



# **AUSTRALIAN LAW STUDENTS' ASSOCIATION**

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# **CONSTITUTION**

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### Preamble

*The original version of this Constitution was adopted by resolution of the ALSA Council at the Annual General Meeting of 11 July 1992.*

*Amendments to the original Constitution were passed on:*

- 19 September 1992;
- 10 July 1993;
- 18 September 1993;
- 2 July 1994;
- 5 July 1994;
- 7 July 1995;
- 12 July 1996;
- 29 September 1996.

*This Constitution is the result of amendments passed at the Australasian Law Students' Association Council Meeting of 17-19 April 1998 in order to create an Australian law students' association, which will be known as the "Australian Law Students' Association" ("ALSA").*

*Further amendments were passed on:*

- 10 July 1998
- 9 July 1999
- 7 July 2000
- 6 July 2001
- 12 July 2002
- 10 July 2003
- 8 July 2004
- 8 July 2006
- 7 July 2007
- 29 September 2007
- 9 July 2008
- 5 October 2008
- 18 July 2009
- 17 July 2010
- 1 May 2011
- 10 July 2011
- 12 July 2011
- 2 September 2011
- 22 April 2012
- 30 September 2012
- 28 April 2013
- 14 July 2013
- 22 September 2013
- 23 February 2014
- 11 July 2014
- 28 September 2014
- [22 February 2015](#)
- [27 September 2015](#)

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## **1. NAME**

The name of the Association is “the Australian Law Students’ Association” (“ALSA”).

## **2. OBJECTS AND PURPOSES**

The objects for which ALSA is established are as follows:

- 2.1 ALSA will be a non-profit organisation.
- 2.2 The objects of ALSA are:
  - 2.2.1 To represent and promote the interests and concerns of Australian law students;
  - 2.2.2 To gather and disseminate information of interest and concern to Australian law students;
  - 2.2.3 To promote and facilitate communication and the exchange of information between law student societies, particularly within Australia; and
  - 2.2.4 To promote and facilitate interaction and activities of a social, intellectual, and competitive nature among law students generally.
- 2.3 Subject to and without limiting the objects enumerated in clause 2.2, ALSA will pursue its objects through the following activities:
  - 2.3.1 conducting an annual Australian Law Students Conference (“Annual Conference”) in July each year which will incorporate the following activities:
    - 2.3.1.1 the Annual General Meeting of ALSA;
    - 2.3.1.2 a Paper Presentation competition;
    - 2.3.1.3 a Mooting competition;
    - 2.3.1.4 a Witness Examination competition;
    - 2.3.1.5 a Client Interviewing competition;
    - 2.3.1.6 a Negotiation competition;
    - 2.3.1.7 an International Humanitarian Law Mooting competition; and
    - 2.3.1.8 seminars on matters of concern to law students;
  - 2.3.2 conducting an Annual Legal Education Forum in conjunction with the Annual Conference;
  - 2.3.3 publishing materials relating to ALSA, including but not limited to:
    - 2.3.3.1 a newsletter for distribution to all Members of ALSA, that can be delivered in, but is not limited to, electronic format;
    - 2.3.3.2 a collection of student research papers;
    - 2.3.3.3 other publications of interest and concern to Australian law students.
  - 2.3.4 developing employment and career related products and services;
  - 2.3.5 entering into relationships with other organisations that will enable ALSA to effectively pursue or achieve its objects;

- 2.3.6 entering into any business arrangements, attracting sponsorship and otherwise raising money considered to be necessary for the proper achievement and conduct of ALSA's objects and activities;
- 2.3.7 promoting law graduates to prospective employers;
- 2.3.8 making information relevant to law students, including but not limited to that published by ALSA pursuant to clause 2.3.3, available on the internet; and
- 2.3.9 actively defending and promoting issues of social justice and strongly opposing discrimination in all its forms including, but not limited to, discrimination on the basis of gender, race, sexuality, disability, age, ethnic background, marital status, pregnancy status, socio-economic, religious and political beliefs.

### **3. MEMBERSHIP**

#### **3.1 Membership of ALSA shall be divided into the following classes.**

##### *3.1.1. Executive and Committee Membership;*

1. Executive and Committee members are entitled to attend each Council meeting with speaking and voting rights (one vote), propose motions at Council meetings or the AGM, nominate for election or re-election, use all services provided by ALSA and view minutes and accounts of the society at any reasonable time.

##### *3.1.2. LSS Membership*

1. LSS Members of ALSA are entitled to attend each Council meeting with full speaking and voting rights (two votes per LSS). Further, LSS Members are also entitled to propose motions at Council meetings or the AGM, put forward candidates for election, use all services provided by ALSA and view minutes and accounts of the society at each Council meeting.

##### *3.1.3. Joint LSS Membership*

1. Joint LSS Members are entitled to attend each Council meeting with full speaking rights and half voting rights (one vote per joint LSS member). Further, Joint LSS Members are entitled to propose motions at Council meetings or the AGM, put forward candidates for election, use all services provided by ALSA and view minutes and accounts of the society at each Council meeting.

