1. **Preamble**

These Rules are made under Statute No. 11 - Student Guild (“Statute 11”).

2. **Definitions and Interpretation**

   (1) In these Rules, unless the contrary intention appears:

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

   “**Constitution**” means the constitution of the Guild adopted by the governing body of the Guild under section 5(2) of Statute No. 11 – Student Guild and approved by the Council;

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

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

   “**Electoral Commission**” means the Western Australian Electoral Commission established under the *Electoral Act 1907 (WA)*;

   “**Electoral Commissioner**” means the Electoral Commissioner appointed under the *Electoral Act 1907 (WA)*;

   “**Election Tribunal**” means an Election Tribunal established under Rule 7(6);

   “**General Meeting**” means an annual general meeting or special general meeting of the Guild;

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

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

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

   “**Guild General Secretary**” means the general secretary of the Guild elected in accordance with section 4 of Statute 11 and the Constitution;

   “**Guild President**” means the president of the Guild elected in accordance with section 4 of Statute 11 and the Constitution;

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

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

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

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

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

(2) Any terms which are not defined in these Rules but are defined in Statute 11 shall have the meaning given to them in Statute 11.

3. Procedure for adopting, amending or repealing the Constitution

(1) The Constitution shall be adopted, amended or repealed if a proposal for the adoption, amendment or repeal –

(a) is the subject of a resolution, passed by Special Majority, by the Senate;

(b) is the subject of a resolution, passed by Special Majority, of Members of the Guild convened in accordance with the Rules and Constitution; and

(c) has been approved by the Council.

(2) A proposal to adopt, amend or repeal the Constitution takes effect on the day following its approval by the Council or, if the Council specifies another date, on that date.

(3) If the Council resolves not to approve a proposal to adopt, amend or repeal the Constitution, it shall provide its reasons to the Senate.

(4) The Senate may appeal in writing to the Council within 30 days of being notified by Council that its proposal to adopt, amend or repeal the Constitution has not been approved. The Council shall consider the Senate’s appeal and advise its decision in writing to the Senate. The Council’s decision on the appeal is to be final and binding.

4. Duties, Obligations and Liabilities of Officers

The duties, obligations and responsibilities of Officers shall be set out in the Constitution.

5. Disclosure of interests by Officers

(1) An Officer who has a material personal interest in a matter being considered or about to be considered by or involving the Guild shall, as soon as possible after the relevant facts have come to the Officer’s knowledge, disclose the nature and extent of the interest to the General Secretary.

(2) Following receipt of such disclosure under Rule 5(1), the Guild shall comply with the provisions in respect of disclosures of interests by Officers set out in the Constitution.

6. Financial provisions

(1) The Senate shall, as soon as practicable after 31 December and not later than 30 April in each financial year, prepare and present for adoption by the Guild at a General Meeting a financial report on the operation of the Guild during the immediately preceding calendar year together with a balance sheet and statement of income and expenditure in respect of the same calendar year which have been audited by the Auditor in the manner set out in Rule 6(5).

(2) The Senate shall, not later than 31 October in each calendar year, prepare and present for adoption by the Guild a budget of proposed income and expenditure for the next succeeding calendar year. The budget shall be
presented for confirmation at the first meeting of the Senate in the following calendar year and the confirmed budget shall be provided to the Council not later than 31 March each year.

(3) A budget may be amended from time to time by resolution of the Senate passed by Special Majority. The amended budget shall be provided to Council within 14 days of its amendment.

(4) The Senate shall within 30 days of the end of each calendar quarter provide to the Council a quarterly report on its financial position, including an unaudited balance sheet and statement of income and expenditure for the relevant quarter.

(5) An auditor, who shall be external to the University and a member of the Institute of Chartered Accountants of Australia or the Australian Society of Certified Practising Accountants and whose appointment has been approved by the Council, shall be appointed each year by the Senate ("Auditor"). The Auditor shall audit the balance sheet and statement of income and expenditure prepared by or on behalf of the Guild in respect of each calendar year and shall report to the Guild as follows:

(a) that the Auditor has conducted the audit;
(b) whether or not the Auditor has obtained all the information and explanations he or she has required to conduct the audit;
(c) whether the Guild’s financial statements (including balance sheet and statement of income and expenditure) ("Statements") are based on proper accounts and records;
(d) whether the Statements have been produced in accordance with the Guild’s accounts and records and show in the Auditor's opinion a true and fair view of the financial position and transactions of the Guild; and
(e) on such other matters arising out of the Statements as the Auditor considers should be reported to the Members.

(6) The Senate shall provide a copy of the Auditor’s report prepared in accordance with Rule 6(5), together with copies of the audited Statements, to the Council as soon as practicable following their adoption by the Members at a General Meeting, but in any event no later than 4 months after the conclusion of the Guild’s financial year.

