

Constitution
of the
Burgmann Residents'
Association Incorporated

Adopted: 2 August 2010

Amended: 9 September 2010

PREAMBLE

It is the intention of this Constitution to place initiative and decisions with the elected officers of the Burgmann Resident's Association ("the association") and with the resident body generally. It demands continuing co-operation and involvement of the residents in the affairs of College. It aims to safeguard flexibility of organisation whilst providing the necessary machinery to allow effective operation.

PURPOSES

The association exists to promote the recreational, social and cultural activities of its members, and to encourage the involvement of its members in College affairs

DIVISION ONE: DEFINITION AND COMMENCEMENT

PART A: DEFINITION

1. A reference to the "Academic Year" is a reference to the academic year of the Australian National University" in the relevant calendar year.
2. A reference to
 - (i) Term;
 - (ii) Teaching Period;
 - (iii) Semester;
 - (iv) Term break;
 - (v) Semester Break;
 - (vi) Examination Period;
 - (vii) Vacation Period;is a reference to that period set aside by the Australian National University for the relevant period.
3. A reference to a "resident" is a reference to a person who has paid residential fees to Burgmann College for the relevant period.

PART B: COMMENCEMENT

4. (1) This Constitution shall commence and take full effect when
 - (a) Notice of its adoption has been lodged with the Registrar in accordance with the Associations Incorporation Act 1991 (ACT); and
 - (b) Where required by the Associations Incorporation Act 1991 (ACT), the Registrar has approved the proposed alteration.
- (2) Notwithstanding subsection (1), Section 9(2)(e) shall commence from the 1st day of the month of December for 2010.

DIVISION TWO: MEMBERSHIP

5. A person may either be
 - (a) an Ordinary member; or
 - (b) an Associate memberof the Association.

6. (1) An Ordinary member is a person
 - (a) normally paying current residential fees to Burgmann College during the Academic Year; and
 - (b) who has paid an annual fee to the Association for the relevant year.

(2) The amount of the annual fee to be paid by an ordinary member must be determined for each year by the last General Meeting of the previous year. If no determination is made at this stage the amount of the annual fee will remain unchanged.

(3) An Ordinary member who ceases to pay current residential fees to Burgmann College during the course of an Academic Year shall be deemed to be an Associate member for the remainder of that Academic Year.

7. (1) An associate member must
 - (a) be either
 - (i) a previous member of the association; or
 - (ii) a person eligible for membership of the College under Section 7 of the Residential College Affiliation Statute 2007; and
 - (b) have paid an annual fee to the association; and
 - (c) have paid to the College the annual fee determined by the College Council.

(2) The amount of the annual fee to be paid by an Associate member to the association must be determined for each year by the last General Meeting of the previous year. If no determination is made at this stage the amount of the annual fee will remain unchanged.

8. An Associate membership may only be accepted if the number of Associate Members at the time does not exceed thirty per cent of the number of Ordinary Members of the Association.

DIVISION THREE: THE HOUSE COMMITTEE

9. (1) A House Committee consists of seventeen (17) office bearers
- (2) The positions of office within the House Committee are
 - (a) President;
 - (b) Two (2) Vice Presidents;
 - (c) Treasurer;
 - (d) Secretary;
 - (e) Postgraduate Village Representative;
 - (f) International Representative;
 - (g) Four (4) whips;
 - (h) Two (2) Arts Representatives;
 - (i) Four (4) Sports Representatives;
- (3) An office-bearer in the House Committee must
 - (a) hold only one position in anyone term; and
 - (b) be an ordinary member of the association at the time of the election; and
 - (c) not be employed by Burgmann College as a Residential Advisor during their term of office.
- (4) Office bearers on the House Committee, other than Whips, must be elected in the forth teaching period of each Academic Year, and their terms of office commence on the 1st day of the month of December of the year of the election.
- (5) Whips
 - (a) Whips must be elected in the first teaching period of the Academic Year. A whip will be an undergraduate student in their first year of residency at Burgmann College. Their terms of office begin one week after the declaration of the results of the election, and run until one week after the declaration of the results for Whips in the following Academic Year.
 - (b) Where there are at least two candidates of each sex standing for the position of Whip, there shall be elected two (2) male and two (2) female whips in completely separate elections. In the event that there is only one candidate of a particular sex, that person shall be declared elected and three Whips of the opposite sex shall be elected. If there are no candidates of a particular sex four (4) Whips of the opposite sex may be elected.

