

Council of Australian Postgraduate Associations Inc.

Constitution

As at 1 January 2012

Ratified at the CAPA Annual Council Meeting Dec 2006

Amended Dec 2008, 2009, 2010, 2011

Part 1 — Preliminary	3
Part 2 — Membership	6
Part 3 — Council	11
Part 4 — Executive and Executive Officers	14
Part 5 — Election of Executive Officers and other CAPA Officers at Council	18
Part 6 — Casual Vacancies, Absences, Removals, Referenda	19
Part 7 – Regions	20
Part 8 — Finances	22
Part 9 — Miscellaneous	25
Schedule One – Forms	26

PART 1 — PRELIMINARY

1. Name

The name shall be 'Council of Australian Postgraduate Associations Inc'.

2. Definitions

In this Constitution:

'Accreditation' means the act by which Council grants a delegation the right to vote as outlined in Part 3 subsection 20(6) of this constitution.

'Affiliation Fee' means the amount per annum paid to CAPA by a constituent organisation.

'Annual Council Meeting' means the Annual Meeting of the Council of Australian Postgraduate Associations Inc. as constituted under the provisions hereof.

'Annual General Meeting' means the Annual General Meeting of the Council of Australian Postgraduate Associations Inc. as constituted under the provisions hereof.

'CAPA Officer' means a member of Executive Committee, or any committee of Council

'Constituent Organisation' means those bodies, which are mentioned in Part 2 of this Constitution.

'Council' means the 'Council of Australian Postgraduate Associations Inc.' hereafter also referred to as CAPA.

'Credentialed' means a delegation has satisfied the conditions outlined in Part 3 subsection 20(4) of this constitution.

'Delegation' means a group of delegates appointed by a Constituent Organisation in attendance at a meeting of Council as outlined in Part 3 subsection 20(4) of this constitution.

'EFTSU' means the equivalent full time postgraduate student unit.

'Equity Officers' means CAPA Officers representing Equity groups.

'Executive' means the Executive of the Council of Australian Postgraduate Associations Inc. as constituted under the provisions hereof.

'Executive Officer' means a member of the Executive of the Council of Australian Postgraduate Associations Inc. as constituted under the provisions hereof.

'Financial' means having paid the entire amount of the Affiliation Fee as determined by the Council in accordance with this Constitution, or having paid the entire amount of the Affiliation Fee but for a remission of Fees granted by the Executive and ratified by the Council in accordance with this Constitution.

'Formal Vote' means a vote made by a delegation or Constituent Organisations, which is included by the Returning Officer in the final count of votes made.

‘Functionary Officers’ means the President, Vice-Presidents, National Secretary, and Treasurer.

‘Informal Vote’ means a vote that is made by a delegation but which is not included by the Returning Officer in the final count of votes as described in 5.5.16 of the Regulations.

‘Regional Officers’ means the Regional Secretary and other members of regional committees.

‘Regulations’ mean the Regulations of the Council of Australian Postgraduate Associations, which are to be read and interpreted in conjunction with this Constitution.

‘Tertiary Institution’ tertiary provider established or recognised by or under Commonwealth, State or Territory legislation.

‘Unfinancial’ means a Constituent Organisation that fails to meet the conditions set out under the definition of ‘Financial’

‘Written notice’ implies correspondence by email, fax or post.

3. Interpretation of Constitution

The interpretation of the Constitution shall be the responsibility of the person in the Chair when the Council is in session and shall be at all other times the responsibility of the elected President. Any such interpretations may be dissented from during a session of Council by a simple majority of Council, or at other times by resolution of the Executive.

4. Objects

The objects of the Council are:

- (1) to represent the postgraduates of Australia nationally in matters of concern to postgraduates and to establish and maintain cooperation between Constituent Organisations and with other postgraduate associations in Tertiary Institutions in Australia;
- (2) to coordinate activities of Constituent Organisations;
- (3) to promote and assist the education and cultural activities of postgraduates; and
- (4) to carry out research in such aspects of education as the Council deems necessary.

5. Administration of Council

Subject to the control of the Council as herein provided the administration of the Council shall be conducted by:

- (1) The Executive Officers and the Executive;
- (2) Eastern Regional Secretary;
- (3) South-Eastern Regional Secretary;
- (4) Southern Regional Secretary;

- (5) Northern Regional Secretary;
- (6) Western Regional Secretary; and
- (7) The Public Officer of the Council.
- (8) Staff

6. Changes to Constitution

The Council may, by special resolution carried in accordance with the *Associations Incorporation Act* in the state or territory in which CAPA is incorporated in, alter or amend this Constitution.

PART 2 — MEMBERSHIP

7. Membership

- (1) Members of Council shall be made up of those associations or groups of associations recognised by Council as the organisation representing the postgraduate students at each Tertiary Institution, and which have been admitted to membership in accordance with this Part, described in this Constitution as 'Constituent Organisations'. Interpretation of this Section shall not constitute grounds to eliminate from Membership any of those organisations who were members immediately prior to the adoption of this Section in its current form. In the case of an organisation representing postgraduate students seeking affiliation, where there is already an affiliate from another campus of that Tertiary Institution, the application for affiliation must be moved or seconded by the already-affiliated organisation. Organisations that represent students already represented by a CAPA affiliate may not apply for full membership.
- (2) Notwithstanding any other provision of this Constitution, the National Indigenous Postgraduate Association Aboriginal Corporation (NIPAAC) shall be a member of the Council. A delegation appointed by this Corporation shall be a voting member of the Council. NIPAAC shall not be required to pay Affiliation Fees.
- (3) Associations or groups of associations recognised by Council as representing postgraduate students that are not otherwise eligible for membership under this part may be admitted to CAPA as Associate Members. Associate Membership may entail rights and obligations as determined by Council, but does not allow voting rights.

