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**THE CONSTITUTION OF THE  
MONASH GRADUATE ASSOCIATION INCORPORATED**

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## THE CONSTITUTION OF THE MONASH GRADUATE ASSOCIATION INCORPORATED

### PART 1 – THE ASSOCIATION

#### 1. Name

The name of the incorporated association is the “Monash Graduate Association Incorporated” (“MGA”).

#### 2. Preliminary

- 2.1 MGA has the legal capacity of a body corporate.
- 2.2 Under section 46 of the Associations Incorporation Reform Act 2012 (Vic) (“Act”) this Constitution is an enforceable contract between each member and the MGA.
- 2.3 Under section 52 of the Act 1981 MGA members are not liable to contribute to the debts and liabilities of the MGA by reason only of their membership.
- 2.4 In accordance with section 87 of the Act, MGA indemnifies office-holders against any liability incurred in good faith by the office-holders in the course of performing their duties.
- 2.5 For the purposes of the Act the statement of purposes of MGA in clause 4 of this Constitution form part of its rules.

#### 3. Interpretation

- 3.1 In this Constitution, the headings form part and the meanings are as follows unless the contrary intention appears or if it contravenes any provision in the Act:
  - 3.1.1 “Absolute majority” means a majority of the votes of all members of the body at the time, whether present at the meeting and voting or not;
  - 3.1.2 “Academic day” means a day in semesters one or two but excludes University holidays.
  - 3.1.3 “Act” means the Associations Incorporation Reform Act 2012 (Vic);
  - 3.1.4 “Annual General Meeting” means the Annual Meeting of the graduate members and constituents duly convened in the manner provided for in this Constitution under clause 22 and the Regulations;
  - 3.1.5 “Apology” means an email sent to the MGA President or MGA Executive Officer to notify them of a Member’s inability to attend a specific meeting.

- 3.1.6 “Association” means the Monash Graduate Association Inc.
- 3.1.7 “Campus-tagged representatives” are tagged positions and not office bearer positions;
- 3.1.8 “CAPA” means the Council of Australian Graduate Associations;
- 3.1.9 “Constituent” means the graduate students enrolled at the University;
- 3.1.10 “Council” means the MGA Council, an advisory body to the MGAEC with a defined membership in clause 6.3;
- 3.1.11 “Council members” means the members of the MGA Council;
- 3.1.12 “DE” means graduate students studying by distance education and whose primary study location is not located on a Victorian campus;
- 3.1.13 “Executive Officer” refers to the senior staff member of the MGA or the Executive Officer’s nominee;
- 3.1.14 “Financial year” means the year beginning 1 January and ending 31 December;
- 3.1.15 “General meeting” means an Annual General Meeting (AGM) or a Special General Meeting (SGM);
- 3.1.16 “Graduate Student” means a student currently enrolled in a graduate course through an Australian campus of the University;
- 3.1.17 “Indigenous student” means any graduate student who identifies as an Aboriginal and/or Torres Strait Islander;
- 3.1.18 “Intermission” means voluntary and temporary suspension of MGAEC membership;
- 3.1.19 “International student” means a student holding a student visa for the purpose of obtaining an education in Australia and includes a student on a study abroad or international exchange program;
- 3.1.20 “LGBTIQA+ student” means a student who identifies as lesbian, gay, bisexual, transgender, intersex, asexual, aromantic, agender, questioning, queer and other sexes, genders, sexualities and romantic orientations;
- 3.1.21 “Members” means the members of the MGAEC;
- 3.1.22 “MGA” means the Monash Graduate Association Incorporated;
- 3.1.23 “MGAEC” means the Monash Graduate Association Executive Committee as defined in clause 9;
- 3.1.24 “MGA website” means the website owned and controlled by the MGA;
- 3.1.25 “Off-campus” means graduate students whose primary study location is at an institution affiliated with Monash University but not located on a Victorian campus;
- 3.1.26 “Office-bearer” means an office-bearer of the MGAEC under clause 14 who is an office-holder within the meaning of the Act;
- 3.1.27 “Officeholders” means office-bearers, MGAEC members, general representatives, campus representatives, secretary and MGA employees;

- 3.1.28 “Queer” means a wide range of diverse sexes, genders, sexual orientations and romantic orientations;
- 3.1.29 “Referenda” means a general vote by the graduate students conducted by the MGA on a single question which has been referred to them for a direct decision, the results of which will override decisions of a general meeting provided at least 1% of the graduate population have participated in the referendum;
- 3.1.30 “Registrar” means the Registrar of Incorporated Associations;
- 3.1.31 “Regulations” means the Regulations of the MGA, made under clause 39;
- 3.1.32 “Resolution” means a formal determination by the MGAEC or graduate students at a general meeting;
- 3.1.33 “Simple majority” means a majority of the votes of those present and voting;
- 3.1.34 “Special General Meeting” means a General Meeting of the graduate members and constituents duly convened in the manner provided for in this Constitution under clause 23.2 and 23.3;
- 3.1.35 “Special Resolution” shall have the same meaning as under Section 3 and section 64 of the Act.
- 3.1.36 “Staff” means any person whose usual occupation is that of working for the MGA and does not include a paid or unpaid member of the MGAEC.
- 3.1.37 “University” means Monash University;

#### **4. Purposes**

The purposes of the MGA are:

- 4.1 to be the recognized means of communication between Graduate Students and the academic and administrative authorities of the University;
- 4.2 to make representations on behalf of Graduate Students to the community at large;
- 4.3 to make representations on matters affecting Graduate Students to any member or body of the University, and in particular to the University Council, the Academic Board, the Graduate Research Committee, the Provost, the Vice-Chancellor, the Deputy Vice-Chancellors and Vice-Chancellor’s Group and its members;
- 4.4 to otherwise protect, promote and develop the interests and welfare of Graduate Students;
- 4.5 to provide a forum for open discussion on matters of general concern to Graduate Students;
- 4.6 to create opportunities for participation in academic and non-academic activities by and between Graduate Students;
- 4.7 to consider and initiate policies and activities designed to further the interests of Graduate Students;

- 4.8 to defend the principles of universal membership and the right of graduate students to an autonomous and self-governing organisation;
- 4.9 to defend the right of graduate students to determine the expenditure of the graduate student services amenities fee;
- 4.10 to be an accountable, representative and democratic body for all Monash University Graduate Students.

## **5 Powers**

- 5.1 The MGA must not distribute any of its income or assets to Members or Council members or Constituents by way of profits.
- 5.2 The MGA may engage in trade so long as the trading activity relates to its purposes.
- 5.3 The MGA is to pursue its purposes and objectives in accordance with the Monash University Act 2009 (Vic), the University Statutes and Regulations.
- 5.4 The MGA is to fill vacancies in the membership of the MGAEC by co-opting Graduate Students. This power exists even in the event of the membership falling below the number required for quorum.
- 5.5. The MGA is to make representations to, and receive assistance from, any member of the University or any University body in the pursuit of its purposes and objectives, including, without limiting the generality of the foregoing, the University Council or the Academic Board on any matter the MGAEC considers to be relevant to Graduate Students.

