Student Organisation Rules

Section 1 - Preliminary

Name of Rules

(1) These Rules may be cited as the Student Organisation Rules.

Commencement

(2) These Rules commence on 21 February 2013 under resolution CNL 13/005.

Purpose

(3) The purpose of these Rules is to provide for the management, good government and discipline of student organisations as part of the University, as contemplated by the Macquarie University Act 1989.

Authority

(4) The Council of Macquarie University makes the following rules under section 29 of the Macquarie University Act 1989 and Part 10 of the Macquarie University By-law 2005.

Definitions

(5) Nil.

Section 2 - Rules

Student organisations' governance and operations

(6) A student organisation must:

a. be of a type of organisation (including, whether it is an incorporated or unincorporated body) approved by the Deputy Vice-Chancellor (Academic) and Registrar;
b. if requested by the Deputy Vice-Chancellor (Academic) and Registrar, promptly provide to him or her any information relating to that student organisation;
c. co-operate in any investigation of the affairs of that student organisation or any other student organisation, required by the Deputy Vice-Chancellor (Academic) and Registrar, including by providing access to and use of any premises, property, computer or other facilities owned, controlled or used by that student organisation or where records or information relating to that student organisation are kept;
d. not pay or agree to pay to any officer or member of that organisation any:
    i. remuneration or other compensation for services provided; or
    ii. any expense incurred by any officer or member, without the approval of the Deputy Vice-Chancellor (Academic) and Registrar;
e. not conduct its affairs or carry on any activity so as to provide or obtain financial gain for its members;

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f. not be affiliated with or be controlled by any person which is unrelated to the University without the approval of the Deputy Vice-Chancellor (Academic) and Registrar;
g. only use the name or emblem of the University (including in the name of the student organisation) with the approval of the Deputy Vice-Chancellor (Academic) and Registrar and for a purpose and in a manner approved by the Deputy Vice-Chancellor (Academic) and Registrar; and
h. act in the interests of the University as a whole.

(7) Where the Deputy Vice-Chancellor (Academic) and Registrar is satisfied that:

a. the University has provided moneys to a student organisation; and
b. the student organisation retains part or all of the moneys provided (including any moneys derived, directly or indirectly, from the use of moneys provided by the University),
the Deputy Vice-Chancellor (Academic) and Registrar may issue a direction that the student organisation must not apply, spend, invest, manage or otherwise deal with the retained moneys without the written approval of the Deputy Vice-Chancellor (Academic) and Registrar.

(8) A student organisation to which a direction has been issued under clause 7 must not apply, spend, invest, manage or otherwise deal with the retained moneys the subject of the direction without the written approval of the Deputy Vice-Chancellor (Academic) and Registrar or, where approval is given subject to conditions, without complying with any such conditions.

(9) Where the Deputy Vice-Chancellor (Academic) and Registrar is satisfied of the matters in clause 7 (a) and clause 7 (b), he or she may, whether or not he or she issues or has issued a direction under clause 7, issue a direction that the organisation pay the retained moneys to the University.

(10) Where a direction is issued by the Deputy Vice-Chancellor (Academic) and Registrar pursuant to clause 7:

a. the student organisation the subject of the direction must, promptly pay the retained moneys the subject of the direction to the University; and
b. the Deputy Vice-Chancellor (Academic) and Registrar must ensure that any retained moneys paid to the University are used for the provision of services and amenities to students.

(11) The Deputy Vice-Chancellor (Academic) and Registrar may:

a. make and publish policies relating to the governance and operation of student organisations; and
b. suspend the operation of, vary or replace any such policy, if:
    i. he or she is satisfied it is appropriate for the management, good governance or discipline of student organisations; and
    ii. the policy or any variation or replacement of it, as the case requires, is consistent with these Rules.

(12) The Deputy Vice-Chancellor (Academic) and Registrar may direct a student organisation or class of student organisations not to enter into contracts or deeds or otherwise incur debts or liabilities, without the approval of the Deputy Vice-Chancellor (Academic) and Registrar.

Compliance by student organisations and others

(13) A student organisation and its officers and members must comply with:

a. the University's By-law, rules and policies;
b. any lawful direction from the University including, any lawful direction from the Vice-Chancellor, the Deputy Vice-Chancellor (Academic) and Registrar or other person authorised to give the direction on behalf of the

University;

c. any resolution of the Council;
d. any applicable law;
e. any affiliation agreement between the University and that student organisation; and
f. the student organisation's constitution.

