



**MINUTES OF THE SPECIAL GENERAL MEETING OF THE
SYDNEY UNIVERSITY LAW SOCIETY INCORPORATED
ABN 49 844 560 526
10 November 2021 6:30PM ON ZOOM**

Chair: Wendy Hu (President)

Minute taker: Alison Chen (Secretary)

Meeting opened: 6:38pm

Present:

Wendy Hu	President
Sinem Kirk	Vice President (Education)
Alison Chen	Secretary
Felix Wood	Competitions Director
Onor Nottle	Socials Director
Georgia Watson	Socials Director
Sofia Mendes	Campus Director
Dane Luo	SULS Member
Ben Hines	SULS Member
Harriet Walker	SULS Member
Naz Sharifi	SULS Member
Julia Tran	SULS Member
Vivienne Davies	SULS Member
Maja Vasic	SULS Member
Michelle Chim	SULS Member
Thrishank Chintamaneni	SULS Member
Casper Lu	SULS Member
Grace Wallman	SULS Member
Irene Ma	SULS Member
Adam Schaffer	SULS Member
Andrew Shim	SULS Member

Late:

Mahmoud Al Rifai	Ethnocultural Officer
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Ariana Haghighi SULLS Member
Grace Wong SULLS Member

Absent:

Cameron Jordan Vice President (Careers)
Tiana Dumanovsky Treasurer
Caroline Xu Competitions Director
Xi (Sissi) Chen International Officer
Bru Hammer Queer Officer
Sarah Purvis Marketing Director
Arasa Hardie Design Director

Apologies:

Sophia Semmler Vice President (Social Justice)
Gretel Wilson Sponsorship Director
Calvin Kwong Sports Director
Justin Lai Publications Director
Eden McSheffrey Equity Officer
Nora Takriti Women's Officer

MINUTES

1 Welcome

The Chair welcomed attendees to the meeting and delivered an acknowledgement of country.

2 Apologies and leaves of absence

Apologies were received from Sophia Semmler, Gretel Wilson, Calvin Kwong, Justin Lai, Eden McSheffrey, Nora Takriti and Mahmoud Al Rifai.

3 Minutes of previous meeting

The minutes of the previous meeting (General Meeting, 20 October 2021) were made available [online](#) on the Society's website after the previous meeting.

Motion: That the minutes of the General Meeting held on 20 October 2021 be accepted.
Moved: Wendy Hu



Seconded: Alison Chen

The motion was carried unanimously with zero abstentions.

4 Business arising from the minutes

Two items of business arose from the General Meeting on 11 August 2021, both of which have been addressed by the motions on notice at this meeting:

- Review the definition of online communications in s 12(g)
- Motion to request the SULLS Executive to table at the 2021 Special General Meeting a set of byelection regulations in the event that no presidential expressions of interest are received

No correspondence was received from the previous meeting.

5 Motions on notice

The motions on notice were circulated to all members via email on Tuesday 26 October. The motions as proposed and as passed are included in Appendix A.

Wendy noted that the motions were the work of the ad-hoc Constitutional Review Committee, whose aims were to modernise the Constitution and promote transparency, fairness and accessibility of the Constitution.

a. Amendments to Expressions of Interest system, including administrative amendments to prohibited practices

Motion: To open discussion on the proposed amendment to omit s 1 and instead insert new ss 1-1F and amend ss 12(a) and (b) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane explained that the amendments pertain to the Expressions of Interest (EOI) system. Currently, there are two systems that operate concurrently - a Presidential EOI to form a ticket and Senior Executive EOIs which are optional and not binding. He stated that the Senior Executive EOI system had been successful in reaching out to candidates that presidential candidates may not have been aware of. He noted that feedback from consultation forums shows that the current system increases barriers to people who are unsure about running for President early on. He indicated that he is supportive of having contested elections as it provides the successful Executive team with an electoral mandate and increases accountability.

Dane explained the operation of the new expression of interest system, in particular highlighting s 1C and 1D and the establishment of the expression of interest register. He also explained the stopgap measure in s 1E for a special round of expression of interest.

Motion: To add new s 1AA, s 1E(aa) and s 1E(ga) to the amendment.

Before clause 1, add:

1AA Interpretation of the Electoral Regulations



- (a) Subject to sub-section (b), sections 1 to 1F (the protected sections) prevails over any inconsistent provision contained in the Electoral Regulations, except section 17, to the extent of the inconsistency, unless the inconsistent provision expressly provides that it is to have effect despite anything contained in the protected sections or a part of the protected sections (however expressed).
- (b) Where section 17 applies, that section prevails over any inconsistent provision contained in the Electoral Regulations, including the protected sections, to the extent of the inconsistency.
- (2) After section 1E(a), add:
- (aa) Section 2(c) shall not apply. For the avoidance of doubt, if section 1E applies, the Electoral Officer shall not issue the Notice of Election unless pursuant to sub-section (ga).
- (3) After section 1E(g), add:
- (ga) If one or more Expressions of Interest for President are submitted in the Special Round, the Special Round Notice shall also contain the Notice of Election and outline the matters provided in section 2(c)(i)–(v).

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried with 17 in favour, 0 against and 1 abstention.

Motion: To omit s 1 and instead insert new ss 1-1F and amend ss 12(a) and (b) of the Electoral Regulations in Appendix 1 of the Constitution as amended.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

b. Extraordinary General Meeting

Motion: To open discussion on the proposed amendment to insert new s 17 to the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane outlined that this amendment was to cover situations where no expressions of interest have been received. Dane noted this has not occurred in SULLS' history. This Extraordinary General Meeting (EGM), as proposed in this amendment, would be held with the Electoral Officer as the chair and each position would be voted on. He noted that the Committee is not encouraging this situation to occur, but merely to provide a stopgap measure in case this happens. The EGM would also occur if a nomination is defective due to not meeting eligibility requirements.