## **6 Membership**

- 6.1 The Constituents of MGA are the Graduate Students.
- 6.2 The Members of the MGA are the Members of the MGAEC, constituted in the manner provided in clause 29.
- 6.3 The Council Members are the members of the MGA Council comprising:
  - 6.3.1 the MGAEC members; and
  - 6.3.2 graduates appointed or elected by the MGA to a graduate student representative position on a university board or committee; and
  - 6.3.3 any other members as determined by the MGAEC.
- 6.4 The MGAEC is empowered to make Regulations governing the membership and operation of the Council.
- 6.5 Members and Council Members must at all times comply with this Constitution, and the Regulations.
- 6.6 Except as provided in this Constitution, there are no entrance fees, subscriptions or other amounts to be paid by Constituents, Council Members and Members of the MGA in their capacity as Constituents and/or members.
- 6.7 The MGA may not discipline members in their capacity as members except in the manner provided in this Constitution.
- 6.8 A Graduate Student who is appointed or elected by the MGA as an MGA nominee to a Graduate Student representative position on a University or

Faculty board or committee and is so appointed to the position is a Council Member and is bound by the provisions of this Constitution.

- 6.9 The MGA may provide services to MGAEC approved individuals and groups who are not Members, Council Members and/or Constituents, and the MGAEC may choose to set a fee for this service.

## **7 Responsibilities of the MGA**

The MGA must:

- 7.1 ensure that the registered name and number of the association appears in all its notices, advertisements, publications and business documents in compliance with section 23 of the Act;
- 7.2 notify the Registrar of incorporated associations of a change of its registered address in compliance with section 28(3) of the Act;
- 7.3 notify the Registrar of any changes to its statement of purposes or rules;
- 7.4 make a copy of its rules and minutes available for inspection by its members and constituents on request in compliance with section 53 of the Act;
- 7.5 notify the Registrar of a change of Secretary or change of Secretary's address in compliance with section 74 and section 74A of the Act;
- 7.6 maintain adequate and accurate accounting records of its financial transactions, financial position and financial performance in compliance with Section 89 of the Act;
- 7.7 make a copy of the trust deed of any trust held on behalf of the incorporated association by a person or body other than the association available for inspection by its members on request;
- 7.8 have its accounts audited at the end of each financial year;
- 7.9 notify the Registrar of any special resolution relating to winding up and distribution of assets.

## **8. Financial**

### **8.1 Sources of Funds and Financial Year**

8.1.1 The primary source of funds of the MGA are derived from Monash University.

8.1.2 The MGA Financial Year means the year ending 31 December.

### **8.2 Management of Funds**

8.2.1 The MGAEC is responsible for the management of the funds and assets of the MGA.

8.2.2 The MGAEC must ensure that true and fair accounts of the MGA are kept.

- 8.2.3 All funds received by the MGA must be paid into an account(s) current with a recognised Trading Bank or Savings Bank. Funds not needed for day-to-day operations may at the discretion of the MGAEC be deposited in term deposits with such institutions or other funding arrangements that are appropriate for a non-profit organization.
  - 8.2.4 The MGAEC may open separate bank accounts in order to facilitate financial transactions for specific MGA activities. The existence of any such account shall be disclosed at the Annual General Meeting by way of written report prepared by the Vice President.
  - 8.2.5 The Executive Officer shall be responsible for maintaining a fixed asset register. Any new equipment valued at \$500 or higher, purchased by or on behalf of the MGA, shall be added to the register.
- 8.3 Cheques, Credit Cards, Promisory notes and Negotiable instruments
- 8.3.1 All cheques and electronic transactions except transfers between MGA's internal bank accounts must be authorised by two (2) signatories being the President or President's nominee and the Executive Officer or Executive Officer's nominee. In the event that the President is unavailable or unable to authorise a cheque or electronic transaction then the President's nominee shall be the alternate signatory. In the event that the Executive Officer is unavailable or unable to authorise a cheque or electronic transaction then the Executive Officer's nominee shall be the alternate signatory.
  - 8.3.2 Signatories must not sign cheques or approve electronic transactions until the payee and amount have been written in.
  - 8.3.3 Financial transactions shall be processed electronically or by cheque, debit or credit card save and except petty cash.
  - 8.3.4 The signatory to the MGA debit or credit card shall be the MGA staff member so authorized by the MGAEC.
  - 8.3.5 A debit or credit card transaction over \$300 and outside the approved annual budget shall only be entered into by an authorized MGA staff member after electronic or hardcopy authorization has been received from either the MGA President or MGA Vice-President.
  - 8.3.6 The MGA President or MGA Executive Officer may authorise cash advances to MGAEC members and MGA staff in cases where the expenditure:
    - 8.3.6.1 has been approved to be refunded; and
    - 8.3.6.2 cannot be made with the MGA credit card; and
    - 8.3.6.3 is an amount to be paid such that the payment would cause the MGAEC member or staff member financial hardship.
- 8.4 Audit
- 8.4.1 The MGAEC must appoint a qualified accountant as auditor of the MGA.
  - 8.4.2 The auditor must audit the accounts of the MGA each financial year.



- 8.4.3 The MGAEC must comply in all respects with the accounting requirements under the Act.
- 8.5 Financial Regulations
  - 8.5.1 The members, MGA staff, its agents and servants shall at all times be bound by the conditions contained in the MGA Financial Regulations and must sign an acknowledgement to that effect upon entering into office or staff employment.
  - 8.5.2 The MGAEC may overturn a joint financial decision of the President or Vice President and Executive Officer only if that joint decision:
    - 8.5.2.1 did not comply with the financial regulations; or
    - 8.5.2.2 did not have prior approval by the President or Vice President and Executive Officer or Executive Officer's nominee; or
    - 8.5.2.3 was not related to MGA business; or
    - 8.5.2.4 resulted in the associated budget line to be over budget; or
    - 8.5.2.5 was outside the approved budget and was over \$300.