Office holder obligations

(14) An officer of a student organisation must:

a. carry out his or her functions:
    i. in good faith in the best interests of the University as a whole; and
    ii. for a proper purpose;
b. act honestly;
c. exercise their powers and discharge their duties with the degree of care, skill and diligence that a reasonable person would exercise if they:
    i. were an officer of a student organisation in the student organisation's circumstances; and
    ii. occupied the office held by, and had the same responsibilities within the student organisation as the officer;
d. not profit, directly or indirectly, from his or her position;
e. not put himself or herself in a position where his or her interest or his or her duty to another person conflicts with his or her duty to the University; and
f. not make improper use of his or her position to:
    i. gain, directly or indirectly, an advantage for the officer or another person; or
    ii. cause detriment to any student organisation or the University.

(15) If a person obtains information because he or she is, or has been, an officer of a student organisation, he or she must not improperly use or disclose that information to:

a. gain directly or indirectly, an advantage for that person or another person; or
b. cause detriment to the University, or otherwise use or disclose it for any purpose other than that for which it was provided to the officer.

(16) A person who is not a committee member of a student organisation must not communicate instructions or wishes to the committee members of that student organisation knowing that the committee members are accustomed to act in accordance with the person's instructions or wishes.

Involvement in contravention prohibited

(17) A person must not cause, instruct, aid or conspire with another person to contravene these Rules or conceal a contravention or otherwise be party to a contravention or concealment of a contravention.

Provision of funding and resources

(18) The Deputy Vice-Chancellor (Academic) and Registrar may on behalf of the University:

a. provide funding and resources to a student organisation; and
b. cease or suspend the provision of any funding and resources.

(19) Subject to clause 18, any moneys or resources provided by or on behalf of the University must only be used to carry out its functions or for other purposes approved by the Deputy Vice-Chancellor (Academic) and Registrar.

(20) If moneys or resources are or have been provided for a particular purpose:

a. they must be used only for that purpose; and
b. if they are not used for that purpose within the specified time or, if there is none, a reasonable time, they must be returned to the University.

Student organisation reorganisations

(21) A student organisation and its members and officers must, if requested by the Deputy Vice-Chancellor (Academic) and Registrar, promptly co-operate with the University in any reorganisation of student organisations required by the University.

Winding up and appointment of manager

(22) The Deputy Vice-Chancellor (Academic) and Registrar, may, if he or she is satisfied it is appropriate for the management, good governance or discipline of the University, determine that:

a. a person be appointed to investigate and manage the affairs of a student organisation; and
b. any right of the members or governing body of that student organisation to manage the affairs of that student organisation be suspended or terminated.

(23) The Deputy Vice-Chancellor (Academic) and Registrar may order the winding up of a student organisation if he or she is satisfied that:

a. the student organisation has not commenced its operations within one year of its formation or has suspended its operations for a whole year;
b. the student organisation is insolvent;
c. the student organisation has engaged in activities inconsistent with its objects;
d. the management committee of the student organisation has acted in the affairs of the student organisation in the interests of the management committee or the members of that committee rather than in accordance with its objects, or in any other manner which is unfair or unjust to the student organisation's members;
e. the student organisation or its management committee has committed a material breach of any by-laws, rules (including one of these Rules) or policy of the University or any by-law;
f. it is otherwise appropriate for the management, good governance or discipline of the University, that the student organisation be wound up.

(24) The student organisation, a member of the student organisation or the Vice-Chancellor may make an application to the Deputy Vice-Chancellor (Academic) and Registrar for the winding up of an student organisation.

(25) The Deputy Vice-Chancellor (Academic) and Registrar may of his or her own initiative wind up a student organisation without an application being made under clause 24.

(26) In these Rules, a reference to the surplus property of a student organisation is a reference to that property of the student organisation remaining after satisfaction of the debts and liabilities of the student organisation and the costs, charges and expenses of the winding up of the student organisation.

(27) In a winding up of a student organisation, the surplus property of the student organisation is to be distributed to the University.

(28) No distribution of surplus property is to be made to or for the benefit of:

a. any member or former member of the student organisation; or
b. any person to be held on trust for any member or former member of the student organisation.

(29) A student organisation which is the subject of a determination under clauses 22, 23, 24, 25, 26, 27 or 28 and each of its members and officers, must co-operate in the winding up, investigation or management by the appointed manager, as the case requires, of that student organisation, including by:

a. promptly giving to the University possession or control of all of the student organisation's property;
b. otherwise accounting to the University for its past use and application of property of the student organisation and property of the University;
c. if it is an incorporated student organisation, causing or applying for it to be wound up in accordance with any applicable legislation.

Decision hearing and grievances

(30) A decision under these Rules upon a matter which materially and adversely affects a student organisation or a student must not be made, unless the relevant student organisation or student, as the case requires, has been given a reasonable opportunity to address the proposed decision, either orally or in writing.