(c) In the event that a Whip ceases to be an Office Bearer during their term of office, another Whip of the same sex shall be elected unless there are no candidates of that sex, in which case it will be open to members of the opposite sex.

(d) Notwithstanding section 9(3)(a), a Whip may be eligible for election as an additional office-bearer in the House Committee and hold both positions concurrently as long as the election occurs in the forth teaching period of an Academic Year.

(6) The House Committee must appoint the President to be the Public Officer of the Association for the purposes of the Associations Incorporation Act 1991 (ACT).

(7) (a) The common seal of the association must be kept in the custody of the public officer.

(b) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of two members of the committee or of one member of the committee and the public officer or secretary.

(8) On completion of their term of office the President must resign as the Public Office of the Association in accordance with the Associations Incorporation Act 1991 (ACT).

10. (1) If an officer-bearer

(a) has resigned by notice in writing to the Chairperson of a General meeting; or

(b) loses office in accordance with the provisions of Division Ten

a by-election must be held in accordance with the terms of subsection (4).

(2) If an office-bearer

(a) ceases to be an Ordinary member of the association; or

(b) is absent from college for a period of more than four (4) successive weeks excluding Vacation Periods;

a meeting must be held in accordance with the terms of subsection (3).

(3) Should a vacancy become capable of being deemed to have occurred under section (2) the House Committee must either

(a) subject to paragraphs (b) and (c), call and Ordinary General Meeting within two (2) weeks; or

(b) if there is already a General Meeting to occur within (2) weeks of a vacancy becoming capable of being deemed to have occurred, cause a motion to be entered onto the agenda and entertained at that General Meeting; or

(c) if there is an Annual General Meeting already to occur at the time or within four (4) weeks of a vacancy becoming capable of being deemed to have occurred, cause a motion to be entered onto the agenda and entertained at that AGM

to decide whether the office is vacant.

- (4)
 - (a) If the position of an office bearer on the House Committee becomes vacant during a term a by-election must be held to fill the vacancy.
 - (b) If a vacancy occurs within the last (3) weeks of the last teaching period of the Academic Year, a General Meeting may elect not to fill the vacancy for the remainder of the term of office.
- (5) A by-election to fill a vacancy under this section must occur within two (2) weeks, excluding Vacation Periods, of the date upon which the office is deemed to be vacant under subsection (2).

11. House Committee Meetings

- (1) A quorum of the House Committee consists of five (5) office bearers, one (1) of whom must be the President or a Vice President.
- (2) The President, or in the absence of the President, a Vice-President, must chair a House Committee meeting.
- (3) The President or a Vice President may call a House Committee meeting at any time.
- (4) There must be two (2) such meetings each term.
- (5) Notice of any House Committee meeting must be posted on all BRA Noticeboards at least 24 hours prior to such meeting being held.
- (6) Subject to subsection (3), all House Committee meetings are open to members of the association.
- (7) A Member of the Association attending a House Committee meeting solely by virtue of subsection (6)
 - (a) has viewing rights only; and
 - (b) may not engage in debate or discussion at that meeting except upon invitation by the Chairperson which may be withdrawn at any time.
- (8) A meeting of the House Committee may be held in camera
 - (a) upon motion being put to a House Committee meeting by any office bearer of the House Committee; and
 - (b) such motion as put under paragraph (a) being carried by a majority of the office bearers present at that House Committee meeting.
- (9) Notwithstanding the previous sub-sections the House Committee, by majority vote of the office bearers present at a meeting, may at any time permit the presence of any person at that meeting.

DIVISION FOUR: MEETINGS

12. (1) The Association acts through General Meetings.
- (2) A General Meeting is any meeting held in accordance with this Division.