**PART 2 – MONASH GRADUATE ASSOCIATION EXECUTIVE COMMITTEE**

**9 The Executive Committee**

- 9.1 Subject to clause 29 of the Constitution, the MGA Executive Committee (“the MGAEC”) shall ordinarily consist of fifteen (15) Members elected by and from Graduate Students, each of whom shall be elected in the manner provided herein, each year. In the event of no MGAEC Member being eligible to fill the position of Women’s Officer, Queer Officer, International Students’ Officer or Indigenous Students’ Officer, the MGAEC shall co-opt a Graduate Student eligible to fill these positions in accordance with the MGA Regulations, even if it may increase the membership beyond the mentioned fifteen (15) membership.
- 9.2 The MGAEC may remove office-bearers from their office-bearer positions, on the grounds that the Member has failed in their duties as an office-bearer, through a Special Resolution passed by the MGAEC in the manner provided in the Act and this Constitution. The Member remains as a general Member of the MGAEC.
- 9.3 Any MGAEC Member who has:
  - 9.3.1 missed two consecutive meetings without apology; and
  - 9.3.2 failed to respond to two attempts by the MGA President and/or the MGA Executive Officer to contact the member by email and/or phone;
 is automatically excluded from the MGAEC.
- 9.4 An excluded Member may apply to be co-opted to a vacancy in the membership of the MGAEC or can nominate themselves to stand in MGAEC elections.
- 9.5 The MGAEC may approve intermission from the MGAEC of up to 3

months for any MGAEC Member.

- 9.6 A Member on intermission from the MGAEC, approved under clause 9.5, will not be paid a stipend for the duration of that intermission.
- 9.7 The MGAEC is responsible for the interpretation of this Constitution and the Regulations.

## **10. Quorum**

- 10.1 Subject to sub clause 5.3, Quorum for MGAEC meetings shall be:
- 10.1.1 a majority of the current elected MGAEC membership; or
  - 10.1.2 five MGAEC members, whichever is greater.
- 10.2 No decisions may be taken unless a Quorum is present.
- 10.3 If within 30 minutes of the time appointed for the meeting a Quorum is not present:
- 10.3.1 in the case of a special meeting, the meeting lapses
  - 10.3.2 in any other case, the meeting can continue provided MGAEC members present are not less than 2 in number from the required Quorum and the simple majority of the MGAEC Members vote to continue with the meeting. In the event of the number of MGAEC members being less than required or there being no simple majority vote passed, the meeting shall stand adjourned to the next meeting.
  - 10.3.3 Any business transacted at a meeting which does not have the requisite Quorum, will require the business so conducted to be ratified at the next monthly executive meeting or in the instance of urgent business, via a vote conducted by email.
- 10.4 MGAEC members on MGAEC intermission are not members of the MGAEC for the purposes of determining Quorum.

## **11. Responsibility and Powers**

- 11.1 The MGAEC is responsible for the governance and management of the MGA, subject to clause 28 of this Constitution.
- 11.2 The MGAEC is to govern the Association by determining policies and organisational objectives.
- 11.3 The MGAEC may exercise all powers of the MGA on its behalf.
- 11.4 Without limiting subclauses 11.1, 11.2, 11.3, 17.1 and 17.2, the MGAEC is responsible for:
- 11.4.1 the acquisition and disposal of property;
  - 11.4.2 negotiating and entering into contracts on behalf of the MGA;
  - 11.4.3 the employment of staff by or on behalf of the MGA;,
  - 11.4.4 the payment of honoraria or stipends to MGAEC members, save and except any increase to existing stipends or honoraria or creation of new stipends or honoraria which must be approved by

- a simple majority of members and constituents at an Annual General Meeting;
    - 11.4.5 the expenditure and investment of the funds of the MGA, and
    - 11.4.6 borrowings by or on behalf of the MGA.
- 11.5 The MGAEC may only accept a budget if it:
  - 11.5.1 includes not less than the amount provided in the last financial year for staff salaries, occupancy, light and power, telephone, affiliation fees and election expenses, unless approved by resolution of a General Meeting or referendum. Where, in the case of a General Meeting:
    - 11.5.1.1 the resolution is passed by two-thirds of the Graduate Students present and voting; and
    - 11.5.1.2 notice of the proposed changes have been displayed on the MGA website for 10 academic days prior to the general meeting.
  - 11.5.2 Nothing in clause 11 affects this clause.
- 11.6 Under the MGAEC's statutory responsibilities, the MGAEC must:
  - 11.6.1 pursuant to section 28(3) of the Act notify the Registrar in approved form of a change of the incorporated association's registered address no less than fourteen (14) days after the change;
  - 11.6.2 pursuant to section 73(1) if the position of Secretary becomes vacant, a new Secretary must be appointed within 14 days after the vacancy arises;
  - 11.6.3 pursuant to section 63(4) of the Act, an Annual General Meeting must be held within **5 months** after the end of the MGA Financial Year;
  - 11.6.4 submit an audited financial statement at the Annual General Meeting, in accordance with Division 4, Part 7 of the Act;
  - 11.6.5 in accordance with section 102(2) of the Act ensure the Secretary lodges with the Registrar the financial statement of the MGA within one (1) month of the date of the Annual General Meeting in which the financial statement was submitted to members;
  - 11.6.6 in accordance with section 102(3) of the Act ensure the Secretary lodges with the Registrar an annual statement in an approved form, to which the financial statement referred to in clause 11.6.5 is attached.
- 11.7 A Member of the MGAEC who has any direct or indirect material, personal or financial interest in a matter or contract, or proposed matter or contract with the MGA must disclose the nature and extent of their interest to the MGAEC. Their interest must be recorded in the financial

statements submitted to the MGA's members at the next Annual General Meeting.

- 11.8 A Member of the MGAEC who has a direct or indirect material, personal or pecuniary interest in a matter or contract and/or any direct or indirect material, personal or other interest must not take part in any discussion or decision of the MGAEC with respect to that matter or contract, and must not be present during any such discussion or vote.
- 11.9 The MGAEC has the power to:
- 11.9.1 control and manage the business and affairs of the Association, subject to this Constitution and the Act;
  - 11.9.2 use all powers as may be exercised by the Association, other than those powers that are required by this Constitution to be exercised by a General Meeting, referenda, or election;
  - 11.9.3 subject to this Constitution, the Regulations, and the Act, to perform all such affairs deemed by the members of MGA to be essential for the proper management of the Association;
  - 11.9.4 make and amend Regulations made pursuant to this Constitution;
  - 11.9.5 interpret this Constitution or the Regulations made pursuant to it save and except the power to make, amend, interpret these Regulations, and this Constitution cannot be delegated except in the manner provided herein;
  - 11.9.6 create documents for the purpose of running MGA and to make such policies as it thinks fit as to the retention or destruction of the documents, provided that all financial records of the MGA must be retained for no less than seven (7) years after the transactions covered by the records are completed in accordance with section 89(2) of the Act;
  - 11.9.7 create advisory bodies and do all such other things and attend to all such other matters as are incidental or conducive to the attainment of the purposes and objects and to the exercise of the powers of MGA generally;
  - 11.9.8 publish such material from time to time as the MGAEC may determine;
  - 11.9.9 administer the funds of MGA in accordance with this Constitution, whether received, granted or collected from the University or otherwise;
  - 11.9.10 make recommendations on any receipt or allocation of grants or funds to MGA;
  - 11.9.11 use the funds of MGA for payment of any expenses incurred in furthering the purposes of MGA;
  - 11.9.12 create branches of the MGA in pursuit of its purposes;
  - 11.9.13 cooperate with, and affiliate to, other persons and or bodies in pursuit of its purposes;

11.9.14 allow other bodies to affiliate with the MGA.