8. Admission of new members

- (1) A body which complies with the requirements of Part 2 subsection 7(1) or 7(3) may apply for membership of the Council by lodging a notice in accordance with Form 1 addressed to the National Secretary.
- (2) A new Constituent Organisation may be admitted by a resolution passed by the Council with a two-thirds majority of members voting.
- (3) A new Constituent Organisation may be admitted by a resolution passed by referendum carried out in accordance with Part 6 section 56 of this Constitution with a two-thirds majority of Constituent Organisations. Such a referendum shall only be held where the application for membership has been proposed and seconded by a Constituent Organisation.

9. Membership register

- (1) Where a new Constituent Organisation has been admitted under Part 2 section 8, the Constituent Organisation shall be entered in the membership register by the National Secretary.
- (2) Where the National Secretary is notified of the change of the name of a Constituent Organisation and has been provided with a certificate to that effect the register of members shall be amended to delete the old name and insert the new name.

10. Affiliation Fee

- (1) There shall be no entrance Fee.
- (2) A Constituent Organisation shall be liable to pay an annual Affiliation Fee
- (3) The Affiliation Fee for a Constituent Organisation shall be calculated by the following method:
 - a) Using enrolment data for the Constituent Organisation multiplied by an amount decided by Council.
 - b) Enrolment data for the Constituent Organisation will be based on figures obtained for the previous year.
 - c) Where an organization is a Constituent Organisation for only part of the year, the Affiliation Fee shall be calculated on a weekly pro-rata basis
 - d) All such formulas and an example of the calculations will be provided on the CAPA website for enhanced transparency and to assist postgraduate student associations and organisations in calculating fees due.
- (4) Council may establish an agreement with each individual Constituent organisation to set a percentage of the affiliate fee based on that Constituent's budget and ability to pay prior to passing the budget at the ACM.
- (5) CAPA Executive will distribute a proposed budget for the following financial year to constituents by prior to the ACM. The proposed budget presented to Constituents must include a detailed explanation of every budget line. The proposed budget will be accompanied by the present budget comparing actual expenditure.
- (6) At the ACM the council will decide on the next financial year's budget.
- (7) Constituents can expect that CAPA will not propose an increase in the Affiliation Fee (per student) more than the CPI. Any proposals from Constituents or Executive to increase the Affiliation Fee beyond the CPI must be accompanied by a detailed explanation and approval by Executive
- (8) The Affiliation Fee for Associate Members shall be 50% of the Fee as determined in Part 2 subsection 10(3) or \$100 per annum, whichever is the higher figure.
- (9) Except as provided in Part 2 section 11 hereof the Affiliation Fee will be due by March 15 in each year.

11. Constituent Organisation unable to pay by due date or change of circumstances

- (1) Where a Constituent Organisation believes that it will be able to pay part or all of the Affiliation Fee, but is unable to pay by the date required, the Constituent Organisation must apply to the Treasurer in writing, justifying the grounds for application, prior to February 28 for an extension of time.
- (2) The Treasurer will consult with Executive before deciding whether or not to grant an extension of time.

- (3) If the Constituent Organisation is unable to pay part or all of the Affiliation Fee by the granted due date, the Constituent Organisation must apply for a remission prior to that date in accordance with Section 12.

12. Remission of Affiliation Fees

- (1) Where a Constituent Organisation is unable to pay all of the Affiliation Fee by March 15 and believes it will not be able to pay all of the Affiliation Fee at a later date, the Constituent Organisation must apply to the Treasurer in writing, justifying the grounds for remission prior to February 28.
- (2) The Treasurer will consult with Executive before deciding whether or not to grant a remission or an extension in time.

13. Unfinancial Constituent Organisations

- (1) Where a Constituent Organisation fails to pay the Affiliation Fee and is not granted remission in accordance with Section 12, the Constituent Organisation shall be considered for Unfinancial Status
- (2) A resolution to declare a Constituent Organisation Unfinancial must be carried by a two-thirds majority of Council
- (3) An Unfinancial Constituent Organisation shall remain so until some or all of the Affiliation Fees due are paid, or the procedure outlined in Section 14 is completed.
- (4) An Unfinancial Constituent Organisation shall not have voting rights unless a resolution is carried by two-thirds majority of Council to the contrary.

14. Suspension and disaffiliation of Unfinancial Constituent Organisations

- (1) A Constituent Organisation may have its affiliation to CAPA suspended provided the following procedure is adopted:
 - (a) Constituent Organisations who have not been a Financial member for two succeeding financial reporting periods shall show cause to the Annual Council Meeting at credentialing why they should not have their membership suspended.
 - (b) The CAPA National Secretary shall give written notice to the Constituent Organisation that is not Financial to show cause why their membership should not be suspended, at least one month in advance of the Annual Council Meeting.
 - (c) Notwithstanding any other provision of this constitution, Constituent Organisations given notice to show cause may become Financial by payment of outstanding Affiliation Fees at any time until the commencement of the Annual Council Meeting.
- (2) A Constituent Organisation may be disaffiliated from membership of CAPA provided that the following procedure is adopted:
 - (a) A Constituent Organisation has first been suspended. At the Annual Council Meeting following its suspension, the Constituent Organisation must show cause why it should not be disaffiliated at the time of credentialing.