PART A: ORDINARY GENERAL MEETINGS

13. (1) An Ordinary General meeting may be called by the resident or, in the absence of the President, by the Vice President.
- (2) Notice of all Ordinary General Meetings must be posted upon all BRA noticeboards at least seven (7) days prior to such meeting being held.
14. (1) An Ordinary General Meeting must be held
 - (a) within the first four (4) weeks of the first teaching period;
 - (b) within the first two (2) weeks of the second teaching period;
 - (c) within the first three (3) weeks of the third teaching period;
 - (d) within the last two (2) weeks of the third teaching period;
 - (e) within the last three (3) weeks of the fourth teaching period.
- (2) The Ordinary General Meeting identified in paragraph (1)(a) is the Annual General Meeting and will take the form prescribed by Part C of this Division.
- (3) The Meeting held under subsection (1)(e) must elect the following
 - (a) Four (4) Interhall Sports Representatives; two (2) male and two (2) female;
 - (b) Two (2) Interhall Arts Representatives; one (1) male and one (1) female;
 - (c) Chairperson of the Orientation Week Committee;
 - (d) Five (5) Orientation Week Committee Members.
- (4) There may be more than one Ordinary General Meeting within any term.
- (5) Subject to Part B of this Division, an Ordinary General Meeting may not be called for on
 - (a) a weekend; or
 - (b) a public holiday; or
 - (c) during a Term break or Semester break or other Vacation period.
15. A copy of the Agenda of an Ordinary General Meeting must be placed on all BRA noticeboards at least 24 hours in advance of that meeting.

PART B: EXTRAORDINARY GENERAL MEETINGS

16. (1) An Extraordinary General Meeting must be called for if the President or, in the absence of the President, the Vice President received a petition calling for such a meeting.
 - (2) A petition for an Extraordinary General Meeting under subsection (1) must
 - (a) carry the signatures of either
 - (i) at least six (6) members of the House Committee; or
 - (ii) at least sixty (60) Ordinary Members;
 - (b) state the motion to be put to that meeting.
 - (3) An Extraordinary General Meeting may be called at any time, to be held on any day, notwithstanding section 14(5).
17. Nothing in section 13 will prevent such an Extraordinary General Meeting from taking place, provided that section 15 is complied with.

PART C: ANNUAL GENERAL MEETING

18. (1) The Annual General Meeting must be called by either the President or in the absence of the President, by a Vice President.
 - (2) The Annual General Meeting must take place in two parts, being Part A and Part B.
 - (3) The two parts of the Annual General Meeting must be separated by a time interval of not less than five (5) days and not more than ten (10) days.
 - (4) Part A of the Annual General Meeting must precede Part B.
19. (1) Part A of the Annual General Meeting
 - (a) must elect a Chairperson to chair the Annual General Meeting and all other General Meetings for that Academic Year.
 - (b) must consider the following matters:
 - (i) Apologies;
 - (ii) Minutes from the previous meeting;
 - (iii) Matters arising from the Minutes;
 - (iv) President's Report;
 - (v) Treasurer's Report;
 - (vi) Election of:
 - (A) a Returning Officer;
 - (B) a Constitutional Review Officer;

- (C) Chairpersons of sub-committees;
 - (D) Sports Coaches;
 - (vii) Motions with notice;
 - (viii) Motions without notice;
 - (ix) General Business.
- (c) must appoint a date and time for Part B of the Annual General Meeting.
- (2) At the completion of business, Part A of the Annual General Meeting must be adjourned to the date and time appointed under paragraph 20(1)(c) for Part B.
20. Part B of the Annual General Meeting must consider the following matters:
- (a) Apologies;
 - (b) Minutes of Part A of the meeting;
 - (c) Matters arising from Part A of the meeting;
 - (d) President's Report;
 - (e) Treasurer's Report to present the proposed Budget;
 - (f) Motions with notice;
 - (g) Motions without notice;
 - (h) General Business.
21. Nothing in this Part prejudices the standing of either Part A or Part B of the Annual General Meeting as an appropriate meeting for the purposes of paragraph 10(3)(c).