## **12 Duties of Officeholders**

Officeholders will at all times during their membership tenure:

- 12.1 act honestly and in good faith; and
- 12.2 declare any conflict of interest; and
- 12.3 not make improper use of their position or of information obtained through their membership tenure; and
- 12.4 ensure the MGA does not trade while insolvent; and
- 12.5 act with due care and diligence while undertaking any of their responsibilities as office-bearers and members of MGAEC.

## **13 Indemnity**

The MGA, in accordance with section 52 of the Act indemnifies its officeholders against any liability incurred in their respective capacity and while acting in good faith and in accordance with this Constitution.

## **14. Office-Bearers**

- 14.1 The following office-bearers shall be elected by and from the members of the MGAEC, subject to sub clause 30.4 of this Constitution:
  - 14.1.1 the President;
  - 14.1.2 the Vice President;
  - 14.1.3 the Research Education Officer;
  - 14.1.4 the Coursework Education Officer;
  - 14.1.5 the Women's Officer;
  - 14.1.6 the Queer Officer;
  - 14.1.7 the International Students' Officer;
  - 14.1.8 the Indigenous Students' Officer; and
  - 14.1.9 the Off-campus and DE Officer.
- 14.2 The Women's Officer shall be elected by the full MGAEC from the women members of the MGAEC.
- 14.3 The Queer Officer shall be elected by the full MGAEC from the LGBTIQ+ members of the MGAEC.
- 14.4 The International Students' Officer shall be elected by the full MGAEC from the international student members of the MGAEC.
- 14.5 The Indigenous Students' Officer shall be elected by the full MGAEC from the Indigenous student members of the MGAEC.
- 14.6 The Off-campus and DE Officer shall be elected by the full MGAEC from the off-campus and distance education members of the MGAEC.

- 14.7 The MGAEC may by regulation establish other office-bearer positions to be directly or otherwise elected by students.
- 14.8 All MGAEC Members will submit monthly written reports of their activities in time for inclusion in the agenda for each MGAEC meeting and an annual report for the Annual General Meeting.
- 14.9 The President:
- 14.9.1 is subject to the direction of the MGAEC;
- 14.9.2 is the official representative and chief spokesperson of the MGA in all dealings with the University, and shall report to the MGAEC on any such dealings.
- 14.10 The President is responsible for:
- 14.10.1 initiating and maintaining liaison with the University and its representatives;
- 14.10.2 advocating for the collective interests of Monash graduate students;
- 14.10.3 chairing all meetings of the MGA and the MGAEC;
- 14.10.4 implementing the decisions of the MGAEC in consultation with the staff of MGA;
- 14.10.5 hearing grievances, complaints or suggestions to do with any aspect of the workings of MGA from any graduate student or any member of the MGAEC, and to ensure that appropriate action is taken;
- 14.10.6 presenting and negotiating the MGA budget submission;
- 14.10.7 ensuring all activities are carried out in accordance with the Act by the Secretary;
- 14.10.8 other responsibilities as may be determined by the MGAEC from time to time.
- 14.11 The Vice President:
- is subject to the direction of the MGAEC.
- 14.12 The Vice President is responsible for:
- 14.12.1 ensuring that all financial transactions comply with the MGA Constitution and MGA policies as exist from time to time including financial regulations;
- 14.12.2 assisting the President in representing the views of the MGA in various forums;
- 14.12.3 initiating and maintaining liaison with the Council of Australian Graduate Associations (“CAPA”);
- 14.12.4 overseeing the discipline, expulsion or suspension of members from the MGAEC in accordance with clause 43 of this constitution;
- 14.12.5 deputising for the President when necessary;

- 14.12.6 other responsibilities as may be determined by the MGAEC from time to time.
- 14.13 In the event that the Vice President is unable or unwilling to so act then the MGAEC must appoint another MGAEC member as Interim Vice President with all the powers of the Vice President for a period of no more than 30 days.
- 14.14 The Research Education Officer:  
is subject to the direction of the MGAEC.
- 14.15 The Research Education Officer is responsible for:
  - 14.15.1 liaising with appropriate bodies in relation to issues pertaining to research graduates of Monash University;
  - 14.15.2 ensuring that the concerns of research graduates are brought to the attention of the MGAEC;
  - 14.15.3 liaising with MGA staff responsible for graduate representatives on research-related university boards and committees;
  - 14.15.4 ensuring MGA responds to changes to important research-related policies, procedures and regulations of the university;
  - 14.15.5 convening and chairing an advisory group of research graduates
  - 14.15.6 other responsibilities as may be determined by the MGAEC from time to time.
- 14.16 The Coursework Education Officer:  
is subject to the direction of the MGAEC.
- 14.17 The Coursework Education Officer is responsible for:
  - 14.17.1 liaising with appropriate bodies in relation to issues pertaining to coursework graduates of Monash University;
  - 14.17.2 ensuring that the concerns of coursework graduates are brought to the attention of the MGAEC;
  - 14.17.3 liaising with MGA staff responsible for graduate representatives on coursework-related university boards and committees;
  - 14.17.4 ensuring MGA responds to changes to important coursework-related policies, procedures and regulations of the university;
  - 14.17.5 convening and chairing an advisory group of coursework graduates
  - 14.17.6 other responsibilities as may be determined by the MGAEC from time to time.

- 14.18 The Women's Officer:  
is subject to the direction of the MGAEC.
- 14.19 The Women's Officer is responsible for:
- 14.19.1 liaising with appropriate bodies in relation to issues pertaining to women graduates of Monash University;
  - 14.19.2 ensuring that the concerns of women graduates are brought to the attention of the MGAEC;
  - 14.19.3 convening and chairing an advisory group of women graduates;
  - 14.19.4 other responsibilities as may be determined by the MGAEC from time to time.
- 14.20 The Queer Officer:  
is subject to the direction of the MGAEC.
- 14.21 The Queer Officer is responsible for:
- 14.21.1 liaising with the appropriate bodies in relation to issues pertaining to LGBTIQA+ graduates of Monash University;
  - 14.21.2 ensuring that the concerns of LGBTIQA+ graduates are brought to the attention of the MGAEC;
  - 14.21.3 convening and chairing an advisory group of LGBTIQA+ graduates;
  - 14.21.4 other responsibilities as may be determined by the MGAEC from time to time.
- 14.22 The International Students' Officer:  
is subject to the direction of the MGAEC.
- 14.23 The International Students' Officer is responsible for:
- 14.23.1 liaising with the appropriate bodies in relation to issues pertaining to international graduates of Monash University;
  - 14.23.2 ensuring that the concerns of international graduates are brought to the attention of the MGAEC;
  - 14.23.3 convening and chairing an advisory group of international graduates;
  - 14.23.4 other responsibilities as may be determined by the MGAEC from time to time.