- (b) The CAPA National Secretary shall give written notice to the Constituent Organisation to show cause why they should not be disaffiliated, at least one month in advance of the Annual Council Meeting.
 - (c) A Constituent Organisation may be disaffiliated by resolution of the Annual Council Meeting carried by a two-thirds majority.
- (3) Postgraduate associations who have been disaffiliated may reapply for membership of CAPA in compliance with Part 1 section 6, and Part 2 sections 7 and 8 of this Constitution.
- (4) Organisations who have been suspended from membership shall be liable to pay any overdue Affiliation Fee, but no further liability for Affiliation Fee shall accrue to the organisation during its period of suspension.

15. Withdrawal of Constituent Organisations

- (1) A Constituent Organisation may withdraw from membership of CAPA provided that the following procedure is adopted: –
- (a) The Constituent Organisation gives at least twenty-one (21) days written notice to the National Secretary that it shall convene a general meeting of all postgraduate student members of the Constituent Organisation at which the question of disaffiliation from CAPA is to be voted upon. Such notice shall include the time and place at which such general meeting is to be held. The Constituent Organisation shall also provide at least fourteen (14) days such written notice to all its postgraduate student members.
 - (b) Quorum for such general meeting shall be at least twenty-five (25) members of the Constituent Organisation who are currently enrolled as postgraduate students at the Tertiary Institution for that Constituent Organisation, or the usual quorum for General Meetings of the Constituent Organisation, whichever is higher. In the event that such general meeting does not reach quorum at the time and place specified within such written notice this disaffiliation procedure has not been followed.
 - (c) Within seven (7) days after such general meeting, the Constituent Organisation shall notify the National Secretary that the question of disaffiliation was carried by at least three quarters (75%) of postgraduate student members present. Such notice shall include copies of the attendance list and the draft minutes for such general meeting, and shall constitute written confirmation of withdrawal.
 - (d) The Constituent Organisation shall be deemed to have withdrawn on the receipt by the CAPA National Secretary of the written confirmation of withdrawal. The Constituent Organisation shall continue to exercise the rights and duties of membership until such time, except as herein provided.
 - (e) A Constituent Organisation which has withdrawn from CAPA under the provisions of this section shall be liable to pay so much of its Affiliation Fee as is represented by the period from the beginning of the financial year in which withdrawal occurs until the end of the calendar month in which written confirmation of withdrawal is received.
 - (f) If the Constituent Organisation has paid a greater Affiliation Fee than would be required under 15(1)(e) before its withdrawal, it shall be

refunded the appropriate amount under this section provided such will not adversely affect the financial viability of the Council.

- (g) Where there are outstanding Affiliation Fees from a prior year which have not been remitted those outstanding Fees shall also be paid.
- (2) The withdrawal of any Constituent Organisation shall not affect the tenure of office of any Officers of CAPA.

16. Inactive and Lapsed members

- (1) In the event of a Constituent Organisation failing to elect representatives in any given year, that organisation will be considered inactive. They will accrue Affiliation Fees during this time, and remain listed on the register of members.
- (2) Should the Constituent Organisation fail to elect a representative body over a further 12 months, that organisation will be considered to have lapsed. Affiliation Fees will not accrue after the association has been classed as lapsed.
- (3) At the next ACM, during credentialing, all lapsed Constituent Organisations will be noted. Any suspended Constituent Organisations will be noted.
- (4) Should a student who is not an elected member of an affiliated Constituent Organisation be present at a meeting of Council, and that Constituent Organisation is lapsed, that person may assume the voting rights for that campus on a two thirds majority vote of Council. They will not count towards quorum until their status has been confirmed by Council.

17. Amalgamated members

- (1) In the event of a Constituent Organisation being merged or amalgamated with another organisation, the newly formed organisation will retain affiliation and the defunct Constituent Organisation body is to be removed from the register of members.
- (2) Upon affiliation confirmation of the newly amalgamated body, Council may request payment of outstanding fees of the defunct body from the new Constituent Organisation.

18. Liability of members

- (1) In the event of the Council being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be applied by the transfer to any organisation which has similar objectives and which is exempt from income tax. In case of the Council being wound up, the assets and income of the Council shall be applied in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the Council except as bona fide compensation for services rendered or expenses incurred on behalf of the Council. The liability of a constituent organisation to contribute towards the payment of the debts and liabilities of the Council or the costs, charges and expenses of the winding up of the Council is limited to the amount (if any) unpaid by the Constituent organisation in respect of membership of the Council as required by section 10.

- (2) For the purpose of Part 2 subsection 18(1), assets of the Council include unpaid Affiliation Fees. In addition to the amount payable under Part 2 subsection 18 (1) the Constituent Organisation shall pay such outstanding Affiliation Fees which have not been remitted under Part 2 section 12 of this Constitution.

PART 3 — COUNCIL

19. Powers of the Council

- (1) Subject to this Constitution the Council shall have the power to do all things incidental to or conducive to the attainment of any of the objects of the Council and without prejudice to the generality of the foregoing, the Council shall have power:
 - (a) To delegate to any committee or subcommittee any matter or matters for investigation and report, or for the formation of policy for consideration by the Council;
 - (b) To prescribe the duties of the staff of the Council;
 - (c) To acquire, manage, lease, mortgage, dispose of and otherwise deal with property – both real and personal;
 - (d) To invest money in any investment authorised as an investment for trustees for the time being by the Laws of the State, or of Australia, and to realise, transpose, and otherwise deal with such investments;
 - (e) To borrow money on the security of any property of the Council, or without security;
 - (f) To levy contributions from Constituent Organisations in addition to the subscriptions provided for in Part 2 section 10, provided that any constituent organisation disassociating itself from a motion levying such contribution, on the grounds of conscientious objection, shall be exempt from payment thereof. If a Constituent Organisation is not in a position to pay the levy then they may apply for remission in accordance with Part 2 section 12 of this Constitution;
 - (g) To publish, or authorise the publication of any printed or electronic material on behalf of the Council.