Dane proposed a suite of amendments which would clarify the operation of s 17, in particular ensuring that it aligns with the USU's requirement that all general meetings occur during the semester teaching period.

Motion: To amend the proposed s 17 as follows:



Omit sub-sections (a)–(b) and substitute:

- (a) This section applies only if either:
 - (i) After the close of the Special Round, there are no Expressions of Interest for President on the EOI Register; or
 - (ii) After the close of nominations, there are no valid nominations.
- (b) Only sections 1AA–1E, 3, 4, 8–12, 14, 15, 17 and 18 shall apply to the Election, as far as they are applicable.

Omit sub-section (c) and substitute:

- (c) If this section applies pursuant to section (a)(i), the Electoral Officer shall, by publication of the Special Round Notice, be deemed to have closed nominations. The Special Round Notice must also include a Notice of Extraordinary General Meeting. For the avoidance of doubt, the first sentence of this sub-section applies notwithstanding sections 2(a) and (b).
- (ca) If this section applies pursuant to section (a)(ii), the Electoral Officer must, on the same day as the close of nominations issue a Notice of Extraordinary General Meeting.

Omit sub-section (d) and substitute:

- (d) Subject to sub-section (e), the Extraordinary General Meeting shall be held:
 - (i) If this section applies pursuant to sub-section (a)(i) – 21 to 28 days after the Notice of Extraordinary General Meeting (which is contained in the Special Round Notice) is issued;
 - (ii) If this section applies pursuant to sub-section (a)(ii) – 14 to 21 days after the Notice of Extraordinary General Meeting is issued.
- (da) The Notice of Extraordinary General Meeting shall state:
 - (i) The day and time that nominations for the Executive are re-open;
 - (ii) The day and time on which nominations close;
 - (iii) The time, date and place, if applicable, of the election;
 - (iv) That the only persons eligible to be candidates are those eligible under section 3 of these Regulations, and that the only persons eligible to vote are members of the Society;
 - (v) The agenda, which shall include the particulars of how the Elections shall take place.

Omit the first sentence of sub-section (f) and substitute:

Nominations for each elected position of the Executive are to be open 7 days after the Notice of Extraordinary General Meeting is issued.

Moved: Dane Luo

Seconded: Alison Chen

The motion was carried unanimously with zero abstentions.



Motion: To insert new s 17 to the Electoral Regulations in Appendix 1 of the Constitution as amended.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

c. Amendments to nominations; shorter elections; dealing with defective nominations; and administrative amendments

Motion: To open discussion on the proposed amendment to ss 2 and 4 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane notes that the current election period goes for more than 50 days and the proposed motions will shorten this process. To do this, the time for formation of tickets will be reduced, but this will be compensated by the fact that tickets can be formed earlier in the EOI process. It also allows for a 24 hour review period for defective nominations.

Motion: To amend s 2 and 4 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

d. Amendments to eligibility; codifying the eligibility of Masters students on the Executive

Motion: To open discussion on the proposed amendment to s 3 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane explained that the proposed amendment makes two substantive changes to the eligibility of those who are in their final year of the LLB or JD students and wish to run for election. First, those who are in their final year of study in their LLB but wish to pursue further study, such as honours in the first degree will not be eligible to run for election. Second, final year LLB or JD students who intend to pursue an LLM or other HDR degrees at Sydney Law School are currently not eligible to run for election, but they are eligible to be still SALS members and should therefore be eligible to run for election.

Motion: To amend s 3 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Casper Lu

Seconded: Dane Luo

The motion was carried unanimously with zero abstentions.



e. Moving from paper voting to online voting; other administrative in nature

Motion: To open discussion on the proposed amendment to s 5-8, 12(f) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that this amendment makes online voting the default option for elections, as the University is likely to maintain a remote option for students in the foreseeable future, to maximise the franchise that are able to vote.

Motion: To amend s 5-8, 12(f) of the Electoral Regulations in Appendix 1 of the Constitution..

Moved: Casper Lu

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

f. Sanctions for breach of Regulations; right to vote abrogated only in extreme situations; where consent to breach of reasonable steps not taken; and other administrative in nature

Motion: To open discussion on the proposed amendment to ss 10 and 13 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Wendy Hu

Seconded: Dane Luo

Dane explained that the proposed motion concerns administrative amendments relating to the penalties and sanctions that can be applied. The Committee considered that under the current amendments, a member's right to vote can be abrogated and this occurred in last year's election. The Committee believes the right to vote is sacrosanct and wishes to reserve this penalty only for extreme circumstances.

Casper noted that under the current regulations, there are a very limited number of weak sanctions that can be imposed by the Electoral Officer. The Amendment provides options for penalties that do not abrogate the right to vote.

Ben Hines queried the rationale behind s 10(c). Casper responded that this was not something that had not been considered by the Committee but could be considered in the future. He stated that the potential rationale behind the current section was to potentially narrow the grounds of appeal for the Electoral Officer to handle.

Dane stated that he did not support the removal of the person's right to vote, even in extreme circumstances, but supported the committee's decision. He also noted that he would support an amendment to remove the end of s 10(c) though felt it would not be appropriate to consider the amendments now as notice had not been given.