- 14.24 The Indigenous Students' Officer:  
is subject to the direction of the MGAEC.
- 14.25 The Indigenous Students' Officer is responsible for:
- 14.25.1 liaising with the appropriate Indigenous bodies in order to maximize the participation of Indigenous students in higher education;
  - 14.25.2 ensuring that the concerns of Indigenous graduates are brought to the attention of the MGAEC;
  - 14.25.3 liaising, in conjunction with the President, with any person or department of the university where it would be either appropriate or mandatory to have an Indigenous person present;
  - 14.25.4 convening and chairing an advisory group of Indigenous graduates;
  - 14.25.5 other responsibilities as may be determined by the MGAEC from time to time.
- 14.26 The Off-Campus and DE Officer:  
is subject to the direction of the MGAEC.
- 14.27 The Off-campus and DE Officer is responsible for:
- 14.27.1 ensuring that the concerns of graduates located at off-campus sites and affiliated institutions, and graduates studying by distance education are brought to the attention of the MGAEC;
  - 14.27.2 liaising with off-campus and distance education graduates in relation to issues pertaining to them;
  - 14.27.3 convening and chairing an advisory group of off-campus and DE graduates;
  - 14.27.4 other responsibilities as may be determined by the MGAEC from time to time.

## **15. Campus representatives**

- 15.1 Campus-tagged representatives are graduates enrolled at Australian campuses of the university who have been elected by the graduate students enrolled at their specific campuses.
- 15.2 Campus Representatives:
- 15.2.1 are subject to the direction of the MGAEC;
  - 15.2.2 are the official representatives of the MGA in dealings with their respective campuses and shall report to the MGAEC on any such dealings.

- 15.3 The Campus Representatives are responsible for:
- 15.3.1 liaising with office-bearers regarding campus-based issues;
  - 15.3.2 convening and chairing an advisory group of campus-based graduates;
  - 15.3.3 initiating campus-based activities and events for the purpose of improving the graduate experience at Monash University;
  - 15.3.4 developing and maintaining communication with the campus-based graduates;
  - 15.3.5 other responsibilities as may be determined by the MGAEC from time to time.
- 15.4 Campus-tagged representatives are not deemed to be MGAEC office-bearers under this constitution.

## **16 Secretary**

- 16.1 The Executive Officer shall be the Secretary of the MGA for the purposes of Part 6 the Act.
- 16.2 Under section 73 of the Act, if the office of Secretary becomes vacant the position must be filled within 14 days of it becoming vacant.
- 16.3 Under section 74 of the Act notice of appointment of Secretary must be given to the Registrar of Incorporated Associations within 14 days of date of appointment.
- 16.4 The effect of section 75 of the Act is that the person last notified to the Registrar of Incorporated Associations remains the Secretary until a new person is appointed and this appointment is made known to the Registrar.
- 16.5 Once all current positions of MGAEC are designated, the Secretary must as soon as practicable, enter details on the MGA member register.

## **17 Designated Committee Positions**

- 17.1 The MGAEC must make Regulations to ensure the representative nature of the Executive, with regard to representing graduates across different Faculties and from research and coursework cohorts.
- 17.2. The MGAEC must make Regulations to ensure the representative nature of the Executive, with regard to representing graduates across the different Monash Australian campuses.
- 17.3 The MGAEC must include a representative position for each of the Monash Australian campuses with each such position to be elected by and from the Graduate Students enrolled through that campus.

## **18. Staff Positions of the MGA**

- 18.1 The MGA shall employ permanent and contract staff to carry out the directions of the MGAEC.

- 18.2 No member of the MGAEC shall be eligible to fill any staff position under clause 18.1, with the exception of casual positions.

**19 Executive Officer**

- 19.1 The Executive Officer of the MGA shall be responsible for the day-to-day management of the MGA subject to the directions of the MGAEC and this Constitution.
- 19.2 The Executive Officer shall at all times, under the directions of the MGAEC, implement the policy and organisational objectives which shall be set out by the MGAEC from time to time. In doing so the Executive Officer shall, in consultation with the President and Vice-President of the MGA, determine the allocation of resources necessary to achieve these policies and objectives.
- 19.3 The Executive Officer is responsible for the direction of staff of the MGA.
- 19.4 Subject to clause 20.10 the Executive Officer or Executive Officer's nominee shall be allowed to attend all MGAEC meetings in a consultative role with full speaking rights but will not have voting rights and will not be counted towards determining quorum.

**20 Meetings of the MGAEC**

- 20.1 The MGAEC shall meet at least once a month during their term from February to December of each year.
- 20.2 The MGAEC Annual General Meeting shall be held within five months after the end of the Association's financial year.
- 20.3 The MGA Council shall meet at least once a year and this meeting may be held in conjunction with a regular MGAEC meeting.
- 20.4 Special meetings of the MGAEC may be called for by the President or by any four MGAEC members collectively, of the committee, in the manner provided for by this Constitution and the Regulations.
- 20.5 All meetings shall be chaired by the President of the MGA or, in the absence of the President or if the President is unable to chair part or all of the meeting, by the Vice President or, in the absence of the Vice President or if the Vice President is unable to chair part or all of the meeting, by an MGAEC member elected by a simple majority.
- 20.6 Each MGAEC member present at a meeting is entitled to only one vote, in the event of a tied vote on any question; the Chair may exercise a second or casting vote.
- 20.7 At meetings of the MGAEC all voting will be by a show of hands, unless two or more members of the MGAEC request a secret ballot.
- 20.8 The MGAEC may decide any question by a Simple Majority of votes cast unless otherwise specified in this Constitution or Regulations.
- 20.9 The MGAEC may make or amend the Regulations for the convening and conduct of its meetings in the manner provided in clause 11.9.4 and 39 of this Constitution;

- 20.10 Members of the MGAEC may not vote by proxy at MGAEC meetings.
- 20.11 Meetings of the MGAEC may only proceed in-camera if:
  - 20.11.1 the business to be considered relates to a confidential, personal, staffing or legal matter; and
  - 20.11.2 the body passes a resolution to do so by a two-thirds majority of those present and voting.
- 20.12 The meeting shall be reopened to non-MGAEC members as soon as the in-camera business has been considered.
- 20.13 Subject to clause 10, vacancies in the membership of the MGAEC do not prevent the conducting of meetings.
- 20.14 Any MGAEC member may apply to the MGAEC to intermit their membership for a period of time, but not exceeding 3 months, during which period they are not included when determining quorum.