20. Meetings of Council

- (1) The governing body of the Council shall consist of appointed delegates and members of the Executive.
- (2) Members of the Executive shall have speaking rights only. All other persons attending the meeting may speak with the leave of the person chairing the meeting, or by resolution of the Council.
- (3) Only delegations which have been accredited in accordance with Part 3 subsection 20(6) shall be able to vote on any business of the Council, and be able to move and second motions before the Council. Delegates from Associate Members cannot vote or move and second motions.
- (4) A delegation is considered credentialed if:
 - a) Details of their Officers and current contact details has been provided to the National Secretary;
 - b) Written appointment of delegates signed by a current office bearer of the Constituent Organisation has been lodged with the National Secretary prior to the meeting of council;

- c) The delegates appointed are currently enrolled postgraduate students at the Tertiary Institution represented by the Constituent Organisation, or otherwise a member of that Constituent Organisation.
- (5) Any dispute as to the credentials of any delegate or delegation, shall be determined by the Council.
- (6) A delegation is accredited with a right to vote if:
 - a) Council has determined they are credentialed;
 - b) Council considers the Constituent Organisation that appointed the delegation to be financial.
- (7) Notwithstanding the number of delegates in attendance at meetings of the Council, voting shall be on the basis of one vote for each Tertiary Institution.
- (8) Votes are only exercisable by an accredited delegation from a Constituent Organisation or by a proxy held by another accredited delegation. Votes may only be cast by delegations representing Constituent Organisations that are financial. Proxy votes are to be cast in accordance with the provisions in this Constitution and the Regulations.
- (9) Meetings of Council will be conducted in accordance with the provisions of this Constitution and the Regulations of the organisation.
- (10) Any Constituent Organisation may abstain itself from any resolution or portion thereof.
- (11) The minutes of the Council meetings shall record the names of all Constituent Organisations which disassociate themselves from a motion, providing they inform the National Secretary within ten (10) weeks of the Council meeting concerned.
- (12) The presence of delegates representing in total at least one half of the number of financial and active Constituent Organisations shall constitute quorum at meetings of Council. Quorum shall include members present by means of teleconferencing or other electronic means.
- (13) The first item of business at each meeting shall be a vote by the Financial Constituent Organisations as to whether one or more Unfinancial Constituent Organisations, pursuant to Part 2, Section 13, shall be given the right to vote. If granted, quorum shall be increased to include Unfinancial Constituent Organisations.

21. Annual Council Meeting

- (1) There will be an Annual Council meeting held, in accordance with the requirements of this Constitution and the Regulations (Part 4). The National Secretary shall give at least one month's written notice of the date, time and place of the Annual Council Meeting to each Constituent Organisation and request items for the agenda.
- (2) The Annual Council Meeting Agenda shall allow for Regional Meetings to be held.
- (3) The Annual Council Meeting of the Association shall be held before December 31 of each year.
- (4) The Executive shall formally report to affiliates at the ACM as to the functioning and finances of the organisation.

22. Special Council Meetings

- (1) Special meetings of the Council shall be called by the President on the written request of any five or more of the number of Constituent Organisations. Such request shall conform with Schedule One Form 2.
- (2) A Special Council Meeting may also be called by the President on the direction of the Executive.
- (3) Council may by simple majority resolve to convene a Special Council Meeting up to twelve months in advance of the date on which such meeting is to convene.
- (4) Any request for a Special Council Meeting shall state the business of the Special Meeting. The only business to be considered at a Special Council Meeting is that specified under this subsection.

23. Annual General Meeting and Audit

- (1) The Annual General Meeting shall be held before December 31. The only items of business that may be transacted in the Annual General Meeting are those specified in this section.
- (2) The primary item of business of the Annual General Meeting are matters relating to the audited accounts for the last financial year.
- (3) The Council at its Annual General Meeting shall appoint an Auditor or Auditors, being members of the Institute of Chartered Accountants of Australia or the Australian Society of Certified Practising Accountants.
- (4) There shall be prepared an audited report on the Financial Statements of Accounts and Balance Sheet. The Audited Accounts shall be distributed to Constituent Organisations in accordance with provisions for the Annual General Meeting, as per the Regulations:
- (5) The financial year of the Council shall end on 31 December each year.

24. Committees of Council

- (1) Council shall have the following *ad hoc* committees:
 - (a) the National Operations Committee;
 - (b) the Equity Committee; and
 - (c) other Committees as created by Council from time to time.
- (2) These Committees will be conducted in accordance with the rules of this Constitution and provisions of the Regulations.

25. Policy

- (1) The Policy of CAPA shall be contained in the Policy Document
- (2) Policy may be added, modified, or removed by resolution of the Council.
- (3) Each item of Policy must be drafted in the manner Council requires, and on the form approved by Council.

- (4) In the instance of inconsistent policy, the more recent Policy shall be deemed operative, and the other Policy shall be struck

PART 4 — EXECUTIVE AND EXECUTIVE OFFICERS

26. Executive Officer holders

- (1) There shall be an Executive of the Council which shall consist of the President, Research and Policy Officer, Vice-President (Chair of NOC), Vice-President (Chair of Equity), National Secretary, Treasurer, Indigenous Officer, Nominee of National Operations Committee and Nominee of Equity Committee.
- (2) All members of the Executive and other CAPA officers shall be elected at the Annual Council Meeting in accordance with the procedures outlined in the Regulations. The terms of the Executive will commence on the 1st of January of each year and end on the 31st of December of the same year.
- (3) There shall be no other members of Executive other than those specified in this section.
- (4) Portfolio responsibilities may be assigned to CAPA Officers in addition to those described by this Constitution or the Policy of the Council, as determined by the Executive Committee.