Motion: To amend ss 10 and 13 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu



The motion was carried unanimously with zero abstentions.

g. Amendments to protect sensitivity in complaints; and other administrative in nature; Amendments to appeals, including standing to appeal

Motion: To open discussion on the proposed amendment to ss 9 and 11 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

Casper noted that many complaints received in elections concern private communications and that there may be privacy concerns with the contents. The amendments aim to ensure that such complaints are treated with an appropriate level of sensitivity.

Motion: To amend ss 9 and 11 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

h. Prohibited Practices on early campaigning, ticket formation and related practices; and other administrative amendments

Motion: To open discussion on the proposed amendment to amend ss 12(d), (e), (ga), (gb), (i), (k) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Casper Lu

Dane noted that under the current Electoral Regulations, candidates cannot use SULLS resources and facilities. The amendment now explicitly includes social media platforms on groups. It also clarifies the authorisation requirements for comments made on social media posts.

Motion: To amend ss 12(d), (e), (ga), (gb), (i), (k) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Casper Lu

The motion was carried unanimously with zero abstentions.

i. New Prohibited Practices for 'Closed' elections and WHS law

Motion: To open discussion on the proposed amendment to ss 12(m), (n) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane outlined the amendments, noting that they provide for 'closed' elections (i.e. all electors need to be a SULLS member), and that persons should not breach any work, health and safety law.



Casper noted that these amendments are established practice, in particular, a closed election has been done by mutual consent of the candidates. He also noted that the requirement of being a law student is different to being a member of the Society, as membership is no longer automatic due to incorporation.

Motion: To amend ss 12(m), (n) of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

j. Administrative amendments to EO and ELA appointments; candidates' information evening; affirmative action

Motion: To open discussion on the proposed amendment to ss 14-16 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that these proposed amendments cover three main changes. First it provides stopgap measures so that the Electoral Arbiter is able to appoint a delegate or replacement in case they are unavailable. Second, it clarifies the Electoral Officer's duties and third, that the Candidate Information Evening is the responsibility of the Electoral Officer, rather than the Executive.

Motion: To amend ss 14-16 of the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

k. Notice of Election Result to be final

Motion: To open discussion on the proposed amendment to insert new s 18 to the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the proposed amendment adds a new s 18 which provides that the Notice of Election Result, whether it is after a contested election or after an EGM by the Electoral Officer, is final and conclusive unless varied by appeal by the Electoral Arbiter.

Motion: To insert new s 18 to the Electoral Regulations in Appendix 1 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

Motion: That the amendments to the Electoral Regulations carried by the General Meeting be approved and the Electoral Regulations, as amended, be printed and signed.

Moved: Dane Luo



Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

I. Miscellaneous amendments to modernise the Constitution: Powers, Functions and Roles of the Executive

Motion: To open discussion on the proposed amendments to clause 5E, 6(a), (c), 6A, 11(b)-(k), 12(d), 15-19, 21, 23, 26A, 28, 32, 39 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that these proposed amendments modernise the constitution, modify the term of the Executive from 13 months to 12 and mandates that the President, Treasurer, Secretary and Equity Officer must be available to assist with handover in December, and clarifies the role of the Immediate Past President. It also imposes a limitation that a vacancy for an elected position cannot subsist for more than 8 weeks.

Andrew Shim inquired as to why there is an eight week limit on vacancies. Casper explained that in the past, with interim Executives, they have not been confirmed and that 8 weeks is a ballpark figure. Dane noted that the minimum amount of time to fill a vacated elected Executive position is five weeks and providing for 8 weeks allows for leeway, noting that the USU does not allow general meetings to occur outside of the Semester teaching period.

Ben moved a motion to amend cl 16(c) of the motion to rectify a reference to the USU Wom*n's Portfolio Holder.

Motion: to amend cl 16(c) by amending "USU Women's Portfolio Holder" to "USU Wom*n's Portfolio Holder"

Moved: Ben Hines

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

Motion: To amend clause 5E, 6(a), (c), 6A, 11(b)-(k), 12(d), 15-19, 21, 23, 26A, 28, 32, 39 of the Constitution as amended.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

m. Appointment of Appointed Positions

Motion: To open discussion on the proposed amendment to cls 5C and 5D, and insert new cl 5CA to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the amendments include stronger language which include additional affirmative action requirements for the International Students Officer and the Equity Officer and stipulates



interviewing panels for appointed positions. He also clarified the relationship between the interviewing body and the selection panel for appointed positions.

Adam Schaffer stated that candidates for Equity Officer may not feel comfortable disclosing private information relating to the eligibility criteria. He also queried the way the provisions were drafted, noting that other autonomous positions include an explicit requirement that they serve as a representative for the community and because the Equity Officer did not have such a requirement, the autonomous requirements should also not apply to the Equity Officer.

Andrew asked for further elaboration on why the phrase “not applicable” was used in cl 5D(c)(i)(2).

Harriet noted that s 5D(c)(i) allows for up to three members of the Executive to be on the interview panel and queried about the rationale behind limiting it to three members. Ben also felt that the decision regarding the number of Executive members on the interview panel should be at the discretion of the incoming Executive.

Naz supported Adam’s statements regarding the autonomous requirement for Equity Officer, noting that some of the eligibility criteria concern sensitive information and could possibly alienate candidates if they were required to disclose such information.

Felix agreed that the disclosure of information could be quite sensitive. However, he noted that the proposed amendments would just require candidates to declare that they meet the eligibility criteria, rather than disclosing any private information, as is the case with other autonomous positions. He also noted that although the proposed amendments do not explicitly require the Equity Officer to be a representative of the body, in practice they do act as a representative of the body anyway.