##### *3.1.4. Student Membership*

1. Student Members are entitled to attend each Council meeting with no automatic speaking or voting rights, which may be given by a motion from Council. Student members are entitled to run for election, use services provided by ALSA as the ALSA Executive see fit, view the minutes of the previous Council meeting at the subsequent Council meeting and view ALSA's accounts at each AGM.

#### 3.1.5. *Associate Membership*

1. Associate members are entitled to attend each Council meeting with no automatic speaking or voting rights which may be given by a motion from Council, put forward candidates to run for election provided they comply with all constitutional requirements, view minutes of the previous Council meeting at the subsequent Council meeting and view ALSA's accounts at each AGM.

#### 3.1.6. *Life Membership*

1. Life Members are entitled to attend each Council meeting with speaking rights but no voting rights, run for election provided they comply with all constitutional requirements, view minutes of the previous Council meeting at the subsequent Council meeting and view ALSA's accounts at each AGM.

- 3.2 The list of rights of each class of ALSA membership as listing within 3.1 is not exhaustive.
- 3.3 Executive and Committee members, LSS Members and Joint LSS Members are Council members. Section 3.3 is subject to section 3.4.
- 3.4 LSS Membership will be open to one law students' society from each university offering a law degree upon agreement to pay the annual affiliation fee. Membership may not be denied to an LSS if it is the only LSS at a university.
- 3.5 More than one LSS from a single university may be an "LSS Member" if each LSS operates on a separate campus. For more than one LSS from a single university to become an LSS Member, an application must be put to Council and be approved by special resolution. Regard will be paid to the following factors:
  - 3.5.1 Students' ability to begin and end a degree on each campus (without consideration of travel between campuses for elective units);
  - 3.5.2 Membership of each geographic LSS
  - 3.5.3 Organisational and financial separation of each LSS
  - 3.5.4 Whether a separate body governs law students on each campus, taking into account:
    - 3.5.4.1 Whether each campus shares the same academic and administrative law staff;
    - 3.5.4.2 Whether each campus is governed by a separate dean / head of school;
    - 3.5.4.3 Whether each campus has its own law library;
    - 3.5.4.4 Whether each campus shares distribution of funds;
    - 3.5.4.5 Whether each law library is funded separately

- 3.6 Joint LSS Membership is open to more than one LSS from each university where it can be shown that there is;
- 3.6.1 Separate membership of each LSS; and
  - 3.6.2 Organisational, geographic and financial separation of each LSS.
- 3.7 Student membership of ALSA will automatically apply to all students currently enrolled in and undertaking a bachelor of laws, Juris Doctorate or equivalent post-graduate degree at an Australian University that registers with ALSA.
- 3.8 Associate membership will be open to any individual, corporation or other body not otherwise a member upon payment of an fee set annually by the Vice President (Finance).
- 3.9 Life Membership may be conferred by ALSA to any individual in recognition and appreciation of their outstanding service to the Association upon the approval of a 75% majority of the members of the Council present at the Annual General Meeting in which the matter is considered.
- 3.10 Membership in ALSA will cease
- 3.10.1 if a Member is bankrupt;
  - 3.10.2 if a Member formally withdraws from ALSA;
  - 3.10.3 if a Member body disbands or ceases to exist.

#### **4. THE EXECUTIVE**

- 4.1 The Executive consists of the President, Vice-President (Education), Vice-President (Administration), Vice-President (Finance), and the Conference Convenor of ALSA.
- 4.2 The Immediate Past President of ALSA may serve as an ex-officio member of the Executive. The Immediate Past President will have no voting power during their term as Immediate Past President.
- 4.2.1 For the purpose of funding, the Immediate Past President will be considered a Committee member for ALSA Councils
- 4.3 Executive officers must, upon election, be attending a law school in Australia.
- 4.4 Each Executive officer (apart from the Conference Convenor) will, upon election, assume office on October 1 of that year for one calendar year.
- 4.5 The Conference Convenor-elect will assume the role of Convenor according to the provisions of clause 6.5 of this Constitution..
- 4.6 The Executive will conduct the day to day affairs of the Association.

- 4.7 The Executive, subject to this Constitution, has the power to make or amend any bylaw of the Association. To do so requires the simple majority of the Executive, with the President having the casting vote.
- 4.8 The Executive may from time to time conduct Executive meetings and may determine its own meeting procedures for these meetings.
- 4.9 The Common Seal of the Association must not be affixed to any instrument except by the authority of the ALSA Executive and the affixing of the Common Seal must be attested by the signatures of two members of the ALSA Executive.
- 4.10 The President, Vice-President (Education), Vice-President (Administration), Vice-President (Finance) and Conference Convenor enjoy all the voting powers of Joint LSS members during their term of office.
- 4.11 Executive officers will cease to be such only:
  - 4.11.1 after formal resignation from office;
  - 4.11.2 pursuant to the Removal Procedures detailed in cl.18.6;
  - 4.11.3 upon death;
  - 4.11.4 upon the expiration of their term of office;
  - 4.11.5 upon a resolution passed by a three-quarters majority at any Council Meeting.