**21 Delegation of Powers**

- 21.1 The MGAEC may:
  - 21.1.1 delegate its responsibilities and powers as it thinks appropriate; subject to subclauses 21.2 and 21.3.
  - 21.1.2 subject to clause 21.1.1 above, establish committees or subcommittees with such membership and terms of reference as it thinks appropriate; and
- 21.2 A responsibility or power delegated to a body or person may not be further delegated unless the resolution under which the responsibility or power is delegated (or a subsequent resolution) specifically empowers that body or person to do so.
- 21.3 The MGAEC shall not delegate its powers:
  - 21.3.1 to make Regulations under clause 39; or
  - 21.3.2 to interpret this Constitution and the Regulations under clause 40 and clause 11.9.4 and clause 11.9.5.

**PART 3 – GENERAL MEETINGS OF MEMBERS AND CONSTITUENTS**

**22 Annual General Meetings**

- 22.1 The Annual General Meeting must be held on an Academic Day as the MGAEC determines.
- 22.2 The Annual General Meeting must be specified as an Annual General Meeting in the notice convening it.
- 22.3 The Annual General Meeting may transact special business of which notice is given in accordance with this Constitution and Regulations.

**23 Regularity of Annual and Special General Meetings**

The MGAEC shall use its good offices to facilitate General Meetings of Graduate Students, both Members and Constituents including;

- 23.1 an Annual General Meeting within five months after the end of the Association's financial year; and
- 23.2 a Special General Meeting within one month of receipt by the MGAEC of a petition from no fewer than fifteen Graduate Students; and
- 23.3 a Special General Meeting at such other times as the MGAEC considers would be conducive to the attainment of its objectives; and
- 23.4 a Special General Meeting to hear an appeal by a member under discipline procedures and which must be run in accordance with Clause 44 of this Constitution.

**24 Chairing of Meetings**

- 24.1 All MGAEC meetings shall be chaired by the President of the MGA or, in the absence of the President or if the President is unable to chair part or all of the meeting, by the Vice President or, in the absence of the Vice President or if the Vice President is unable to chair part or all of the meeting, by an MGAEC member elected by a simple majority.
- 24.2 All Meetings of Graduate Students shall be facilitated by the MGAEC chaired by the President of the MGA or, in the absence of the President or if the President is unable to chair part or all of the meeting, by the Vice President or, in the absence of the Vice President or if the Vice President is unable to chair part or all of the meeting, by an MGAEC member elected by a simple majority.

**25 Voting**

At meetings of Graduate Students facilitated by the MGAEC:

- 25.1 all voting will be by a show of hands, subject to clause 44.8, unless a secret ballot is requested by five or more Graduate Students;
- 25.2 subject to sub clause 41.2 and clause 44.8, a resolution considered by a general meeting of Graduate Students facilitated by the MGA shall be deemed to have been duly passed if it is approved by a simple majority of Graduate Students present and voting, subject to subclause 25.3;
- 25.3 changes to this Constitution must be passed by a two-thirds majority;
- 25.4 the chairperson may have a casting vote in the event of any deadlock.

**26 Quorum**

- 26.1 A quorum for an Annual General Meeting of Graduate Students facilitated by the MGA shall be twenty-five Graduate Students.
- 26.2 A quorum for a Special General Meeting of Graduate Students facilitated by the MGA shall be twenty-five Graduate Students.

**27 Advertising of Meetings**

- 27.1 Subject to clause 44.7, at least twenty one days notice of General Meetings must be given to graduates by:
  - 27.1.1 notice posted on the MGA website; and

27.1.2 advertising within the University.

27.2 The MGAEC shall make Regulations stipulating the time and manner in which notices of motion for General Meetings shall be made.

## **28 Effects of Decisions**

The MGA Members shall give effect, so far as they are able, to every decision of a General Meeting of Graduate Students or referendum, until such time as that decision is revoked or amended by another General Meeting of Graduate Students or referendum, given that such decisions are in accordance with this Constitution, and in the case of the referenda, if at least 1% of the total Graduate Student population have voted.

## **29 Referenda of Members and Constituents**

29.1 Referenda must be conducted by secret ballot;

29.2 Decisions of graduate constituents and members by referenda override decisions of graduate general meetings only if at least 1% of the total graduate student population have voted in the referenda.

## **PART 4 – ELECTIONS**

### **30 Conduct of MGAEC Elections**

30.1 Nominations of candidates for election of MGAEC Members must be made in such a manner provided for herein and in the Regulations of the Association.

30.2 A candidate may be nominated for a general representative position and a campus-tagged representative position but may hold only one position.

30.3 If insufficient eligible nominations are received to fill all vacancies within each category on the committee, the candidates nominated shall be deemed to be elected and further nominations for co-option may be received at the monthly meetings of the constituted MGAEC.

30.4 If the number of eligible nominations received within each category is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected, subject to any Regulations made pursuant to clause 17.

30.5 If the number of eligible nominations received within each category exceeds the number of vacancies to be filled, elections by secret ballot must be held.

30.6 Elections for the MGAEC must be conducted by secret ballot in such manner as is provided in this clause, and the Regulations.

30.7 An elector must vote by:

30.7.1 marking on a ballot paper, whether hardcopy or electronic, the number 1, a tick, or a cross in the square opposite to the name of the candidate to indicate the elector's first preference for the candidate; and

30.7.2 marking the numbers 2, 3 and so on in the other squares, to indicate the order of the elector's preferences for 1 or more (but not

necessarily all) of the other candidates in the case of the election of a campus representative and not less than 10 (but not necessarily all) of the other candidates in the case of the election of the general representative.

### **31 Conduct of Office-Bearer Elections**

- 31.1 Nominations for candidates for election of office bearer must be made in the manner provided in Section 5 of the General Regulations of the Association.
- 31.2 Office-bearer elections must be conducted by secret ballot, with the vote to be decided by an absolute majority of the MGAEC for the term of office in question.
- 31.3 No graduate student can hold the position of President while simultaneously holding a campus-tagged representative position.

### **32 Eligibility to Stand and Vote**

- 32.1 All Graduate Students may stand in MGA elections, but cannot hold a position on the MGAEC while also holding:
  - 32.1.1 permanent or contract staff positions with the MGA; or
  - 32.1.2 staff positions with an undergraduate student representative body, as recognised under Monash University (Council) Regulation 66; or
  - 32.1.3 committee member positions on an undergraduate student representative body, as recognised under Monash University (Council) Regulation 66.
- 32.2 All Graduate Students may vote in MGA elections.
- 32.3 Subclauses 31.1 and 31.2 do not prevent this Constitution or the Regulations from limiting the eligibility to stand and vote in particular elections to a specified group or groups of Graduate Students.