Dane noted that clause 21 of the Constitution already includes a positive obligation to represent those issues. He also emphasised that the Equity Officer deals with sensitive information about people’s circumstances and the importance of the Equity Officer having an understanding and appreciation of the lived experiences that the applicant is going through. Dane also agreed with Felix that candidates would just have to declare that they fulfil the eligibility criteria. With regards to the caps on the interview panel, he noted that it would be desirable to have some flexibility in the number of people on the panel so that it would not become too onerous of a task, but was open to amending the clause.

Regarding the “if applicable” clause, Dane noted that related to situations where there is no office-holder currently in that position (e.g. the newly created Disabilities Officer position) or where the current office-holder was conflicted from interviewing candidates. Andrew was concerned that there would be a trend of unfilled elected Executive positions which would defeat the purpose of the sub-clause.

Mahmoud echoed Felix and Dane’s statements and emphasised the importance to the Equity community of introducing the proposed eligibility requirements for the Equity Officer.



Ben agreed with Dane and Mahmoud's statements about the importance of introducing eligibility criteria, but would be more comfortable if there was a provision for candidates to just declare that they are eligible for the position, rather than having to detail and provide documentation for their circumstances. Wendy noted that in practice applications usually include a checkbox to confirm that someone meets the eligibility criteria as Equity Officer and she doesn't anticipate that the new eligibility requirements would require anything beyond a declaration.

Ben also did not support imposing a maximum number of people on the interview panel. Wendy agreed and would also prefer imposing a minimum number of interviewers, rather than a maximum.

Michelle asked if it is necessary to limit the eligibility criteria for the International Student Officer to international students only and asked whether it would include dual citizens. She also stated that some students may not be international students but may identify as an international student due to their background.

Dane noted that international students face distinctive issues from those who may identify as an international student but are not, such as visa issues, lack of Opal Card concessions and additional conditions on enrolment and academic progression.

Wendy noted that international students also face specific barriers with regards to employment which other students do not face. She also stated that being a dual citizen should not be a bar to applying to be the International Student Officer.

Casper also indicated a preference for imposing requirements for a minimum number of people to be on the interviewing panel for appointed positions, rather than imposing a maximum. Regarding the "if applicable" phrase, he felt it was important to retain it for the reasons stated by Dane. He also noted that the International Student Officer has been an international student for at least the past 7 years but was concerned if the International Student Officer had no lived experience of being an International Student. Equity Officer

Adam thanked Dane and Mahmoud for their comments and felt that the tickbox requirement was fine so long as applicants did not have to specify which specific eligibility criteria they fulfilled, noting that the eligibility requirements for Equity Officer are different to other autonomous positions as there is a list of criteria rather than just one criterion.

Andrew believed there should be a failsafe in s 5D(c)(i)(2) against a scenario where there is no office-holder, by imposing a requirement that if no previous office-holder is available, that a person from the elected Executive who identifies with that position should be required to be on the interview panel.

Dane proposed three amendments to the motion, as below.

Motion: to amend cl 5D(c) as follows:



(c) The interviewing panel for each appointed position shall be composed by a number determined by the incoming Executive, provided that the panel shall be composed of two or more persons and, in the case of autonomous positions, the panel shall be composed of:

- (i) Members of the incoming Executive who identify with the autonomous portfolio; and
- (ii) The outgoing position holder of that autonomous portfolio (if applicable).

However, if the above membership is not possible or available, the incoming executive may appoint members of the Society who identify with the autonomous portfolio or other members of the incoming Executive to the panel.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

Motion: to delete proposed cl 5CA(1)(f)

Moved: Michelle Chim

Seconded: Wendy Hu

The motion was defeated with 1 in favour, 10 against and 7 abstentions.

Motion: to delete proposed cl 5CA(1)(g)

Moved: Adam Schaffer

Seconded: Wendy Hu

The motion was defeated with 1 in favour, 15 against and 3 abstentions.

Dane Luo voted against the motion.

Motion: To amend cls 5C and 5D, and insert new cl 5CA to the Constitution as amended.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried with 19 in favour, 1 against and 0 abstentions.

n. Attendance Requirements of the Executive

Motion: To open discussion on the proposed amendment to omit cls 29-30 and instead insert new cls 29-30 to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the proposed motion imposes a positive obligation for all members to attend meetings and helps to promote accountability.

Andrew inquired what would constitute a good reason to not attend an Executive meeting. Dane clarified that it is the leave of absence that cannot be withheld for good reason, not the apology itself.

Motion: To omit cls 29-30 and instead insert new cls 29-30 to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.



o. Miscellaneous amendments to modernise the Constitution: Finance and compliance with USU and regulatory requirements

Motion: To open discussion on the proposed amendment to cls 6(b), 12(b), (f), 58, 60, 64, 89 to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the amendments modernises the Constitution with regards to finance regarding the addition of the Equity Officer as a signatory and flexibility for the granting of concessions for Equity grants.

Motion: To amend cls 6(b), 12(b), (f), 58, 60, 64, 89 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

p. Conduct of General Meetings

Motion: To open discussion on the proposed amendment to cls 11(l), 47, 48, 50-54 and insert new cl 53A to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the amendments provide that motions on notice can be moved at a Special General Meeting as well as an Annual General Meeting.