## **5. DUTIES OF EXECUTIVE OFFICERS**

- 5.1 The duties of the President of ALSA are:
  - 5.1.1 to act as the official representative of the Association;
  - 5.1.2 to further the objects of the Association;
  - 5.1.3 to promote the Association;
  - 5.1.4 to coordinate and oversee new initiatives undertaken by the Association;
  - 5.1.5 to issue bylaws of the Association in accordance with Executive policy;
  - 5.1.6 to co-ordinate and manage ALSA's relationship with sponsors;
  - 5.1.7 to ensure that all sponsorship obligations are fulfilled;
  - 5.1.8 to coordinate the design, production and distribution of ALSA's products;
  - 5.1.9 to chair Council meetings in accordance with the specified meeting procedure; and
  - 5.1.10 to have a working knowledge of meeting procedure.
- 5.2 The duties of the Vice-President (Education) of ALSA are:
  - 5.2.1 to chair the Education Subcommittee;
  - 5.2.2 to further the objects of the Association, with emphasis on the educational objects;
  - 5.2.3 to advise the Executive, Committee and Council of ALSA about matters of policy relevant to legal education;
  - 5.2.4 to, in conjunction with the relevant convenor, organise an Annual Legal Education Forum;
  - 5.2.5 to actively promote the legal education priorities of ALSA in the media;



- 5.2.6 to write bi-annual reports to member LSSs detailing current political developments and lobbying campaigns affecting students;
  - 5.2.7 to promote equity and social responsibility for law students, and within ALSA; and
  - 5.2.8 to have a working knowledge of meeting procedure;
- 5.3 The duties of the Vice-President (Administration) of ALSA are:
- 5.3.1 to keep and maintain all minutes, records and correspondence as may reasonably be required by the Executive for the proper conduct of the Association's affairs;
  - 5.3.2 to maintain a register of all Members of the Association;
  - 5.3.3 to hold custody of the Common Seal;
  - 5.3.4 to oversee that all meetings, notices and other acts and things required under this Constitution are duly summoned, given or done;
  - 5.3.4A to oversee the release of Council materials 7 days prior to each Council meeting;
  - 5.3.5 to keep accurate minutes of all Council meetings and forward such minutes to all Councillors within four weeks after the closing day of each Council meeting;
  - 5.3.6 to provide administrative support to the other members of the Executive;
  - 5.3.7 to coordinate, maintain and develop, in conjunction with the ALSA Committee, a series of manuals to assist Law Student Societies in running competitions;
  - 5.3.8 to coordinate, maintain and develop, in conjunction with the ALSA Committee, a manual for the management of Law Student Societies;
  - 5.3.9 Co-ordinate ALSA's strategy for publications;
  - 5.3.10 to oversee the development, maintenance and updating of ALSA's website and online presence;
  - 5.3.11 co-ordinate ALSA's strategy for online services;
  - 5.3.12 to further the objects of the Association; and
  - 5.3.13 to have a working knowledge of meeting procedure.
- 5.4 The duties of the Vice-President (Finance) of ALSA are:
- 5.4.1 to coordinate ALSA's marketing strategy;
  - 5.4.2 to take responsibility for the receipt and deposit of all Association income;
  - 5.4.3 to make provision for the prompt payment of Association debts;
  - 5.4.4 to keep records of receipts, deposits and payments as necessary;
  - 5.4.5 to prepare an Annual Report outlining the finances of the Association;
  - 5.4.6 to register a change of ALSA's "Public Officer", Executive, and Committee with Consumer Affairs Victoria of the Victorian Department of Justice, at the beginning of the ALSA term;
  - 5.4.7 to submit relevant reports and association materials to Consumer Affairs Victoria of the Victorian Department of Justice, pursuant to the relevant legislation before the end of the ALSA term;
  - 5.4.8 to maintain the ALSA Financial Database which reflects current best practice;
  - 5.4.9 to further the objects of the Association; and
  - 5.4.10 to have a working knowledge of meeting procedure.
- 5.5 Executive officers may delegate their duties to, or share their duties with, other Executive or Committee officers where appropriate.

- 5.6 Executive officers may hold an Executive office and a Committee office simultaneously where a Committee office is unfilled

## **6. THE COMMITTEE**

- 6.1 The ALSA Committee consists of the Executive officers and the following Committee officers:
- 6.1.1 the Education Officer (Higher Education);
  - 6.1.2 the Education Officer (Students and Community);
  - 6.1.3 the Careers Officer;
  - 6.1.4 the Information Technology Officer;
  - 6.1.5 the Marketing Officer;
  - 6.1.6 the Sponsorship Officer;
  - 6.1.7 the Conference Convenor-elect;
  - 6.1.8 the Alumni & Scholarships Officer; and
  - 6.1.9 the Competitions Officer.
- 6.2 The duties of Committee Officers will be set out in the bylaws of this Constitution after the agreement of a simple majority in Council.
- 6.3 Where a Committee position is not filled by the Council, or becomes vacant, the Executive may appoint a person to the position until such time as the appointment may be ratified by a simple majority vote of the ALSA Council.
- 6.4 Each Committee Officer will, upon election, assume office on October 1 of that year for one calendar year.
- 6.5 The Conference Convenor-elect will be elected by Council at the time their Conference bid is accepted.
- 6.5.1 The Conference Convenor-elect will become an ALSA Committee member on October 1, 2 years before the year of the Conference they are convening.
  - 6.5.2 If the Conference Convenor-elect is elected after October 1, 2 years before the year of the Conference they are convening, they will assume office immediately.
  - 6.5.3 The Conference Convenor-elect's term ends 30 September of the year immediately preceding the Conference they are convening. At this time, they assume the office of Conference Convenor.
- 6.7 Subject to 12.7, Committee members must, upon election or appointment, be attending a law school in Australia.
- 6.8 Committee officers will cease to be such only:
- 6.8.1 after formal resignation from office;
  - 6.8.2 pursuant to the Removal Procedures detailed in cl.18.6;
  - 6.8.3 upon death;
  - 6.8.4 upon the expiration of their term of office;