27. Powers of the Executive

- (1) The Executive shall, on behalf of the Council, when the Council is not in session, in accordance with this Constitution supervise the coordination and functioning of the work of the agents, servants and officers of the Council. The Executive shall have full power on behalf of the Council when the Council is not in session to:
 - (a) Act on behalf of the Council on issues which the Executive is not bound by constitution or policy.
- (2) The Executive shall have the power:
 - (a) To alter any budget for which allocation was made by the Council, but not increase the total expenses approved by the Council.
 - (b) To decide policy not inconsistent with any order or resolution of the Council.
 - (c) To appoint, remove and prescribe the duties of the staff of the Council. Appointment and removal of staff shall require a unanimous resolution of the Executive.
- (3) Members of the Executive who are commenting publicly on issues which are currently the subject of CAPA policy, otherwise than in their capacity as members of the Executive, shall make clear the capacity in which they are commenting.

28. Meetings of the Executive

- (1) The Executive shall meet in accordance with the rules of this Constitution and the provisions of the Regulations

29. Responsibility of Executive Officers

- (1) Executive Officers shall be responsible to the Council where obligations are specifically imposed upon them by this Constitution or the Regulations or the Policy of the Council.
- (2) The Executive may resolve to direct an Executive Officer in interpreting or implementing the obligations that have been imposed on them by this Constitution or the Policy of the Council.
- (3) On other matters Executive Officers, pursuant to their duties as members of Executive, shall be responsible in the first instance to the Executive.

30. The President

- (1) The President's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy
- (2) The President is the Chief Executive Officer of CAPA and the official spokesperson for the organisation. During times of absence they may nominate an Acting President on advice and approval from the Executive.

31. Policy and Research Advisor

- (1) The Policy and Research Advisor duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

32. The Vice-President (Chair of NOC)

- (1) The Vice-President's (NOC) duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

33. The Vice-President (Chair of Equity)

- (1) The Vice-President's (Equity) duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

34. The National Secretary

- (1) The National Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

35. Treasurer

- (1) The Treasurer shall be responsible for the supervision and administration of the finances and property of the Council as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

36. Nominee (National Operations Committee)

- (1) The Nominee of the National Operations Committee's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.
- (2) Should a vacancy occur in this position, the National Operations Committee shall nominate, and Executive shall confirm, another member of the National Operations Committee for this position

37. Nominee (Equity Committee)

- (1) The Nominee of the Equity Committee's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.
- (2) Should a vacancy occur in this position, the Equity Committee shall nominate, and Executive shall confirm, another member of the Equity Committee for this position

38. Northern Regional Secretary

- (1) The Regional Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

39. Eastern Regional Secretary

- (1) The Regional Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

40. Southern Regional Secretary

- (1) The Regional Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

41. South Eastern Regional Secretary

- (1) The Regional Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

42. Western Regional Secretary

- (1) The Regional Secretary's duties shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

43. Women's Officer

- (1) The duties of the Women's Officer shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

44. Indigenous Peoples' Liaison Officer

- (1) The duties of the Indigenous Peoples' Liaison Officer shall be as specified in the rules of the Constitution of CAPA and NIPAAC, the provisions of the Regulations of CAPA and NIPAAC and as determined by Council and NIPAAC through policy.

45. International Students' Officer

- (1) The duties of the International Students' Officer shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

46. Queer Officer

- (1) The duties of the Queer Officer shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

47. Disability Officer

- (1) The duties of the Disability Officer shall be as specified in the rules of the Constitution, the provisions of the Regulations and as determined by Council through policy.

48. Public Officer

- (1) The Public Officer of the Council shall be appointed by the Council, and hold office at the pleasure of the Council.
- (2) On any vacancy in the office of Public Officer the Executive shall appoint an interim Public Officer at the first available opportunity to hold office until the next meeting of the Council, at which a new Public Officer shall be appointed.
- (3) The Public Officer should normally be the staff member of CAPA with responsibility for CAPA's finances, if the place of incorporation is the same state or territory in which CAPA's national office is located.

49. Staff

- (1) All CAPA staff shall be employed on behalf of Council by the Executive, which may take advice from a staff selection panel.
- (2) The President may direct the work of staff through the appropriate staff member.
- (3) Except as specifically provided for in this Constitution or in the Policy of Council, CAPA staff do not have the power to commit or bind CAPA in any manner or form.

PART 5 — ELECTION OF EXECUTIVE OFFICERS AND OTHER CAPA OFFICERS AT COUNCIL

50. Qualification for Election

- (1) All candidates for election to office under this section shall:
 - (a) be postgraduate students who current members of a Constituent Organisation; or
 - (b) be serving members of the Executive who have suspended their candidature during the current calendar, and who would otherwise be eligible for election under Part 5 subsection 50(1a).
- (2) A person shall not be elected to the Executive for more than three successive years.
- (3) The terms specified within (1) and (2) can be extended for a maximum of 1 year for a given individual by an absolute majority vote of the Affiliates of CAPA at the ACM.

51. Nominations

- (1) Any member of a Constituent Organisation may nominate for a Functionary Officer position.
- (2) All voting processes and provisions shall be conducted in accordance with the rules within this Constitution and the Regulations.

52. Returning Officer

- (1) The Council shall elect a Returning Officer to conduct elections for office bearers when elections are required during sessions of the Council.
- (2) The Returning Officer will conduct the elections according to the rules of this Constitution and the provisions within the Regulations.
- (3) Current office bearers or candidates for office of the Council are ineligible to be Returning Officer.
- (4) The Council may also appoint such Assistants to the Returning Officer as it thinks fit.