Motion: To amend cls 11(l), 47, 48, 50-54 and insert new cl 53A to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

q. Amendments to the Constitution, Electoral Regulations and Standing Orders; Dissolution

Motion: To open discussion on the proposed amendment to cls 70-73, 77, 87-88 to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane noted that the proposed amendments were mostly administrative, and include that amendments to electoral amendments need to be passed by $\frac{2}{3}$ majority rather than simple majority and introduces amendments for threshold for dissolution.

Motion: To amend cls 70-73, 77, 87-88 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried with 17 in favour, 0 against and 1 abstention.



r. Miscellaneous amendments to modernise the Constitution: Membership, references to clauses, correcting anomalies

Motion: To open discussion on the proposed amendment to cls 4A, 34, 44-46, 57, 75, 78, 85 to the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

Dane highlighted the amendments to cl 46, noting that the USU Clubs and Societies rules provide that members can apply to the USU for appeal.

Motion: To amend cls 4A, 34, 44-46, 57, 75, 78, 85 of the Constitution.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

s. Protecting Independence (Part 1)

Motion: To open discussion on the proposed amendment to repeal cls 91-94 and insert new cl 91 to the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

Casper noted that the amendments introduced a broad requirement that members of the Executive do not use SULLS resources to promote other elections or political interests.

Motion: To repeal cls 91-94 and insert new cl 91 to the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

t. Protecting Independence (Part 1)

Motion: To open discussion on the proposed amendment to insert new cls 92-93 to the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

Casper noted that the past behaviour which is being alluded to in the Constitution did not necessarily occur in bad faith, but that there was a tangible benefit to their campaigns due to their position on the SULLS Executive.

Dane stated that the Committee were concerned with past practice where previous members of the Executive used their posts to boost their campaigns for other leadership positions in student politics at the University. Dane noted this is a unique clause to SULLS and noted the real risk of someone abusing something for personal gain, often inadvertently. He emphasised that SULLS' unique position is worthy of protection, noting that other societies have allegations of stacked elections. Dane noted that the amendment was drafted with extensive consultation with the current Executive and that the proposed model requires absolute majority. He believed that the



amendment sends a strong signal to future members of the Executive to be careful of their conduct and avoid inadvertently abusing their position. He also noted that the amendment's requirement for 13 affirmative votes at an Executive meeting was already quite a high threshold in itself.

Casper noted that SULLS enjoys a level of independence from student politics that other societies do not and this characteristic is worth protecting. He stated that the provisions introduce a presumption of innocence and that the requirement of 13 affirmative votes at an Executive meeting was quite a high threshold and that the proposed clause 93 would likely only be triggered in situations of egregious conduct. He also noted that this clause does not remove the ability of general meetings to remove a member of the Executive.

Onor believed that the proposed amendments would unreasonably inhibit Executive members from attending events and carrying out their roles. She also believed that the wording in cl 92 is vague and did not support the implication that a person who was vying for multiple positions on different organisations and societies necessarily had malicious intentions.

Felix stated that some previous Executive members' performance of their SULLS roles had been impacted by their involvement in student politics. He believed that it was important that Executive members are at events to assist with the running of the Society. He suggested amending the phrase "direct or indirect benefit" to either "significant direct or indirect benefit" or "substantial direct or indirect benefit", depending on which phrase imposed a higher threshold.

Casper noted that the intention was not to prevent Executives from attending events, but rather require affected Executives to recuse their attendance should they be in a position of care or a managerial position.

Felix believed the issue in the amendment is the word "necessary", as there may be circumstances where the affected Executive's attendance is not necessary but could still be beneficial.

Ben noted that he would abstain from voting on the motion due to his history in student politics, and believed that it was important that Executives participate at SULLS events. He agreed with Onor's concerns about the vagueness of the proposed clause overall and felt that the current provisions allowing for a general meeting to be called was a sufficient mechanism.

Andrew queried why SUPRA was included in these proposed amendments but not faculty societies.

Felix disagreed with Ben and believed that section 92, 93 are important to be specific and introduce cultural change. In response to Andrew's question, he noted that the clause concerned the abuse of SULLS powers for another election and this would be unlikely to occur with other society elections.

Casper noted that the elections flagged in cl 92 and 93 affect the university student body more broadly and have public campaigning, unlike faculty society elections.



Felix believed that the phrase “actively considering” was quite broad and perhaps vague. HE suggested including stronger wording such as “intending to run”, but something as “has nominated for” is too specific.

Dane believed that the exception within cl 92(2) would mitigate Onor’s concerns with cl 92. Regarding the phrase “actively considering”, he noted that this requires more than mere consideration (looking at social media pages etc). With Faculty societies, these Executive elections are generally held through general meetings, and he believed that the threat instead lies with general campus campaigning. He believed that the ambiguity in the drafting is necessary and these issues require consideration by the Executive, taking into account the circumstances of the case. He also noted that SUPRA can have heated elections, analogous to the SRC elections, but this has not happened in recent years.

Andrew asked why the proposed motion specified University Senate elections only and not Faculty and Academic Board. Casper responded, noting that the Law School Academic Board and Faculty Board elections have been uncontested for the past three years and questioned whether these elections could become heated in the current climate. Casper asked Felix to clarify the rationale behind his suggestions, given that they still carry a degree of ambiguity.

Felix believes that a degree of ambiguity is necessary, but that his suggested changes intend to narrow the clause further.

Motion: In cl 92(1), omit “actively considering” and substitute “seriously considering”. Before “direct or indirect”, add “substantial”.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was defeated with 9 votes in favour, 10 votes against and 2 abstentions.

Motion: To insert new cls 92-93 to the Constitution.