6.8.5 upon a resolution passed by a three-quarters majority at any Council Meeting.

## **7. ALSA SUBCOMMITTEES**

- 7.1 ALSA subcommittees will be created as per the ALSA Subcommittee Bylaw.
- 7.2 The Executive may create any other ALSA subcommittees that it sees fit and when the need arises, and these subcommittees will be coordinated by the appropriate Executive or Committee Officer(s).
- 7.3 Members of ALSA subcommittees will be appointed by the Executive for a term not exceeding one year from the date of appointment.
- 7.4 Responsibility for the work of ALSA subcommittees will rest with the coordinating Executive and / or Committee Officer(s).
- 7.5 Membership of an ALSA subcommittee will not, of itself, entitle members of the subcommittee to any funding to attend ALSA Council Meetings.

## **8. THE COUNCIL AND COUNCIL MEETINGS**

- 8.1 The ALSA Council will consist of:
  - 8.1.1 members of the Executive;
  - 8.1.2 members of the Committee;
  - 8.1.3 the President or Nominee of each LSS member; and
  - 8.1.4 a Representative of each LSS member body who will, in the course of ALSA business, be referred to as an “ALSA Representative”.
- 8.2 ALSA Council Meetings may be held from time-to-time as the Council requires, but in each year there must be at least a September Council Meeting, a February Council Meeting, and a Council Meeting held during the Annual Conference.
- 8.3 At the direction of the Council, the Vice-President (Administration) will convene a Council Meeting and give notice to all members of the Council to meet at a venue and time set by the Council.
- 8.4 The Council may conduct Council business in a Meeting so long as two Executive officers and one representative of each of ten LSS or Joint LSS members are present.
- 8.5 The President or his/her nominee will be the Chairperson of the Council Meeting and will chair the Council meeting in accordance with specified meeting procedure rules.

- 8.6 All votes at Council Meetings, unless otherwise specified, will be resolved by simple majority of the Council members present at the Meeting. The Chairperson will have an additional casting vote in the event of a tie.
- 8.7 The Council will follow the specified meeting procedure rules as set out and communicated to them by the Executive at least two weeks prior to a Council Meeting. The Council may, by simple majority, pass bylaws regarding the rules of meeting procedure, over-riding those which were laid out by the Executive if the Council sees fit.
- 8.7.1 The meeting procedure rules of the ALSA Council shall not derogate from an ALSA Councillor's right to be heard unless a disciplinary provision of the meeting procedure has been applied.
- 8.8 Voting rights in Council may not be exercised by law student societies who have not paid current affiliation fees.
- 8.9 Notwithstanding clause 8.8, the Council may, by simple majority, choose to allow an LSS member that has not paid their affiliation fee to vote and speak at Council meetings if the LSS gives an undertaking that the affiliation fee will be paid as soon as practicable.
- 8.10 The Council in a Meeting is empowered, subject to this Constitution, to exercise all the powers of the Association.
- 8.11 A member of the Council, other than an Executive or Committee member, may confer their Council vote on another law student from the same University if it is in writing.
- 8.12 A member of the Council, other than an Executive or Committee member, may proxy their Council vote through the Vice-President (Administration), other than the annual elections, on particular instructions in writing that would be outlined both to Council and in the minutes of the Council meeting where the proxy is exercised.
- 8.13 An Executive or Committee member may proxy their Council vote through the Vice-President (Administration), or through another Executive or Committee member, if it is in writing. In order for such a proxy vote to be exercised it must be lodged at least seven days before the commencement of the meeting.