DIVISION FIVE: MEETING PROCEDURE

22. All General Meetings must be held in accordance of this Division.
23. The Chairperson or, in the absence of the Chairperson, a Deputy elected from the floor must chair the meeting in accordance with ANUSA's standing orders (excluding Clauses 1.1 and 1.2), together with any additional standing orders adopted from time to time by the meeting.
24. (1) All motions without notice must be submitted orally or in writing, to the Chairperson or, in the absence of the Chairperson, the Deputy, excluding procedural motions.
- (2) All motions with notice must be received in writing and posted on all BRA noticeboards by the Chairperson at least 24 hours in advance of the meeting.
25. (1) Subject to subsection (2), a quorum must consist of at least thirty (30) Ordinary Members of the association throughout the meeting.

- (2) The quorum for an Extraordinary General Meeting called under Part B of the Division Four must consist of at least sixty (60) Ordinary Members throughout the meeting.
26. (1) If a quorum is not present or is lost during the course of the meeting, the meeting must be adjourned for ten (10) minutes, until a quorum is formed.
- (2) If a quorum is not formed within that time, the meeting must be rescheduled and abandoned.
27. Where appropriate the recommendations of the meeting may be presented to the College Council by the President of the Association.

DIVISION SIX: ELECTIONS

28. All Ordinary Members of the Association have full voting rights in the election of any position requiring election under this Constitution except:
- (a) The election of the Village Representative, which must be elected by non-undergraduate members residing in Blocks A, B, C, D, F and G only.
 - (b) The election of the International Representative, which must be elected by international members only.
 - (i) An International Member is a person who does not hold one of the following
 - (a) Australian Citizenship;
 - (b) Australian Permanent Residency;
 - (c) New Zealand Citizenship;
 - (d) an Australian Permanent Humanitarian Visa.
29. (1) The Returning Officer for the time being at the commencement of this Constitution shall cause to come into being a set of rules to govern the fair election of all officer bearers to the House Committee (the Electoral Regulations).
- (2) Any election to fill a position of office bearer on the House Committee (whether arising by annual election, by-election for casual vacancy or otherwise) must be conducted according to the Electoral Regulations.
- (3) The Electoral Regulations will have the same force and must be reviewed, interpreted, and amended by the Returning Officer in the same manner as this Constitution.
- (4) After each election of an office bearer or officer bearers to the House Committee, the Returning Officer must report to the next General Meeting of the association upon any breaches of the Electoral Regulations, whereupon the meeting may proceed under Division Ten.
30. Subject to this Constitution and the Electoral Regulations, the dates for an election to fill a position of office bearer on the House Committee must be set by the House Committee in consultation with the Returning Officer.

31. All elections of persons to positions either within, recognised or created by the Association, other than positions falling under subsection 30(2), must be determined by simple majority vote of the members present and voting at the meeting in which the position falls to be determined.

DIVISION SEVEN: SUB-COMMITTEES

32. The Association may, upon a motion with notice, by way of a General Meeting, create and elect a Sub-committee for any particular purpose defined by that meeting, and may abolish a Sub-committee by the same means.
33. (1) The meeting creating a Sub-committee under the preceding section must elect one person only to be a Chairperson of that Sub-committee.
- (2) The Chairperson of a Sub-committee
- (a) must be responsible for the activities of that Sub-committee;
 - (b) subject to the consent of the House Committee, has final decision making powers regarding all affairs of the Sub-committee;
 - (c) is responsible to account for all financial expenditure and income incurred by the Sub-committee, as required under section 34;
 - (d) May co-opt other persons to their Sub-committee.
- (3) Nothing in this section divests the Association of the power to direct its affairs by way of a General Meeting.
34. (1) Each Sub-committee must:
- (a) keep records of income and expenditure incurred by that Sub-committee available for perusal upon reasonable notice by any member of the Association;
 - (b) present a summary of the accounts identified in paragraph (a) to the Treasurer not less than 24 hours in advance of each meeting identified in subsection 15(1), if the financial position of the Sub-committee has changed since the previous meeting.
- (2) All accounts, reports, summaries of financial statements required by this section must be made in accordance with any regulations determined by the General Meeting from time to time.
35. Any member of the Association may attend a meeting of any Sub-committee.