Moved: Casper Lu

Seconded: Wendy Hu

The motion was defeated with 3 in favour, 10 against and 7 abstaining.

Motion: That the amendments to the Constitution carried by the General Meeting be approved and the Constitution, as amended, be printed and signed.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

6 General Business

a. Electoral Officer’s Report

The Electoral Officer, Casper Lu, delivered his report. A full copy of the report is attached as Appendix B.



Motion: To note the report of the Electoral Officer.

Moved: Wendy Hu

Seconded: Alison Chen

b. Bank signatories

Motion: To approve the result for the 2022 Executive.

Moved: Wendy Hu

Seconded: Alison Chen

Motion: SULS hereby authorises the bank authorisers of all SULS bank accounts to change with the incoming 2022 Executive from:

- Wendy Hu (President 2021) to Benjamin James Hines (President 2022)
- Tiana Dumanovsky (Treasurer 2021) to Julia Elizabeth May-Yook Tran (Treasurer 2022)
- Alison Chen (Secretary 2021) to Eden James McSheffrey (Secretary 2022)
- Equity Officer of the 2022 SULS Executive.

Moved: Wendy Hu

Seconded: Alison Chen

The motion was carried with 20 in favour, 0 against and 1 abstention.

Motion:

That the Special General Meeting directs the Executive, before the Annual General Meeting in 2022, to:

- Conduct a comprehensive review of Part 8 of the Constitution and Codes of Conduct;
- Consider relationship (if any) of the above provisions with the Electoral Regulations) and the role of members of Executive and other persons in resolving disputes, managing misconduct and disciplining of members; and
- Propose any amendments to the Constitution, along with any amendments to the By-laws, to the General Meeting.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

Motion: That the Special General Meeting directs the Executive, before the Annual General Meeting in 2022, to:

- Conduct a review of the Standing Orders to modernise and streamline the conduct of Society meetings;
- Consult with past members of the Executive and the membership, in particular about the conduct of General Meetings; and
- Propose any amendments to the General Meeting.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.



Motion: That the General Meeting directs the Executive, in conducting its formal review of the Electoral Regulations in 2022 pursuant to cl 75 of the Constitution, shall submit an amendment to the Electoral Regulations to the General Meeting that proposes to ‘repeal and replace’ (to the extent appropriate) the Electoral Regulations for the purpose of simplifying the provisions of the Regulations, provided that that amendment must not make substantive changes to the Electoral Regulations. However, nothing in this motion prevents the Executive from proposing substantive changes to the Electoral Regulations in a separate amendment or amendments.

Moved: Dane Luo

Seconded: Wendy Hu

The motion was carried unanimously with zero abstentions.

Wendy thanked Casper, Dane, Felix and Alison who formed part of the Constitutional Review Committee, particularly Casper and Dane for their efforts in reviewing the Constitution, and congratulated the 2022 Executive.

Meeting closed: 9:39pm



APPENDIX A - MOTIONS ON NOTICE

Amendments to motions made at the General Meeting are indicated in red below.

A. Electoral Reforms

1. Amendments to Expressions of Interest system, including administrative amendments to prohibited practices

Background/Rationale

The Presidential Expression of Interest system currently operates with one 'window' or 'round' of applications. If and only if no application or just one application is received, there is an extension for one week. To be a candidate for President, an Expression of Interest specifically for President is compulsory. However, a person who has submitted a Presidential Expression of Interest is not bound to be a candidate for President.

The Senior Executive Expression of Interest system is currently only available for the Vice Presidents, Secretary, Treasurer and Sponsorship Director. Senior Executive Expressions of Interest are not 'binding'. A person may be a candidate for a Senior Executive position without submitting an Expression of Interest.

The feedback received concerning the Presidential Expression of Interest system is that the current 'window' or 'round' does not provide enough opportunity for potential candidates to consider all their options and make an informed choice about submitting an Expression of Interest. A factor for potential candidates is who else may have submitted an Expression of Interest and are interested in being a candidate for President.

The feedback received concerning the Senior Executive Expression of Interest system is that it has had some success in promoting members of Society who are not in the friendship circles or have undertaken the same events, programs or initiatives as Presidential candidates. In the 2020 election, Presidential candidates found it helpful to see Senior Executive Expressions of Interest.

The Committee believes that the Expression of Interest system should be kept but reformed in light of the feedback received. This will be done by establishing four rounds for Expressions of Interest and expanding Expressions of Interest to all elected positions **(and not limited to President and Senior Executive positions)**.



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The first round (called the Main Round) will operate for one week after the Expression of Interest Callout, which is a notice emailed to every member of the Society. The second, third and fourth rounds (called the Second, Third and Final Rounds) will operate for two-day periods after the Main Round. In total, there will be 13 days for Expressions of Interest to be submitted to the Electoral Officer. After the close of each round, the Electoral Officer is required to publish the Expressions of Interest on the EOI Register, which will be a publicly accessible page on the SULS website. After the Main and Final Rounds, the Electoral Officer is required to notify all members of the Society of the names of people who have submitted an Expression of Interest by those points and also to provide a link to the EOI Register. After the Second and Third Rounds, the Electoral Officer is required to inform those who have submitted an Expression of Interest that the EOI Register has been updated and provide a link to the EOI Register. The reason why notification to all members of the Society is not made after the Second and Third Rounds is to reduce spam emails. Expressions of Interest received in the Second and Third Rounds will still be published in the Final Round Notice.