## **9. RESPONSIBILITY FOR THE ANNUAL CONFERENCE AND THE ANNUAL LEGAL EDUCATION FORUM**

- 9.1 The organisation of the Annual Conference will primarily be the responsibility of the Conference Convenor, subject to clause 9.6.
- 9.2 Subject to clause 9.6.4, the organisation of the Annual Legal Education Forum will:

- 9.2.1 primarily be the responsibility of the Vice-President (Education) and the Convenor of the Annual Legal Education Forum (ALEF Convenor);
  - 9.2.2 be the ultimate responsibility of the Conference Convenor.
- 9.3 The ALEF Convenor will be appointed by the Conference Convenor.
- 9.4 The Conference Convenor may appoint any persons he/she sees fit to assist in the organisation of the Annual Conference, subject to 6.5. The Conference Convenor, the ALEF Convenor and the Conference Convenor's other appointees will be known collectively as the Conference Team.
- 9.5 The Executive will:
- 9.5.1 have an oversight function in relation to the Conference Team; and
  - 9.5.2 be responsible for ensuring that the Annual Conference and Annual Legal Education Forum are organised in accordance with this Constitution and the wishes of the ALSA Council.
- 9.6 The following duties will primarily be the responsibility of the Conference Convenor:
- 9.6.1 Raising sponsorship, in conjunction with the Executive;
  - 9.6.2 Maintaining sound financial records of all Conference transactions, including producing a Conference Financial Statement showing income, expenditure, and the net result of the Conference;
  - 9.6.3 Presenting a report on the Conference, including the Conference Financial Statement, to the September Council Meeting;
  - 9.6.4 Ensuring that:
    - 9.6.4.1 the Annual Legal Education Forum is properly funded;
    - 9.6.4.2 the financial records of the Australian Legal Education Forum are incorporated into the Conference Financial Statement;

## **10. ATTENDANCE OF EXECUTIVE OFFICERS AT CONFERENCE AND LEGAL EDUCATION FORUM**

The Conference Convenor must ensure that provision is made in the budgets of the Annual Legal Education Forum and the Annual Conference for the attendance of the President, Vice-President (Education), Vice-President (Administration) and Vice-President (Finance), such that no accommodation or registration expenses will be incurred by the President, Vice-President (Education), Vice-President (Administration) or Vice-President (Finance) in relation to the Annual Legal Education Forum or the Annual Conference.

## **11. THE ANNUAL GENERAL MEETING OF THE ASSOCIATION**

- 11.1 A Council Meeting to be called the Annual General Meeting ("AGM") must be held annually during the Conference of the Association at a date to be fixed by the Executive in consultation with the Conference Convenor(s).

- 11.2 Except as is otherwise provided below, provisions governing the conduct of Council Meetings apply to the AGM.
- 11.3 The Vice-President (Administration) must provide written notice of the AGM 21 days in advance including an agenda setting out all matters of business to be dealt with in the Meeting.
- 11.4 Motions on notice must be conveyed to the Vice-President (Administration) of the Association at the beginning of the AGM.
- 11.5 Only those LSS members or joint LSS members which are officially represented at an AGM are entitled to exercise a vote in any matter which arises including the ballot for election of all Executive and Committee Officers.
- 11.6 The business of an AGM will include:
  - 11.6.1 the adoption of the minutes of the last AGM;
  - 11.6.2 the adoption and discussion of Annual Reports prepared by each Executive Member;
  - 11.6.3 the election of Executive and Committee Officers;
  - 11.6.4 the appointment of such subcommittees as are considered to be necessary by the AGM;
  - 11.6.5 the promulgation of bylaws of the Association;
  - 11.6.6 any general business.

#### **11A Special General Meetings**

- 11A.1 The ALSA Executive may, at any time, convene a special general meeting of the Association.
- 11A.2 The ALSA Executive must, on request of not less than 75% of LSS or Joint LSS members, convene a special general meeting of the Association.
- 11A.3 The Vice-President (Administration) must provide written notice of the SGM 21 days in advance including an agenda setting out all matters of business to be dealt with in the Meeting.
- 11A.4 The request for a special general meeting must state the objects of the meeting, be signed by the members requesting the meeting and be sent electronically or otherwise to the Secretary.
- 11A.5 The business to be conducted at special general meetings must be limited to motions regarding those on the Committee, financial matters, constitutional amendments and all other matters deemed appropriate by the Executive.

#### **12. ELECTIONS**

- 12.1 The election of all Executive and Committee Officers, excluding the position of Conference Convenor, must be held at the AGM.

- 12.2 Notice of the annual elections is to be sent by the Vice-President (Administration) and must be accompanied by job descriptions and the prescribed nomination forms.
- 12.3 Nominations must be made in the prescribed form, and will only be accepted up to 9:30am the day before the Annual General Meeting is to be held, unless the Council decides otherwise by a 75% majority of the members of the Council present at the Meeting at which the matter is considered.
- 12.4 Candidate Statements
- 12.4.1 All candidates contesting for a position must provide to the Vice-President (Administration) a written statement that:
- 12.4.1.1 does not exceed 400 words; and
- 12.4.1.2 includes, but is not limited to, relevant experience and policy.
- 12.4.2 The above provision does not apply to nominations obtained from the floor.
- 12.4.3 The Vice-President (Administration) shall:
- 12.4.3.1 circulate the written statements on the ALSA Council website and via email to the ALSA Council mailing list; and
- 12.4.3.2 not publish any material which, in the opinion of the Vice-President (Administration), is, or could be perceived, as being defamatory, discriminatory or derogatory.
- 12.4.4 In the event the Vice-President (Administration) has a conflict of interest the Returning Officer will administer the above provisions.
- 12.5 The Vice-President (Administration) must make copies of the nominations available to Council before the Annual General Meeting.
- 12.6 A Returning Officer is to be appointed by a simple majority of the Council members present at the AGM to conduct elections at the AGM.
- 12.7 Nominations for elections from people who are not likely to be law students at the conclusion of their term will not be accepted without approval of 75% of the members of the Council present at the election.
- 12.7.1 This vote must take place at the start of the AGM.
- 12.8 The Returning Officer may only accept nominations made by Council members.
- 12.9 Any nomination that is made on behalf of an individual not present at the AGM must also include the acceptance of that person in writing.
- 12.10 Any dispute as to the validity or otherwise of a nomination will be decided by the President, and the President's ruling will be final.
- 12.11 Should the number of nominations equal the number of vacancies to be filled, the person nominated will be elected against a vote of no confidence.
- 12.11.1 Should an uncontested nominee be defeated by a vote of no confidence, then that nominee will be deemed not to be elected.
- 12.11.2 Defeat by no confidence will open the position to nominations from the floor of the AGM, subject to cl 12.3.