53. Election procedure

- (1) The Indigenous Peoples' Liaison Officer shall be appointed by the National Indigenous Postgraduate Association Aboriginal Corporation (NIPAAAC).
- (2) There shall always be a secret ballot to elect each Executive member, excepting that there shall be no election for an Executive position if there are no candidates for that position.
- (5) Each Constituent Organisation shall have one vote only.
- (6) The ballot paper for each position shall consist of the names of all nominees and a "No Candidate" option. Should electors favour the "No Candidate" option, Council must assign the duties of any positions not filled to another

Executive member. It is considered that this forms a casual vacancy and nominations are to be re-opened as per Part 6 subsection 54.

- (7) The Elections will be conducted in accordance with the rules of the Constitution and provisions within the Regulations.

PART 6 — CASUAL VACANCIES, ABSENCES, REMOVALS, REFERENDA

54. Casual vacancies of CAPA Officers

- (1) A casual vacancy occurs when the incumbent resigns, passes away, becomes incapacitated, is declared bankrupt, is removed from office or otherwise vacates their position.
- (2) When a casual vacancy occurs in the office of the President, one of the Vice-Presidents shall become the President and a casual vacancy occurs in the office of the Vice-President. This should be determined by the Executive
- (3) When a casual vacancy occurs in the offices of one of the Vice-President, National Secretary or Treasurer, the Executive shall appoint another Executive member to fill that casual vacancy until such time as an election is conducted according to Part 5 subsection 6.4 of the Regulations. Whilst acting in the Interim office the Executive member shall only be entitled to one vote.
- (4) The election of any casual vacancy shall be conducted in accordance with the rules of this Constitution and the requirements of the Regulations.
- (5) The Interim Officer will be subject to the rules and responsibilities as provided in the Constitution as applying to the position, and shall relinquish the position immediately upon the election of a new Executive member.
- (6) In the event of casual vacancies occurring in all functionary Executive positions simultaneously the Regional Secretaries shall form an interim Executive, elect an interim President, interim National Secretary, and interim Treasurer from their number, and immediately hold elections for all Office Bearer positions using the provisions set out in Part 5 subsection 6.5 of the Regulations.

55. Removal of Executive Officers

- (1) An Executive Officer may only be dismissed by a simple majority vote of a Special Council Meeting called for that purpose.
- (2) Notwithstanding Part 6 subsection 55(1), failure to attend two consecutive Executive meetings without submitting apologies will be grounds for a motion to expel an Executive member. This motion must be passed with a two-thirds majority of the Executive members attending the meeting.
- (3) Should the Executive be unable to meet for want of quorum for two successive meetings, this shall not impact on the activation of 55(2).

56. Referenda

- (1) Where a referendum is held pursuant to this Constitution, the procedures outlined in this Constitution and the Regulations shall be followed.
- (2) Any motion (other than a motion under Part 6 section 55) which could properly be considered by Council may be submitted to Constituent Organisations for decisions by Referendum in the manner provided by this Constitution.
- (3) Any motion governing finance shall be passed only if it is carried by a three

quarter majority of the number of Constituent organisations entitled to vote.

- (4) Any motion amending the First Schedule of this Constitution shall be passed only if it is carried by a majority of the number of Constituent organisations entitled to vote.

PART 7 – REGIONS

57. Regional role

- (1) The role and function of the Regions is to:
 - i. Facilitate discussion on regional issues
 - ii. To encourage and support regional networks
 - iii. To create and recommend policy to Council
 - iv. To enact out relevant CAPA policy as adopted by Council
 - v. To give support to affiliate organisations within the region
 - vi. To deal with regional issues and initiatives as they arise
 - vii. Participate in and give feedback to Committees and the Vice-President (NOC) as determined by Council
 - viii. To facilitate and enhance the linkages between the Regions and CAPA members and the Executive

58. Regions

The Regions shall be known and defined as follows:

- (1) Eastern Region, which includes the affiliated Constituent Organisations in the state of New South Wales and the Australian Capital Territory, excluding Southern Cross University;
- (2) South-Eastern Region, which includes the affiliated Constituent Organisations in the states of Victoria and Tasmania;
- (3) Central Region, which includes the affiliated Constituent Organisations in the state of South Australia and the Northern Territory;
- (4) Northern Region, which includes the affiliated Constituent Organisations in the state of Queensland and Southern Cross University; and
- (5) Western Region, which includes the affiliated Constituent Organisations in the state of Western Australia.

59. Membership

- (1) Membership of each region shall include its Regional Secretary, its Regional Officers, its constituent delegates, and its NIPAAC representative.
- (2) Attendance at regional meetings shall include (but not be limited to) the Regional Secretary or nominee, current Regional Officers including its NIPAAC representative, representatives of the affiliated Constituent Organisations of that region, postgraduate members (including CAPA Office Bearers) of Constituent Organisations within that region, and the Vice-President (NOC).
- (3) The Region, by simple majority resolution of the voting members of the Region, has the authority to invite people to a meeting as it deems necessary.
- (4) One vote is accorded to each constituent organisation within the region, and

its NIPAAC representative.