In the event that there are no Expressions of Interest for President by the time of the Final Round, there will be a Special Round for a two-day period. The Special Round will operate differently. Unless there are fewer than five Expressions of Interest received, only those persons who have already submitted an Expression of Interest for a position other than President can then submit an Expression of Interest for President. This can be done either by requesting that their original Expression of Interest be treated as an Expression of Interest for President or by submitting a fresh Expression of Interest for President.

An important deterrent from people 'hiding' their interest for President until the last round possible is contained in the proposed s 1F. Under this provision, no person is permitted to approach other persons to form or join a ticket that has a prospective Presidential candidate who does not have an Expression of Interest for President on the EOI Register (at the time of approaching the candidate). It is only possible to approach other persons to form or join a ticket that has a prospective Presidential candidate who has an Expression of Interest for President on the EOI Register (at the time of approaching the candidate). This mitigates the behaviour of a number of candidates in 2019, who submitted only at the last possible moment. Even in 2020 and 2021, Expressions of Interest for President were received rather close to the deadline.

This model gives an incentive for potential candidates to submit an Expression of Interest for President as early as possible so that they can start forming a ticket. This model also gives an incentive for potential candidates to submit an Expression of Interest for a position other than President as early as possible so that Presidential candidates can begin contacting them. Furthermore, submitting an Expression of Interest for a position other than President can give the advantage of being able to submit an Expression of Interest for President in the Special Round, if it is enlivened and if there are five or more Expressions of Interest received for positions other than President.

Lastly, the proposed amendments also make minor changes. The previous 150-word limit for the candidate's general vision for SULS or the portfolio is removed. There will now be a 500-word limit for the entire Expression of Interest. This is because there is normatively no reason to segregate a candidate's vision from their background and experience. The Electoral Officer is also required to not immediately reject a defective Expression of Interest and allow a potential candidate to amend it; this is something that already occurs, and is being codified. Special provision is

made for the Final and Special Rounds so there can be a 3-hour time extension to correct a defective Expression of Interest. Minor amendments are also made to ss 12(a) and (b) to implement the new model.

Proposed changes

- Omit s 1 and instead insert new ss 1-1F
- Amend ss 12(a) and (b)

Summary of the proposed changes

Old clause:

1. Presidential Expression of Interest

- a) 28 days prior to nominations opening, a notice shall be issued by the Electoral Officer ('Expression of Interest Callout') outlining:
 - i) that any candidates wishing to become a prospective candidate for President, VP (Education), VP (Careers), VP (Social Justice), Secretary, Sponsorship or Treasurer should submit an Expression of Interest to the Electoral Officer;
 - ii) the requirements for the Expression of Interest, in accordance with clauses 1(b)- (c) of Appendix 1.
- b) The Expression of Interest shall be no more than one A4 page, and should contain information about the prospective candidate's experience and contact information. It may include 150 words explaining the candidate's general vision for SULS or the portfolio they are interested in, excluding specific policies. The Electoral Officer may require changes be made to the Expression of Interest prior to it being issued to ensure it complies with section 12 of these regulations.
- c) No person may nominate for President unless they have submitted an Expression of Interest to the Electoral Officer. However, a person who submits an Expression of Interest is not obliged to nominate for President.
- d) 14 days prior to nominations opening, a notice shall be issued by the Electoral Officer outlining a list of persons who have nominated as a prospective Presidential candidate, and attaching copies of the Expressions of Interest that have been submitted. No further Presidential Expressions of Interest may be submitted after this date, with the exception of paragraph(f).
- e) 7 days prior to nominations opening, a notice shall be issued by the Electoral Officer outlining a list of persons who have nominated as a prospective VP (Education), VP (Careers), VP (Social Justice), Secretary, Sponsorship Director or Treasurer candidate, and attaching copies of the Expressions of Interest that have been submitted.
- f) In the event that fewer than two Presidential Expressions of Interest are submitted by 14 days prior to nominations opening, the period which Presidential Expressions of Interest may be submitted to the Electoral Officer will be extended by 7 days. The Electoral Officer shall issue a notice informing members of this extension. This notice shall be issued concurrently with the notice contemplated by paragraph (d) above. If there are further Presidential Expressions of Interest submitted, an updated list of Presidential candidates shall be issued by the Electoral Officer 7 days prior to nominations opening. If there are no further Presidential Expressions of Interest submitted, the Electoral



officer shall, concurrently with the notice contemplated by paragraph (e) above, issue a notice indicating that no further Presidential Expressions of Interest had been received.

New clause:

1AA Interpretation of the Electoral Regulations

- (a) Subject to sub-section (b), sections 1 to 1F (the protected sections) prevails over any inconsistent provision contained in the Electoral Regulations, except section 17, to the extent of the inconsistency, unless the inconsistent provision expressly provides that it is to have effect despite anything contained in the protected sections or a part of the protected sections (however expressed).
- (b) Where section 17 applies, that section prevails over any inconsistent provision contained in the Electoral Regulations, including the protected sections, to the extent of the inconsistency.

1 Expressions of Interest Generally

- (a) An **Expression of Interest** is a statement by a member of the Society that expresses interest in one or more elected positions of the Executive that is submitted to the Electoral Officer.
- (b) An Expression of Interest shall be no more than a one-page A4 document, of up to 500 words, and may contain information about the prospective candidate's experience, general vision for SULS and contact information. However, it must not contain any specific policies.
- (c) The Electoral Officer may require changes be made to an Expression of Interest prior to it being issued to ensure it complies with section 12 of these Regulations.
- (d) An Expression of Interest that does not comply with the requirements in sub-section (b) (**defective EOI**) shall not be immediately rejected. The Electoral Officer shall make all reasonable efforts to advise the prospective candidate to make relevant amendments. For the avoidance of doubt, although a defective EOI may not be immediately rejected, a defective EOI must not be published on the EOI Register.
Note – Section 1D(c) applies for a defective EOI received in the Final Round and section 1E(f) applies for a defective EOI received in the Special Round.
- (e) No person may nominate for President unless they have submitted an Expression of Interest for President to the Electoral Officer.
- (f) A person that does not submit an Expression of Interest is not prevented from nominating for an elected position other than President.
- (g) For the avoidance of doubt, a person who submits any Expression of Interest is not obliged to nominate for any position.