### **33 Term of Office**

- 33.1 Members of the MGAEC elected at annual elections, subject to subclauses 9.2, 9.3 and 34.1 must:
  - 33.1.1 attend an induction prior to the June MGAEC meeting; and
  - 33.1.2 attend the June MGAEC meetings as observers; and
  - 33.1.3 assume office from the end of the June MGAEC meeting at which time the office-bearer elections will be held; and
  - 33.1.4 cease to hold office at the conclusion of the first regular MGAEC meeting in June of the following year.
  - 33.1.5 No Graduate Student may hold the same office-bearer position on the MGAEC for more than a total cumulative period of two terms.
  - 33.1.6 No graduate student may hold the same campus-tagged representative position on the MGAEC for more than a total cumulative period of two terms, subject to section 33.1.5.
  - 33.1.7 Where a campus-tagged position remains vacant after an election

the MGAEC has the power to coopt to this position even in the event the cooptee has served more than two cumulative terms in the position.

## **34 Vacancies**

- 34.1 The position of a member of the MGAEC becomes vacant if the person holding the position:
- 34.1.1 delivers a signed hardcopy resignation or resignation by email to the President and/or Executive Officer (or, in the case of the President, to the Vice President and/or Executive Officer); or
  - 34.1.2 ceases to be a graduate student; or
  - 34.1.3 becomes a permanent or contract member of the staff of the MGA; or
  - 34.1.4 becomes a staff member of an undergraduate student representative body, as recognised under Monash University (Council) Regulation 66; or
  - 34.1.5 becomes a committee member on an undergraduate student representative body, as recognised under Monash University (Council) regulation 66; or
  - 34.1.6 has without apology failed on 2 consecutive occasions to attend an MGAEC meeting and cannot be contacted, subject to clause 9.3;
  - 34.1.7 is removed by a resolution passed by an absolute majority of the members of the MGAEC on the grounds that the member has been certified by a registered medical practitioner to be incapable of carrying out the responsibilities of the position because of injury or illness;
  - 34.1.8 is removed by special resolution of a general meeting;
  - 34.1.9 dies;
  - 34.1.10 becomes bankrupt;
  - 34.1.11 becomes a represented person within the meaning of the Guardianship and Administration legislation applicable at the time.
- 34.2 Vacancies in office-bearer positions and campus-tagged positions must be filled as soon as practical.
- 34.3 Vacancies on the MGAEC may be publicised and filled by co-option, resolved by an absolute majority of MGAEC members.
- 34.4 Persons filling vacancies hold those positions for the remainder of the term of office, subject to this clause and subclauses 9.2 and 9.3.

## **35 Validation**

- 35.1 No act of an office-bearer or member of the MGA shall be invalid by reason only of the fact that such a person was without capacity or power to do the act; and
- 35.2 No decision of the MGAEC shall be invalid by:



- 35.2.1 reason of the incapacity referred to in clause 33.1;
- 35.2.2 a vacancy in membership; or
- 35.2.3 a defect or irregularity in, or in connection with, the election or appointment of members; or
- 35.2.4 a defect or irregularity in, or in connection with, the election of a chair of a meeting.

## **PART 5 – LEGAL**

### **36 Non Profit Status**

The assets and income of the Association shall be applied exclusively to the promotion of its objects and no portion shall be paid or distributed directly or indirectly to the members of the Association except as bona fide remuneration for services rendered or expenses incurred on behalf of the Association.

### **37 Publisher**

The President is the publisher of all material published by the MGA.

### **38 Role of Secretary**

#### **38.1 Access to records**

The Secretary must:

- 38.1.1 keep custody of all books, documents and securities of the MGA;
- 38.1.2 maintain a register of members;
- 38.1.3 provide members with access to the register of members, the Minutes of MGAEC meetings, the Minutes of general meetings and other books and documents.

#### **38.2 Register of Members**

The Secretary must ensure that a register is kept in which are entered:

- 38.2.1 the name of each Executive Member, and
- 38.2.2 the address for notices last notified by the Executive Member, and
- 38.2.3 the date of becoming an Executive Member, and
- 38.2.4 in the case of former Members, the date of ceasing to be an Executive Member.

### **39 Ownership of Documents**

Any document made, produced or created in any form by the MGA is the property of the MGA, and with the exception of documents of public notice, may be treated as confidential by the MGA, MGAEC, MGA staff members and constituents, and if designated confidential shall not be distributed or disseminated without a resolution passed by the MGAEC authorising the action.

**40 Regulations**

- 40.1 The MGAEC may by resolution passed by an absolute majority make or amend Regulations to give effect to this Constitution.
- 40.2 New Regulations must promptly be published on the MGA website, but the accidental failure to comply with this provision does not affect the validity of the Regulations.

**41 Amendment of this Constitution**

- 41.1 This Constitution may only be amended by Special Resolution of the Graduate Students present and voting at an Annual General Meeting or Special General Meeting and duly ratified by a special resolution passed by the MGAEC;
- 41.2 Under section 50(2) of the Act an amendment does not take effect until it is brought to the notice of, and approved by, the Registrar.

**42 Common Seal**

- 42.1 The common seal shall be used only if authorized by resolution of the MGAEC.
- 42.2 Every instrument to which the seal is affixed shall be signed by two members of the MGAEC, one of whom shall be the President of the MGA or the Vice-President of the MGA, and shall be countersigned by another member appointed by the MGAEC for this purpose.
- 42.3 The MGAEC must provide for the safe custody of the common seal.

**43 Grievance Procedures**

In compliance with section 55 of the Act,

- 43.1 The grievance procedure set out in this clause applies to disputes under this Constitution between:
  - 43.1.1 a member and another member; or
  - 43.1.2 a member and the MGA.
- 43.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- 43.3 If the parties are unable to resolve the dispute at the meeting, or if a party failed to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator, the cost of which is to be funded by the MGA.
- 43.4 The mediator must be:
  - 43.4.1 A person chosen by agreement between the parties; or
  - 43.4.2 in the absence of agreement:

- 43.4.2.1 in the case of a dispute between a member and another member, a person appointed by the committee of the Association;
  - 43.4.2.2 in the case of a dispute between a member and the MGA, a person who is a mediator appointed by Monash University.
- 43.5 A member of the Association can be a mediator.
- 43.6 The mediator cannot be a member who is a party to the dispute.
- 43.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 43.8 The mediator, in conducting the mediation, must:
- 43.8.1 give the parties to the mediation process every opportunity to be heard; and
  - 43.8.2 allow due consideration by all parties of any written statement submitted by any party; and
  - 43.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 43.9 The mediator must not determine the dispute.
- 43.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

#### **44 Discipline, Suspension and Expulsion of Members**

- 44.1 Subject to this Constitution, if the MGAEC is of the opinion that a member has refused or neglected to comply with this Constitution or attendant Regulations, or failed in their duties to the MGAEC or has been guilty of conduct unbecoming a member or prejudicial to the interests of the Association, the MGAEC may by resolution:
- 44.1.1 suspend that member from membership of the Association for a specified period; or
  - 44.1.2 expel that member from the Association.
- 44.2 A resolution of the MGAEC under clause 44.1 does not take effect unless a meeting of the MGAEC to confirm or revoke such a resolution is held not earlier than 14 days, and not later than 28 days, after notice has been given to the member in accordance with sub clause 44.3.
- 44.3 For the purposes of giving notice in accordance with sub clause 44.2, the Vice President must as soon as practicable cause to be given to the member a written notice:
- 44.3.1 setting out the resolution of the MGAEC and the grounds on which it is based; and