60. Regional meetings

- (1) Regional meetings will follow the provisions as set out within this Constitution and the Regulations.
- (2) A regional meeting shall be quorate with one-third of the Constituent Organisations present (either in person or by teleconference)
- (3) A regional meeting may be called by the Regional Secretary or through petition to the Vice-President (NOC) by three Constituent Organisations within the region

61. Regional Officers

- (1) Each Region shall have the following officer:
 - (a) a Regional Secretary
- (2) Each Region may additionally have the following officers:
 - (a) a Regional Women's Officer.
 - (b) a Regional International Students' officer.
 - (c) a Regional Queer Officer.
 - (d) a Regional NIPAAC representative.
 - (e) a Regional Disabilities Officer.
- (3) The Region may elect an assistant to the Regional Secretary.
- (4) The term of office for all Regional Officers the Regional Secretary and assistants shall commence on 1 January immediately following the Annual Council Meeting at which they were elected and cease on 31 December immediately following the subsequent Annual Council Meeting.
- (5) A Regional Secretary and/or assistant may be removed from office by a two-thirds majority resolution of a Regional Meeting, of which at least 14 days notice has been given to the Vice-President (NOC), the Regional Secretary, Regional Officers or the Region's Constituent Organisations of an intention to debate such a motion. The Vice-President (NOC) or another member of the Executive nominated by the Vice-President (NOC) shall preside during debate on such a motion.
- (6) Where the office of Regional Secretary is not filled by election at the Annual Council Meeting, a casual vacancy will be declared (refer to Regulations Part 5 subsection 6.4).

62. Regional Funding

- (1) Funding for the regions shall be in accordance with the rules of this Constitution and the requirements of the Regulations.

PART 8 — FINANCES

63. Finance, power to commit expenditure and control

- (1) Bank Accounts and Signatories
 - (a) All monies received by the Council shall be paid into an account(s) current with a recognised Trading Bank or Savings Bank or Government guaranteed Building Society or Credit Union. Funds not needed for day to day operations may at the discretion of the Treasurer be deposited in term deposits with such institutions or other funding arrangements that are appropriate for a non-profit organisation under Generally Accepted Auditing Principles for Non-Profit Organisations.
 - (b) There must be a minimum of four signatories (but must include the Treasurer, President and a designated staff member) for the cheque and internet banking accounts. There must be two signatories for every transaction, and at least one of them must be the Treasurer or Treasurer's nominee. In the event that the Treasurer is unavailable to sign off any transaction, the President may do so in the Treasurer's absence, provided that the Treasurer is informed in writing that such a transaction has taken place. A signatory shall not sign a cheque or sign off on an internet transaction made out to themselves, including the Treasurer.
 - (c) In the event that the Treasurer is absent from duties for an indefinite period, and has not nominated a temporary replacement, Executive will appoint a member of Executive to the position of Interim Treasurer.
- (2) Expenditure Guidelines
 - (a) It is the responsibility of the Treasurer to ensure that the total expenditure does not exceed the annual budget approved by Council. Funding received for grant-specific projects, and not budgeted for at the previous ACM, shall not be considered in this instance.
 - (b) Expenditure allocated to any one budget line cannot exceed the annual allocated dollar amount approved by Council, unless the Executive approves the re-allocation of money from elsewhere in the budget.
 - (c) The Treasurer may approve expenditure up to \$1000, with the exception of payroll and petty cash. Expenditure between \$1000 and \$10,000 must be approved by the Executive. Expenditure over \$10,000 must be approved by Council. CAPA staff member(s) authorised by the Executive may pay for travel arrangements and normal office bills using a CAPA credit card or EFT.
- (3) Credit cards
 - (a) CAPA will issue a credit card to the President, and may issue a credit card to a staff member authorised by Executive, and any other Executive member nominated by the Executive. The limits shall be as specified in the regulations.
 - (b) Each expense incurred above \$300 on CAPA credit cards must be first approved by the Treasurer, and then presented at each Executive Meeting. Expenses below \$300 must be approved by the Treasurer upon consolidation of the monthly credit-card statements. If any expense is not approved, the person shall be expected to reimburse CAPA in full. Any

- expenses incurred by the Treasurer on a credit card must be first approved by the President.
- (c) Any person using a CAPA credit card must provide receipts of each expense. If a person fails to do so, the Treasurer shall inform Executive, and they shall decide as to whether that person will reimburse CAPA in full.
 - (d) Executive may remove the credit card of any Executive member or Staff member in the event of reasonable suspicion of misuse
- (4) Executive has the right to overturn a decision of the Treasurer to approve of, or pay for expenditure only if that expenditure:
- (a) did not comply with the expenditure guidelines or
 - (b) did not have prior approval by the Treasurer where necessary or
 - (c) was not related to CAPA business or
 - (d) causes the associated budget line to be over budget or
 - (e) was over \$1000.
- (5)1 General Expenses
- (a) At the first Executive Meeting of the calendar year, the Treasurer will present Executive will the CAPA Expenditure Guidelines, as outlined in Part 13 of the Regulations. All members of Executive must sign an agreement to adhere to these guidelines.
 - (b) All claims for reimbursement will be in accordance with procedures within this Constitution and the pursuant Regulations.

64. Budget not passed at Annual Council Meeting

Notwithstanding that the Budget of the Council has not been presented to the Annual Council Meeting or having been presented has not been ratified by the Constituent Organisations any disbursements made in good faith by the Officers of the Council pursuant hereto shall be binding upon the Council.

65. Entering of contracts and Common Seal

- (1) All contracts entered into on behalf of the Council shall be made in the name of the Council by the Treasurer.
- (2) The Executive shall procure a Common Seal for the Council, and shall provide for its safe custody. The Treasurer of the Council shall have custody of the Common Seal.
- (3) The Common Seal shall be used only by authority of Council. Every instrument to which the Seal is affixed shall be signed by two officers of the Council, one of whom shall be the President of the Council or the Treasurer of the Council, and shall be countersigned by another officer appointed by Council for this purpose.