(31) If:

a. the relevant student or student organisation (represented by a duly authorised and duly elected committee member), as the case requires, does not attend a meeting with the Deputy Vice-Chancellor (Academic) and Registrar called for the purpose of giving the student or student organisation, as the case requires, an opportunity to address that proposed decision; and
b. reasonable notice of the meeting and its purpose has been given to the student organisation or student, as the case requires, then the student organisation or student, as the case requires, is deemed to have been given a reasonable opportunity to address that proposed decision.

(32) Any person who purports to attend any meeting contemplated by clause 31 as a representative of a student organisation must, if requested, prove to the satisfaction of the Deputy Vice-Chancellor (Academic) and Registrar, that he or she is a duly authorised and duly elected committee member of that student organisation.

(33) A student does not have a right under clause 30 in respect of a decision or a proposed decision merely because he or she is a member of a student organisation, which will be materially and adversely affected by that decision or proposed decision.

(34) A decision by the Deputy Vice-Chancellor (Academic) and Registrar contemplated by these Rules is reviewable under the University's Grievance Management policy.

Contravention is misconduct

(35) A contravention of these Rules by any person is misconduct by that person for the purposes of the disciplinary by-law, rules and policies of the University.

General

(36) Any approval of the Deputy Vice-Chancellor (Academic) and Registrar contemplated by these Rules may be given subject to any condition that he or she is satisfied is appropriate for the management, good governance or discipline of the University.

(37) The relevant student organisation and its members and officers must comply with any condition subject to which an approval is given.

(38) The Deputy Vice-Chancellor (Academic) and Registrar may delegate any of his or her functions and powers under these Rules (including this power of delegation) to any person or otherwise authorise any person to carry out or exercise any of his or her functions or powers.

(39) In these Rules a reference to:

a. the Deputy Vice-Chancellor (Academic) and Registrar includes any person deriving any function or power directly or indirectly by delegation or authorisation from the Deputy Vice-Chancellor (Academic) and Registrar;
b. a student organisation is to a present or future organisation of students of the University or of students and others and includes, any incorporated or unincorporated student organisation;
c. a student organisation which is unincorporated, includes its members, its management committee and any person who holds property upon trust for any of its members or past members, as the context permits;
d. the conversion of a student organisation includes:
    i. if it is unincorporated, conversion into an incorporated student organisation, including by registration under the Associations Incorporation Act 2009 or any corresponding statute in any other state or territory of Australia or by incorporation under the Corporations Act 2001; or
    ii. if it is incorporated, conversion into an unincorporated student organisation; and
e. the winding up of that student organisation and its replacement by an incorporated or unincorporated student organisation, as the case requires.
f. the management committee of a student organisation means the governing body of that student organisation, regardless of the name given to it;
g. a committee member of a student organisation is to:
    i. a person who:
        - is appointed or elected to the position of a member of the management committee of that student organisation; or
        - is appointed or elected to the position of an alternate committee member and is acting in that capacity

        regardless of the name that is given to their position; and
    ii. a person who is not validly appointed as a committee member, if:
        - they act in the position of a committee member; or
        - the committee members of the student organisation are accustomed to act in accordance with the person's instructions or wishes. But clause 39(g)(ii) does not apply merely because the committee members act on advice given by the person in the proper performance of functions attaching to the person's professional capacity or as an officer or employee of the University;
h. the University includes:
    i. the University in any capacity; and
    ii. its controlled entities;
i. a person includes an individual, a corporation, an unincorporated association and the trustee of a trust;
j. an officer of a student organisation means any office holder of it and includes any committee member;
k. property includes moneys and information;
l. property provided by the University means property:
    i. provided by the University to a student organisation directly or indirectly and either before or after these Rules are made and includes, any student amenities and services fees, student activities fees, subscriptions or similar moneys collected by the University at any time and in any capacity; or

ii. acquired by the student organisation with moneys provided by the University;

m. property of a student organisation means property owned or in its possession or used under any lease or licence of property, and includes:
   i. property provided to it by the University;
   ii. property acquired by the student organisation for the use or benefit of the University or any of its students;
   iii. in the case of an unincorporated student organisation, property owned jointly by its members or past members and property held by any person upon trust for any past, present or future members;
n. the winding up of a student organisation includes its dissolution;
o. a decision includes a determination;
p. legislation includes consolidations, amendments, re-enactments and replacements of it.

(40) A person controls a student organisation for the purposes of these Rules if the Deputy Vice-Chancellor (Academic) and Registrar is satisfied that:

a. the person has the capacity to determine the outcome of decisions about the student organisation's affairs and policies; and
b. in determining whether a person has that capacity:
   i. the practical influence that person can exert (rather than the rights it can enforce) is the issue to be considered; and
   ii. any practice or pattern of behaviour affecting the affairs or policies is to be taken into account (even if it involves a breach of an agreement or a breach of trust); or
c. the committee members of the student organisation or a majority of them, are accustomed to act in accordance with that person's instructions or wishes.