12.11.3 A person defeated by a vote of no confidence is not eligible to nominate from the floor for the position in which they were defeated.

12.12 If more than one nomination is received for any one office an election is to be conducted by the Returning Officer.

12.13 Election Speeches

12.13.1 Each nominee will be permitted approximately 3 minutes to speak in support of his/her nomination;

12.13.2 If a nominee elects to make a supporting speech, the speech must be made prior to the vote on the position for which the nomination is made;

12.13.3 The Chair may allow questions from the floor to the nominee during the nominee's supporting speech;

12.13.4 Where a nominee is unable to attend the election for the position for which he or she has been nominated, the nominee may select a person to act on his or her behalf and deliver a 3 minute speech on his or her behalf;

12.13.5 Speeches regarding nominations other than those allowed in accordance with 12.13.1 to 12.13.4 will not be permitted;

12.13.6 Each nominee will be permitted to appoint one scrutineer to scrutinise the counting of the votes by the Returning Officer.

12.14 Elections must be conducted in accordance with this Constitution, and must be by secret ballot under the Optional Preferential Voting System as provided by cl 12.15.

12.15 The Returning Officer must arrange for the preparation of ballot papers for each position and instruct voters to write the number 1 next to their first preferred candidate or, where three or more candidates have nominated for a position, the Returning Officer will instruct voters to indicate their further preferences by writing the number of their choice next to each candidate's name.

12.15.1 In the event of a tied vote after the first round of voting, a second round of voting shall occur. If a tied vote remains after the second round of voting, a third round of voting shall occur with the removal of the Executive and Committee bar the President from the voting pool. If at the conclusion of this third round a tied vote remains, then the result of the election shall be determined by the flip of a coin administered by the Returning Officer.

12.16 At the conclusion of elections (if any) the Returning Officer will announce to the AGM the duly elected Executive and Committee Officers of ALSA.

12.17 In the event that casual vacancies on the Executive and Committee become available, the Vice-President (Administration) will be required to notify LSS members and Joint LSS members as soon as practicable.

12.18 Casual vacancies may be filled at the discretion of the Executive but the appointment, in order to be ratified, requires approval by simple majority at the next Council Meeting.

## **13. FINANCE AND AUDIT**



- 13.1 The income of ALSA shall be derived from the following activities and arrangements:
- 13.1.1 the collection of affiliation fees from LSS members, Joint LSS members and Associate members of ALSA;
  - 13.1.2 maintaining sponsorship relationships with any individual, corporation, or any other body;
  - 13.1.3 advertising goods, services and existence of any individual, corporation, or any other body within ALSA publications;
  - 13.1.4 advertising goods, services and existence of any individual, corporation, or any other body at ALSA events;
  - 13.1.5 convening the Annual Conference; and
  - 13.1.6 any activities incidental to the above.
- 13.2 Executive and Committee Officers may maintain bank accounts on behalf of ALSA where necessary.
- 13.3 All cheques drawn on such bank accounts must be signed by two officers of ALSA.
- 13.4 A record of expenditure must be kept by each Officer of ALSA and forwarded to the Vice-President (Finance).
- 13.5 All accounts must be kept in accordance with any accounting policies established by the bylaws of this Constitution.
- 13.6 The financial year of ALSA shall be from 30 September to 1 October of each year.
- 13.7 ALSA may, each year, offer scholarships to eligible Australian law students, as detailed in Schedule 1.
- 13.8 The Scholarship amounts will be a minimum amount as set out in Schedule 1.

#### **14. REIMBURSEMENT OF EXECUTIVE AND COMMITTEE OFFICERS**

##### *The Executive*

- 14.1 All Executive Officers will be fully reimbursed for all legitimate expenses, provided that:
- 14.1.1 these expenses were incurred by the Executive Officers in the course of conducting ALSA business and otherwise in the fulfilment of their duties;
  - 14.1.2 where travel expenses under \$100 are being claimed in relation to travel not associated with a Council Meeting, prior approval of two of the President, Vice-President (Finance) and another member of the ALSA Executive;
  - 14.1.3 where travel expenses are being claimed in relation to travel not associated with a Council Meeting, and the travel expense item exceeds \$100, prior approval of the ALSA Executive and Committee must be obtained.