DIVISION EIGHT: FINANCIAL AFFAIRS

PART A: RESPONSIBILITY

36. The responsibility for the financial affairs of the Association rests with the General Meeting.
37. (1) No member of the Association is personally liable to contribute towards the payment of the debts and liabilities of the Association or the costs, charges and expenses of the winding-up of the Association
- (a) The assets and income of the Association shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the Association except as bona fide compensation for services rendered or expenses on behalf of the Association
- (2) Any other elected representative of the Association who is allocated funds under the Residents' Association budget, must comply with Division Seven.
- (3) For the purposes of this constitution the financial year of the Association is the calendar year.
38. (1) The Treasurer must prepare and present a full financial report to each meeting identified in subsection 14(1).
- (2) The Treasurer must cause a copy of the report identified in subsection 20(v) to be posted on all BRA noticeboards at least 24 hours in advance of Part B of the Annual General Meeting at which it is to be presented.
- (3) The Treasurer must prepare and maintain a full assets register. This must be updated no later than 24 hours before each meeting identified in subsection 14(1).
- (4) The Treasurer must keep accounts and records available for perusal upon reasonable notice by any member of the Association.
39. (1) The House Committee may create, maintain and close cheque accounts in the name of
- (a) the Association; or
- (b) a Sub-committee of the Association established in accordance with the Constitution.
- (2) A cheque issued from any account existing under subsection (1) must be signed by two (2) authorised officers.
- (3) For the purposes of this Division an authorised officer includes any office bearer on the House Committee other than a Whip.
- (4) Where a cheque is issued in the name of a Sub-committee the Chairperson of that Sub-committee
- (a) is an authorised officer; and
- (b) must be a signatory to the cheque
- (5) Where no separate account exists in the name of a Sub-committee any requisition for funds by that Sub-committee must be

- (a) made to the Treasurer of the House Committee; and
- (b) accompanied by a written authorization from the Chairperson of that Sub-committee.

(6) The Treasurer must open and close all bank accounts in accordance with the directions of the House Committee.

PART B: BUDGET

40. The Annual Budget of the association

- (a) must be presented and approved at Part B of the Annual General Meeting; and
- (b) must be posted on all BRA noticeboards 24 hours in advance of this meeting.

41. (1) Preparation of the Budget

- (a) is the responsibility of the Treasurer of the Association acting with the advice and consent of the House Committee;
- (b) shall be finalised at a meeting of the House Committee following consultation with the Chairpersons of the Sub-committees, such meeting to be held between Part A and Part B of the Annual General Meeting.

(2) Notwithstanding subsection (1), the budgetary amount allocated to the Orientation Week Sub-committee for the following Academic Year must be an amount allocated from and debited against the anticipated income in the following academic year.

(3) Post Graduate Expenditure

- (a) BRA shall allocate 5% of fees accruing to the Association under section 6 and 7 to specifically promote the recreational, social and cultural activities of its non-undergraduate members, and to encourage their involvement in college affairs.
- (b) This spending shall remain subjective to the authority and scrutiny of the General Meeting of the Association.

PART C: EXPENDITURE

43. Amendments to the Budget at any time other than during Part B of the Annual General Meeting must be made in accordance with section 44.

44. (1) A General Meeting may not entertain any motion involving expenditure and income unless it is a motion with notice and has been given in the agenda for the meeting.

(2) Any notice of motion under subsection (1) involving expenditure must state the maximum amount involved by that proposed expenditure.

(3) Nothing in this part prevents a motion which complies with subsection (1) being amended by the General Meeting.

(4) All accrual and expenditure of unbudgeted income by the House Committee must be reported to the next General Meeting after the accrual or expenditure.

PART D: AUDIT

45. (1) An auditor, being either the Bursar of the College or a qualified accountant, must be appointed by the House Committee.
- (2) The Auditor must conduct an annual audit of the Association's accounts as at the end of each Academic Year and make a written report thereon.
- (3) The written report identified in subsection (2) must be presented to Part B of the Annual General Meeting for the subsequent year.
- (4) The written report of the Auditor identified in subsection (2) must be filed with the Registrar in accordance with the Associations Incorporation Act 1991 (ACT).