66. National Indigenous Postgraduate Association Aboriginal Corporation

- (1) National Indigenous Postgraduate Association Aboriginal Corporation (NIPAAC) constitutes a semi-autonomous Aboriginal and Torres Strait Islanders Constituent Organisation within CAPA.
- (2) Until NIPAAC becomes fiscally independent, CAPA shall provide appropriate resources within a budget prepared by NIPAAC and adopted by the Council. CAPA is responsible for the management of the NIPAAC operational budget and provides other administrative support to NIPAAC. CAPA and NIPAAC shall conduct an annual review of CAPA's resourcing of NIPAAC in terms of the expediency of NIPAAC to resume full management of its fiscal resources.
- (3) NIPAAC is responsible for all decisions relating to its general activities and budgetary allocations. Responsibilities of NIPAAC in relation to its role in CAPA include:
 - (a) advising CAPA on matters relating to Aboriginal and Torres Strait Islander higher education and other Indigenous issues;
 - (b) directing the Indigenous Research Officer;
 - (c) establishing and maintaining the NIPAAC website and member's list;
 - (d) consulting with the wide NIPAAC membership over relevant matters;
 - (e) nominating the CAPA Indigenous Peoples' Liaison Officer for election at the NIPAAC ACM;
 - (f) operating as a voting constituent at the CAPA ACM; and
 - (g) adhering to the rules of CAPA and to the resolutions of its Council and Executive.

PART 9 — MISCELLANEOUS

67. Standing Orders

- (1) The Standing Orders for the Council shall be those as provided in the Regulations.

68. Indemnity

- (1) The Council shall be responsible for the authorised acts of its servants, agents and honorary office bearers (Executive Officers) and shall, subject to this Constitution, indemnify them in respect of payments made and personal liabilities incurred by them: —
 - (a) In the ordinary and proper conduct of the business of the Council; and
 - (b) In or about anything done for the preservation of the property of the Council.

69. Custody and inspection of records

- (1) The CAPA Office shall keep control of all books, documents and securities of the Association.
- (2) All accounts, books and documents of the Association shall be available for inspection by Constituent Organisations.

70. Commencement

This Constitution shall come into operation on 1 January 2006 and remain in operation, incorporating any amendments made by special resolution at the time at which any such resolution is passed.

71. Conflict of Interest

- (1) All persons present at any meeting of Council, the Executive, or otherwise shall disclose to the meeting any material or personal interest which they may have regarding a matter before the meeting. They may do this either at the commencement of the meeting, or as an item is addressed, with a preference to the former.
- (2) The meeting shall determine whether it would be appropriate to exclude that Councillor from speaking or voting rights for that item
- (3) All disclosures shall be recorded in the minutes of that meeting.
- (4) Should a conflict of interest become apparent during an item, no penalty may be applied to that Councillor, though subsection 71 (2) should be considered immediately
- (5) Should a conflict of interest become apparent preceding the closure of the item, the meeting should decide whether it would be best to redress the item

SCHEDULE ONE – FORMS

This schedule provides the guidance for forms for application, calling a Special Council Meeting, and Nomination to the Executive

Form 1 – Application for Membership

<p>Council of Australian Postgraduate Associations Inc.</p> <p>APPLICATION FOR MEMBERSHIP</p> <p>We</p> <p><i>(Name of Association applying for membership)</i></p> <p>apply for membership of the Council of Australian Postgraduate Associations Inc and agree to abide by the constitution thereof and agree to pay the annual affiliation Fees. We certify that this application is made in accordance with a resolution duly passed at a meeting of held on / /</p> <p><i>(Name of Association) (insert date)</i></p> <p>Signed</p> <p>Person Chairing Meeting Secretary of Meeting</p> <p>Dated / / Dated / /</p>

Form 2 – Requisition for Special Council Meeting

Council of Australian Postgraduate Associations Inc.

REQUISITION FOR SPECIAL COUNCIL MEETING

We (insert names of Constituent Organisations)

1]

2]

3]

4]

5]

hereby certify to the Council of Australian Postgraduate Associations Inc that at duly convened special meetings of which at least fourteen days notice was given to all members, such meetings being convened for this purpose, a resolution was passed to requisition a special Council Meeting of the Council of Australian Postgraduate Associations Inc with a simple majority of those present and voting. We further certify that such meeting had the required quorum. The motion(s) to be considered at this meeting is/are as follows:

Signed

1] Person Chairing Meeting Secretary of Meeting

of (*insert name Constituent*)

Dated / / Dated / /

Signed

2] Person Chairing Meeting Secretary of Meeting

of (*insert name Constituent*)

Dated / / Dated / /

Signed

3] Person Chairing Meeting Secretary of Meeting

of (*insert name Constituent*)

Dated / / Dated / /

Signed

4] Person Chairing Meeting Secretary of Meeting

of (*insert name Constituent*)

Dated / / Dated / /

Signed

5] Person Chairing Meeting Secretary of Meeting

of (*insert name Constituent*)

Dated / / Dated / /

Form 3 – Nomination for Election

Council of Australian Postgraduate Associations Inc.

NOMINATION FOR ELECTION

We hereby nominate

(insert name of nominee)

for the position of *(insert name of position)*

of the Council of Australian Postgraduate Associations.

Proposer]

Secunder]

(insert names of persons proposing and seconding the nomination)

DECLARATION BY PROPOSER:

I certify that I am a postgraduate member of

(insert name of Constituent Organisation)

(Signature of proposer) / /

(Date)

DECLARATION BY SECONDER:

I certify that I am a postgraduate member of

(insert name of Constituent Organisation)

(Signature of seconder) / /

(Date)

DECLARATION OF NOMINEE:

I hereby certify that under the Constitution of the Council of Australian Postgraduate Associations Inc that I am entitled to stand for election in accordance with the provisions of the constitution being a postgraduate student and member of

(insert name of Constituent Organisation)

which is a Constituent Organisation of the Council.

(Signature of candidate) / /

(Date)