- 14.1.4 A Council Meeting in this context involves both ALSA Council Meetings and International Council Meetings held at an annual conference (such as the New Zealand Law Students' Association).

#### *Committee Officers*

- 14.2 Subject to clauses 14.3 and 14.4, all Committee Officers will be partially reimbursed for legitimate expenses incurred by them in the course of conducting ALSA business and otherwise in the fulfilment of their duties.
- 14.3 The Executive will determine, from year to year, the reimbursement allowance to which all Committee Officers will be entitled, having regard to the financial position of ALSA and any relevant sponsorship arrangements entered into by ALSA.
- 14.4 Every Committee Officer is be entitled to seek and obtain sponsorship or other supplementary funding to offset expenses incurred by him/her in the course of conducting ALSA business and otherwise in the fulfilment of his/her duties, subject to consultation with and the approval of the Executive. In no case will a Committee Officer's reimbursement allowance be offset against such sponsorship or supplementary funding, except to the extent that the reimbursement allowance exceeds the shortfall between the sponsorship/supplementary funding and the total expenses incurred.

#### *Reimbursement Process*

- 14.5 Every Executive or Committee Officer claiming reimbursement must submit supporting receipts or invoices to the Vice-President (Finance) in the manner prescribed by the Vice-President (Finance).
- 14.6 The Vice-President (Finance) will review the legitimacy of each claim for reimbursement and accordingly will determine how much, if any, reimbursement will be granted, subject to clauses 14.1 to 14.5.

### **15. ALTERATIONS TO CONSTITUTION**

- 15.1 This Constitution and statement of purposes may be amended or repealed at any Council Meeting or the AGM by a resolution to that effect passed by a 75% majority of the members of the Council present at the Meeting at which the matter is considered, provided that at least twenty-one [21] days notice of the proposed amendment or repeal is given to the ALSA Council.
- 15.2 Any consequential alterations to the Constitution sought pursuant to clause 15.1 may, if the Chairperson of the Meeting considers it to be sufficiently relevant to the original motion, be proposed in the Meeting without having to satisfy the requirements of notice as set out in clause 15.1.

### **16. APPOINTMENT OF PATRONS OF ALSA**

- 16.1 The Council may appoint one or more Patrons of ALSA.
- 16.2 A Patron may be nominated to at a Council Meeting by any Council Member.
- 16.3 A nominee will become a Patron of the Association upon the approval of a 75% majority of the Council members present at the Meeting at which the matter is considered.
- 16.4 A Patron will cease to be such only:
- 16.4.1 upon formal resignation from office;
  - 16.4.2 upon death;
  - 16.4.3 upon the individual being declared insolvent;
  - 16.4.4 upon expiry of one calendar year from appointment.

## 17. DISSOLUTION

- 17.1 ALSA may be dissolved at any Council Meeting upon passage of a resolution to that effect by a 75% majority of the members of the Council present at the Meeting.

17.2 A resolution pursuant to clause 17.1 must be confirmed by a 75% majority at a subsequent Council Meeting convened specifically for that purpose and held not earlier than six weeks after the date on which the resolution was originally passed.

17.3 ~~Upon dissolution of the Australian Law Students' Association Incorporated (ABN 37 680 713 915), all assets will be transferred to the Australian Law Students' Association Ltd, a company limited by guarantee with the same purposes and objectives as the Australian Law Students' Association Incorporated. There must not be any distribution to any members of the Australian Law Students' Association Incorporated. If the Australian Law Students' Association Limited does not exist then distribution must be made to a company with the same purposes and objectives as the Australian Law Students' Association Incorporated. Upon dissolution of ALSA, all assets will be disposed of by way of donation to the Red Cross of Australia (Victorian Division). There must be no residue left for distribution to any Member of ALSA.~~

17.3

## 18. DISCIPLINE AND GRIEVANCE PROCEDURES

- 18.1. The ALSA Executive has the power to hear submissions relating to grievances and disputes arising under the Constitution between a member and another member, and may take such disciplinary action as it considers fit.
- 18.2. ALSA shall appoint a Discipline and Grievance Committee each calendar year composed of the Immediate Past President, two [2] members of the ALSA Executive and four [4] members of the ALSA Council.

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18.2.1 Quorum for the Discipline and Grievance Committee will be three of the appointed members and a member of the ALSA Executive.

18.2.2.1 In the event that casual vacancies become available on the Discipline and Grievance Committee, they will be filled by the process outlined in cl. 12.17 and 12.18 relating to casual vacancies of Committee positions.

18.2.2 For the purposes of cl.18.2, the composition of the four members of the ALSA Council shall be determined by Council by a process of nomination and secret ballot voting generally in accordance with the election procedures for Committee members in this constitution.

18.2.3 The Chair of the Discipline and Grievance Committee shall be the ALSA Immediate Past President. If the ALSA Immediate Past President is unable to be the Chair, the Chair shall be filled by a member of the Discipline and Grievance Committee chosen by agreement or by a simple majority vote of all five members of the Discipline and Grievance Committee.