PART E: WIDNING UP OF THE ASSOCIATION

46. (1) The Association may be wound up voluntarily if the Association has, by special resolution at a General Meeting, resolved that it be wound up.
- (2) A motion proposing that the Association be dissolved must be posted upon all BRA noticeboards at least twenty-one (21) days in advance of the General Meeting at which it is to be considered; and placed on the agenda as a special resolution for the General Meeting at which it is to be considered.
- (3) The special resolution proposed under this section is passed if carried by a three-quarter majority of Ordinary Members present and voting at that General Meeting.
- (4) As soon as practicable after a motion is passed under subsection (2), and no later than the time specified in the Associations Incorporation Act 1991 (ACT), notice of that motion must be lodged with the Registrar in accordance with the Act.
- (5) In the event of the Association being dissolved, any assets remaining after such dissolution and the satisfaction of any debts and liabilities shall be transferred to another association with similar purposes which is not carried on for the profit or gain of its individual members.

DIVISION NINE: THE CONSTITUTION REVIEW AND INTERPRETATION

47. (1) Part A of the Annual General Meeting must elect a Constitutional Review Officer to review the Constitution.
- (2) The duties of the Constitutional Review Officer elected under subsection (1) include
- (a) proposing amendments to the Constitution; and
 - (b) drafting proposed amendments to the Constitution; and
 - (c) distribution, at the start of each Academic Year but before the Annual General Meeting for that year, a copy of the Constitution incorporating all amendments up to the time of distribution to

- (i) the Principle of the College; and
 - (ii) the BRA President and each member of the House Committee for perusal and copying; and
 - (d) retaining a copy of the Constitution incorporating all amendments for perusal or copying by any Ordinary Member of the Association; and
 - (e) keeping one copy of the Constitution incorporating all amendments available in the library at all times; and
 - (f) advising the House Committee and Chairperson of the General meeting on matters of interpretation of this Constitution, subject to the authority of the General Meeting.
48. (1) Subject to subsection (2), a motion proposing an amendment to the Constitution must be
- (a) posted upon all BRA noticeboards at least seven (7) days in advance of the General Meeting at which it is to be considered; and
 - (b) placed upon the agenda for the General Meeting at which it is to be considered.
- (2) A motion proposing total revocation of this Constitution must be entertained by a General Meeting provided that
- (a) notice of such motion has been posted upon all BRA noticeboards at least seven (7) days in advance of the General Meeting at which it is to be considered; and
 - (b) copies of the proposed new Constitution are posted in at least six prominent positions within the College building, at least (7) days in advance of the General Meeting at which it is to be considered.
- (3) Only a General Meeting has the power to amend or revoke this Constitution.
- (4) A motion proposed under this section is passed if carried by a two-thirds majority of the Ordinary Members present and voting at that General Meeting.
- (5) As soon as practicable after a motion is passed under subsection (4), and no later than the time specified in the Associations Incorporation Act 1991 (ACT), a notice of that motion must be lodged with the Registrar in accordance with the Act.
- (6) A motion passed under subsection (4) takes effect when
- (a) notice of that motion has been lodged in accordance with subsection (5); and
 - (b) where required by the Associations Incorporation Act 1991 (ACT), the Registrar has approved the proposed alteration
49. The Constitution must be interpreted by the Constitutional Review Officer, subject always to the authority of the General Meeting.

DIVISION TEN: SANCTIONS

50. (1) Failure to comply with the provisions of this Constitution renders the person or persons upon whom the responsibilities or obligations are placed by this Constitution liable to a motion of No Confidence at a General meeting.
- (a) Notwithstanding subsection (1), a Motion of No Confidence may be moved at a General Meeting for any other reason
- (2) A Motion of No Confidence at a General Meeting is passed if carried by two-thirds majority of the Ordinary Members present and voting
- (3) Subject to section 51, the Motion of No Confidence when carried renders the position or positions vacant.
51. (1) If a Motion of No Confidence in an office bearer of the House Committee is passed in accordance with section 50, another General Meeting must be held within two (2) weeks to reconsider the motion
- (2) If and when such meeting required by subsection (1) affirms the Motion of No Confidence by two-thirds majority of the Ordinary members present and voting the position of the office bearer becomes vacant.

DIVISION ELEVEN: PATRONS

52. A General Meeting may appoint Patrons of the Association.