - 27 September 1991.

Amended by: Amending Statute No. 1 of 1992. Published: Government Gazette - 3 July 1992.

Amended by Amending Statute No. 2 of 2000. Published: Government Gazette - 1 September 2000.

Amended by Amending Statute No 2 of 2002, Published: Government Gazette - 24 January 2003.

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