- 44.3.2 stating that the member, or their representative, may address the MGAEC at a meeting to be held not earlier than 14 days and not later than 28 days after the notice has been given to that member; and
  - 44.3.3 stating the date, place and time of that meeting; and
  - 44.3.4 informing the member that they may attend the meeting and/or give to the MGAEC before the date of the meeting a written statement seeking the revocation of the resolution; and
  - 44.3.5 informing the member that, if at that meeting, the MGAEC confirms the resolution, they may not later than 48 hours after that meeting, give the Vice President a notice to the effect that they wish to appeal to the Association in Special General meeting against the resolution.
- 44.4 A resolution of the MGAEC under clause 43.1 does not take effect, unless at a meeting held in accordance with clause 43.2, the MGAEC confirms the resolution and if the member exercises a right of appeal to the Association under subclause 43.3.5 and subclause 43.6 the Association confirms the resolution in accordance with this section.
- 44.5 At a meeting of the MGAEC to confirm or revoke a resolution to suspend or expel a member the MGAEC must:
- 44.5.1 give the member or their representative an opportunity to be heard; and
  - 44.5.2 give due consideration to any written statement submitted by the member; and
  - 44.5.3 determine by resolution whether to confirm or revoke the resolution.
- 44.6 If at a meeting of the MGAEC, the committee confirms the resolution, the member may, not later than 48 hours after that meeting, give the Vice President a notice in writing to the effect that they wish to appeal to the Association in a Special General meeting against the resolution.
- 44.7 If the Vice President receives a notice under clause 44.6 they must give notice to the MGAEC, and the committee must convene a Special General meeting of the Association to be held within 21 days after the date on which the Vice President received the notice.
- 44.8 At a Special General meeting of the Association convened under clause 44.7:
- 44.8.1 no business other than the question of the appeal may be conducted; and
  - 44.8.2 the MGAEC may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
  - 44.8.3 the member or his or her representative, must be given an opportunity to be heard; and

- 44.8.4 the members present must vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- 44.8.5 A resolution is confirmed if, at a Special General meeting, not less than two thirds of the members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

#### **45. Records**

- 45.1 The MGAEC must provide for the safe keeping of the records of the MGA.
- 45.2 The MGA must retain financial records for seven (7) years after the transactions covered by the records are completed.
- 45.3 The MGAEC shall make Regulations to determine:
  - 45.3.1 whether Members and Graduate Students are entitled to inspect some or all of the records of the MGA; and
  - 45.3.2 the conditions for the inspection.
- 45.4 Despite subclause 45.2, the MGAEC must ensure that up-to-date copies of this Constitution and the Regulations are available for inspection by Graduate Students at all times when the MGA Office is open.
- 45.5 The Minutes of the MGA are a public record.

#### **46 Custody and Inspection of Books and Records**

- 46.1 Except as otherwise provided in this Constitution, the Secretary must keep in their custody, control or power all books, documents and securities of the Association.
- 46.2 All agendas, accounts, books, securities and any other relevant documents of the Association must be available for inspection free of charge by any member upon request.
- 46.3 A member may make a copy of any accounts, books, securities and any other relevant documents of the Association.
- 46.4 a member may inspect the register of members of the MGA.

#### **47 Winding Up**

- 47.1 The MGA may be wound up voluntarily by special resolution in accordance with section 33 of the Act.
- 47.2 The MGA may not be wound up for vexatious purposes.
- 47.3 If the MGA is wound up voluntarily or pursuant to an order of the court, its surplus assets must not be distributed to any member.
- 47.4 Upon winding up, all assets shall pass to Monash University to hold on trust and be distributed for the purposes of Graduate Students.

## **PART 6 – MISCELLANEOUS**

### **48 University Representation**

- 48.1 Graduate students who are appointed as MGA representatives on University bodies are members of the MGA Council and are required to:
- 48.1.1 report to the MGA on relevant issues that arise at each meeting of the University body of which they are a member; and
  - 48.1.2 communicate to the University body the MGA's policies and positions on relevant issues; and
  - 48.1.3 attend the annual Council meeting of the MGA.
- 48.2 A Graduate Student who volunteers to be an MGA nominee to a Graduate Student representative position on a University or Faculty board or committee and is so appointed to the position is bound by the purposes and objects of this Constitution.

### **49 CAPA**

- 49.1 The Association may affiliate with CAPA.
- 49.2 The MGAEC must determine the delegates to the Annual Council Meeting and Special Council Meeting of CAPA
- 49.3 Delegates must communicate to CAPA the MGA's policies on relevant issues.
- 49.4 Delegates must compile a report of the CAPA Annual Council Meeting for the MGAEC.
- 49.5 CAPA's constitution, regulations, policies and public statements are not binding on the MGA or its members or constituents.

### **50 Affiliates**

- 50.1 The MGAEC may make rules for the affiliation of groups provided that nothing in the Constitution or objectives of an affiliated body conflicts with the MGA Constitution and the rules made under it.
- 50.2 Nothing in this Constitution prevents the MGA from affiliating with or providing services and representation to Honours students of the university.

### **51 Record of Constitutional Amendments**

The Annual General Meeting of the Monash Postgraduate Association ratified this Constitution on March 1998.

A further amendment was made at the Annual General Meeting on 17 March 1999.  
A further amendment was made at the Annual General Meeting on 8 May 2000.  
A further amendment was made at the Annual General Meeting on 30 May 2001.  
A further amendment was made at the Annual General Meeting on 15 March, 2002.  
A further amendment was made at the Annual General Meeting on 1 May 2003.  
A further amendment was made at the Annual General Meeting on 27 April 2004.  
Further amendments were made at the Annual General Meeting on 27 April 2006.  
Further amendments were made at the Annual General Meeting on 26 April 2007.  
Further amendments were made at the Annual General Meeting on 30 March 2010.  
Further amendments were made at the Annual General Meeting on 12 April 2011.  
Further amendments were made at the Annual General Meeting on 22 May 2012.  
Further amendments were made at the Annual General Meeting on 27 May 2014.  
Further amendments were made at the Annual General Meeting on 29 May 2015.  
Further amendments were made at the Annual General Meeting on 25 May 2016.  
Further amendments were made at the Annual General Meeting on 9 May 2018.  
Further amendments were made at the Annual General Meeting on 8 May 2019.  
Further amendments were made at the Annual General Meeting on 20 May 2020.