7. Elections

(1) The Vice-Chancellor, after consulting with the Guild President, may appoint a Returning Officer or, if in the opinion of the Vice-Chancellor it is necessary or desirable, may request the Electoral Commissioner to appoint a Returning Officer.

(2) If the Electoral Commissioner fails to make an appointment within 7 days of a request under Rule 7(1), the Vice-Chancellor shall appoint a Returning Officer, taking into account the views of the Guild President.

(3) A Returning Officer appointed under Rule 7(1) or Rule 7(2) shall:

(a) have demonstrated experience and ability to undertake the role of Returning Officer;
(b) possess a high standard of organisational and communication skills;
(c) be independent of both the University and the Guild; and
(d) be solely responsible for the proper conduct of the Election and may do all things necessary or convenient to be done for the conduct of the Election.

(4) The appointment of a Returning Officer will not be effective until the appointee signs an undertaking that he or she will perform his or her duties impartially and in accordance with Statute 11, these Rules and the Constitution.

(5) If the Returning Officer for an Election is appointed by the Electoral Commissioner, any complaint or appeal concerning the conduct of the Election or the validity of the Election outcome shall be referred to the Electoral Commission which is to determine its own procedure in dealing with the complaint or appeal.

(6) If the Returning Officer for an Election is appointed by the Vice-Chancellor, the Vice-Chancellor shall arrange for an Election Tribunal to be established prior to the calling of nominations.
An Election Tribunal established under rule 7(6) shall comprise:

(a) a Chairperson appointed by the Council who is independent of both the University and the Guild;
(b) a person appointed by the Vice-Chancellor; and
(c) a person appointed by the Senate.

Members of the Election Tribunal shall:

(a) be knowledgeable of or experienced in electoral matters and/or appeal and review processes;
(b) not act as representatives of the nominating person or body;
(c) act impartially and avoid conflicts of interest; and
(d) not be permitted to be candidates in the Election or to canvass votes in support of any candidate.

A complaint or appeal in relation to the conduct of an Election or the validity of an Election outcome shall be lodged with the Electoral Commission or the Chairperson of the Election Tribunal (as applicable) within 7 days of the date on which notice of the Election results is published by the Returning Officer following the declaration of the poll.

The Electoral Commission or the Election Tribunal (as applicable) shall make its determination on a complaint or appeal no later than 21 days following the deadline for lodging complaints and appeals.

The Electoral Commission or the Election Tribunal (as applicable) shall have the power to hear any complaint or appeal lodged with it about the conduct of the Election or the validity of the Election outcomes, based on errors in the electoral processes or misbehaviour of candidates or other persons.

A complaint or appeal may be rejected by the Electoral Commission or the Chairperson of the Election Tribunal (as applicable) where the complaint or appeal is determined to be vexatious, trivial or unlikely to have any bearing on the Election outcome.

The Election Tribunal shall act in accordance with the principles of natural justice including without limitation:

(a) the complainant or appellant shall be given a reasonable opportunity to be heard;
(b) a person about whom a complaint or appeal is made shall be informed of the details of the complaint and shall have a reasonable opportunity to be heard in response;
(c) any member of the Election Tribunal who has a material personal interest in relation to a complaint or appeal shall declare that interest and withdraw from the Election Tribunal for the purposes of determining that complaint or appeal and a substitute member shall be appointed in accordance with Rule 7(7); and
(d) the Election Tribunal shall state its reasons for decision which shall be communicated in writing to the person who lodged the complaint or appeal and the person(s) about whom the complaint or appeal is made.

The Electoral Commission and the Election Tribunal (as applicable) shall have the power to:

(a) dismiss a complaint or appeal;
(b) order nominations reopened;
(c) declare a nomination or nominations invalid;
(d) declare valid a nomination the Returning Officer did not accept;
(e) instruct the Returning Officer to vary or implement an electoral process in a manner which is not contrary to this Statute;
(f) declare that a candidate who was declared elected was not validly elected;
(g) declare a candidate validly elected who was not returned elected;
(h) declare part of an Election invalid and order a fresh Election for the relevant position(s); and
(i) declare an Election wholly invalid and order a fresh Election.

The Chairperson of the Election Tribunal may arrange for secretarial support to be provided to the Election Tribunal following consultation with the Vice-Chancellor and the Guild President. If neither the University nor the Guild provide the necessary secretarial support, the Chairperson may arrange for secretarial support to be provided by a third party and the costs of obtaining such support are to be shared equally by the Guild and the University.
Approved by Council on 03 May 2012. Effective from 24 August 2012, the day Amending Statute No 2 of 2012 (Statute No. 11 – Student Guild) was published in the Government Gazette.

Common Seal Applied to the Student Guild Rules by the Vice-Chancellor on 29 August 2012

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