(41) A student organisation does not provide financial gain for its members for the purposes of these Rules merely because:

a. the student organisation makes a financial gain unless that gain or any part of it is divided among or received by the student organisation's members or any of them;
b. members of the student organisation derive financial gain through the enjoyment of facilities or services provided by the student organisation for social, recreational, educational or other similar purposes;
c. members of the student organisation derive financial gain from the student organisation by way of bona fide payment of remuneration;
d. members of the student organisation derive financial gain from the student organisation of a kind which they could also derive if they were not members of the student organisation; or
e. members of the student organisation compete for trophies or prizes in contests directly related to the objects of the student organisation.

(42) A requirement under these Rules that something must be approved by the Deputy Vice-Chancellor (Academic) and Registrar:

a. will be satisfied if it is in accordance with a policy approved by him or her; but
b. will not be satisfied unless any condition subject to which approval is given is:
   i. fulfilled within the specified time or, if there is none, within a reasonable time, to the satisfaction of the Deputy Vice-Chancellor (Academic) and Registrar; or
   ii. expressly waived by the Deputy Vice-Chancellor (Academic) and Registrar; and
c. any approval of the Deputy Vice-Chancellor (Academic) and Registrar contemplated by these Rules may be

revoked or suspended by the Deputy Vice-Chancellor (Academic) and Registrar at any time.

(43) These Rules apply to:

a. a student organisation established; and
b. property which became the property of a student organisation.
before or after these Rules are made.

(44) The rights of the University under any of these Rules are in addition to any other rights which it may have in relation to the subject matter of that rule and, in particular, these Rules:

a. have effect in addition to, and without lessening:
    i. any rule of law or equity relating to the duty or liability of a person because they are an officer or member of a student organisation; or
    ii. any function or power of the University to manage the affairs of the University, including its student organisations and, do not prevent the commencement of legal proceedings in respect of a breach of a duty or a liability referred to in clause 44(a)(i).

(45) Any notice to a student organisation will be deemed to be served upon it if the notice is served upon a person who the Deputy Vice-Chancellor (Academic) and Registrar believes to be an officer of that student organisation.

(46) If an officer receives on behalf of a student organisation a notice under these Rules, he or she must use their best endeavours to promptly notify each other officer of its receipt and contents.

(47) Any such notice must be in writing and in the English language and will be deemed to be served if:

a. delivered personally;
b. left at or sent by post to:
    i. the last known residential or business address in or out of New South Wales of the person to be served as it appears in the records of the University; or
    ii. such other address as appears to the Deputy Vice-Chancellor (Academic) and Registrar to be an address that is used by the student organisation or where the person to be served resides or works, as the case requires;
c. sent to the University email address of the addressee or to another email address that has been given to the University by the addressee for the purpose of serving notices relating to that student organisation; or
d. served in any other manner that the Deputy Vice-Chancellor (Academic) and Registrar directs.

(48) Any notice if served otherwise than by post, will be sufficient although addressed to the officer by the name of that office only, without the name of the officer.

(49) Any notice will be deemed to be served:

a. in the case of sending by post - if posted in the Commonwealth of Australia to an address in the Commonwealth of Australia, within three working days of posting and in any other case within five working days after posting by airmail; and
b. in the case of sending by email – when it enters the addressee's information system as shown on a confirmation of delivery report from the sender's information system, which indicates that the email was sent to the email address of the addressee.

(50) If more than one copy of a notice is sent, the notice will be deemed to be given when one of those notices is first

served or deemed to be served on the addressee.

(51) In these Rules a reference to:

a. a working day means any day other than:
    i. a Saturday, a Sunday or a public holiday; or
    ii. 27, 28, 29, 30 or 31 December, in Sydney; and
b. a notice is to any notice or other communication and includes, any notice which these Rules require or authorise to be served on any person.

(52) In these Rules the mention of anything after the word “include” or any derivative of it does not limit the nature or class of things included.

(53) If there is an inconsistency between these Rules and the constitution of a student organisation or an affiliation agreement between a student organisation and the University, these Rules will prevail to the extent of the inconsistency.

Section 3 - Schedules and Associated Information

(54) Nil.

Status and Details

Status	Historic
Effective Date	22nd February 2021
Review Date	19th February 2022
Approval Authority	University Council
Approval Date	21st February 2013
Expiry Date	5th March 2024
Responsible Executive	Martin Parkinson Chancellor
Responsible Officer	S. Bruce Dowton Vice-Chancellor
Enquiries Contact	Sophie Buck Director, Governance Services

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