18.2.4 In the event of a tied vote within the Discipline and Grievance Committee, the Chair shall have a casting vote.

18.2.5 An individual who is a member of the Discipline and Grievance Committee pursuant to cl.18.2 may not constitute part of the Discipline and Grievance Committee for the purposes of hearing an appeal brought by a member from a decision of the ALSA Executive where that individual or that individual's member LSS is a party to the appeal. In such circumstances, if the individual is a member by reason of cl 18.2.2 then quorum of the Discipline and Grievance Committee shall require only two members of ALSA Council.

18.3. The Discipline and Grievance Committee may hear an appeal that is brought by a member from a decision of the ALSA Executive made pursuant to cl.18.1.

18.4. The Discipline and Grievance Committee has the power to hear submissions relating to grievances and disputes arising under the Constitution between a member and ALSA, and may take such action as it considers fit.

18.5. The Discipline and Grievance Committee has the power to remove a member(s) of the ALSA Executive or Committee pursuant to clause 18.6.

18.6 Formal Removal Procedures:

18.6.1 A member of the ALSA Executive or Committee commits a Serious Dereliction of Responsibilities if they fail to comply with:

- A responsibility defined in a promulgated bylaw or the constitution regarding the position's description;
- An undertaking to complete tasks agreed to by a majority of the Executive and that Committee or Executive Member;

18.6.2 If an ALSA Executive or Committee Member commits a Serious Dereliction or Responsibilities as defined in clause 18.6.1, The Executive may decide by simple majority to give notice to that member detailing

- the reasons for the notice;
- that failure to respond within 14 days to the ALSA Executive will result in the member being deemed to have resigned their position, pursuant to clause 18.6.3
- that if the member does respond to the notice, a meeting of the Discipline and Grievance Committee will be scheduled to at least 5 but no more than 10 days after ALSA Executive receives their response.

18.6.3 The member of the ALSA Executive or Committee will be deemed to have resigned if he or she fails to respond within 14 days to a notice pursuant to 18.6.2 being sent,

18.6.4 If the member of the ALSA Executive or Committee responds, the Discipline and Grievance Committee will meet at least 5 but no more than 10 days after the response is received to hear his or her reasons and may take such action as it deems appropriate, including removing the member of the Executive or Committee from their position.

## **19. MISCELLANEOUS**

19.1. The official currency of ALSA is the Australian dollar.

19.2. Subject to legal requirements, access to ALSA records are restricted to access as stated in part 3 above.

19.3. Except for the purposes of reimbursement as provided for under clause 14, the Executive and Committee Officers of ALSA, acting in relation to any of the affairs of ALSA, will be indemnified from and against all actions, costs, charges, losses, claims, demands, damages, and expenses which they, or any of them, incur or sustain by reason of any act done, concurred in, or omitted in or about the execution of their duty, or supposed duty, in the course of their Offices, except such (if any) as he or she or they incur or sustain by or through his or her or their own wilful neglect or default respectively, and none of them will be answerable to the acts or defaults of the other or others of them.

19.4. Where information is provided to ALSA or its officers by a member it will be assumed, unless otherwise stated, that copyright resides with that member, and that the information is given with a non-exclusive licence to be used by ALSA for any purpose consistent with the Constitution.

## **20. SCHEDULE 1**

1.1 Stream A Scholarships

### **1.1.2 The ALSA Equity Scholarship**

Value: 1 or more scholarships of a minimum of \$250 each

Criteria:

- A student enrolled in an LLB or JD program at an ALSA-Affiliated university.
- Demonstrated equity circumstance affecting ability to study (including, but not limited to, gender, rural/regional location, extraordinary family commitments, sexuality, ethnicity, poverty, disability, or any other relevant circumstance.)

Supporting Documentation:

- Up to 1 page written application outlining equitable circumstance and effect on study, along with any other documents that support application.

### **1.1.3 The ALSA Competitors' Scholarship**

Value: 1 or more scholarships of a minimum of \$200 each

Criteria:

- A student enrolled in an LLB or JD program at an ALSA-affiliated university.
- Demonstrated success in Legal Skills Competitions (demonstrated success means competing at a State or National Championship, and/or winning an internal LSS Championship, as well as participating in external competitions OR mentoring other students in internal Competitions).

Supporting Documentation:

- Evidence of entry/success in the above mentioned programs (letter from LSS President sufficient for internal comps).

### **1.1.4 The ALSA Community Involvement Scholarship**

Value: 1 or more scholarships of a minimum of \$200 each

Criteria:

- Student enrolled in an LLB or JD program at an ALSA-affiliated university
- Demonstrated commitment to serving and improving their local community, with an emphasis on Australian programs, as well as programs operating on a local scale and/or in regional areas.

Supporting Documentation:

- 1 page application along with a letter from their community organisation.

## **1.2 Stream B Scholarships**

Additional Scholarships may be created, from time to time, by ALSA, for a specific purpose.

These Scholarships will be managed by the Alumni & Scholarships Officer in conjunction with the ALSA Vice-President (Finance), the ALSA Immediate Past President, and any other party involved in the creation of the Scholarship.

The process for the creation of Stream B Scholarships will be set out in a by-law agreed to by a simple majority of Council.