1A Expressions of Interest Callout

42 days prior to the commencement of the period of voting, a notice shall be issued by the Electoral Officer (**Expression of Interest Callout**) outlining:

- (a) That any candidates wishing to become a prospective candidate for President must submit an Expression of Interest to the Electoral Officer;
- (b) That any candidates wishing to become a prospective candidate for an elected position on the Executive, other than President, should submit an Expression of Interest to the Electoral Officer;
- (c) The requirements for the Expression of Interest, in accordance with section 1(b); and
- (d) The dates and times of the Main, Second, Third and Final Rounds of Expressions of Interest.

1B Expressions of Interest Register

- (a) The Electoral Officer shall be responsible for maintaining a Register of Expressions of Interest (**EOI Register**) on the Society's website.
- (b) The EOI Register shall make available, from the relevant publication time (as provided in sections 1C–1E) to the close of voting, the following information:
 - (i) A list of persons who have submitted an Expression of Interest and the positions that they expressed interest in, in surname-alphabetical order; and
 - (ii) A link to each Expression of Interest.
- (c) The power of the Electoral Officer in sub-section (a) includes the power to correct the EOI Register for any error or deficiency.

1C Main Round of Expressions of Interest

- (a) The Electoral Officer shall accept Expressions of Interest for any elected position of the Executive during the first round (**Main Round**) of Expressions of Interest, which shall:
 - (i) Open 42 days prior to the commencement of the period of voting at 12:00pm; and
 - (ii) Close 35 days prior to the commencement of the period of voting at 11:59am;
- (b) After the close of the Main Round but on or before 6:00pm on the same day, the Electoral Officer shall:
 - (i) Add any Expressions of Interest received during the Main Round to the EOI Register; and
 - (ii) Issue a notice (**Main Round Notice**) to members of the Society by email providing:
 - (1) The names of persons who have submitted an Expression of Interest in the Main Round;
 - (2) A link to the EOI Register; and



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(3) The dates and times of the Second, Third and Final Rounds of Expressions of Interest.

1D Second, Third and Final Rounds of Expressions of Interest

(a) The Electoral Officer shall accept Expressions of Interest for any elected position of the Executive in the Second, Third and Final Rounds. The round of Expressions of Interest specified in the first column shall open at 12:00pm on the day specified in the second column and close at 11:59am on the day specified in the third column:

Round of Expressions of Interest	Open Date at 12:00pm	Close Date at 11:59am
Second Round	35 days prior to the commencement of the period of voting	33 days prior to the commencement of the period of voting
Third Round	33 days prior to the commencement of the period of voting	31 days prior to the commencement of the period of voting
Final Round	31 days prior to the commencement of the period of voting	29 days prior to the commencement of the period of voting

(b) After the close of both the Second and Third Rounds but on or before 6:00pm on the same day, the Electoral Officer shall:

- (i) Add any Expressions of Interest received in that Round to the EOI Register; and
- (ii) Notify all persons who have submitted an Expression of Interest in any Round thus far that the EOI Register has been updated and provide a link to the EOI Register.

(c) Where a defective EOI has been submitted to the Electoral Officer during the Final Round, the Electoral Officer shall inform the prospective candidate of how the expression of interest is invalid, and allow an extension for re-submission up until 3:00pm of the day of the close of the Final Round.

(d) Between 3:00pm and 6:00pm on the day the Final Round closes, the Electoral Officer shall:

- (i) Add any Expressions of Interest received during the Final Round to the EOI Register; and
- (ii) Issue a notice (**Final Round Notice**) to members of the Society by email providing the names of persons who have submitted an Expression of Interest in all Rounds and a link to the EOI Register.

Note: If section 1E applies, the Final Round Notice shall include information provided in section 1E(b).



1E Special Round of Expression of Interest

- (a) This section applies only if, after the close of the Final Round, there are no Expressions of Interest for President on the EOI Register.
- (aa) Section 2(c) shall not apply. For the avoidance of doubt, if section 1E applies, the Electoral Officer shall not issue the Notice of Election unless pursuant to sub-section (ga).
- (b) In the Final Round Notice, the Electoral Officer shall also include:
 - (i) That a Special Round of Expressions of Interest is being held and outline the provisions of this section; and
 - (ii) The dates and times of the Special Round of Expression of Interest.
- (c) The Special Round of Expressions of Interest shall:
 - (i) Open after the publication of the Final Round Notice; and
 - (ii) Close 27 days prior to the commencement of the period of voting at 11:59am.
- (d) Subject to sub-section (e), any member of the Society who submitted an Expression of Interest for a position other than President (**their earlier EOI**) may, by writing to the Electoral Officer before the close of the Special Round, submit an Expression of Interest for President. They may:
 - (i) Request that their earlier EOI be treated as an Expression of Interest for President; or
 - (ii) Submit a fresh Expression of Interest for President.
- (e) If fewer than five members of the Society have submitted an Expression of Interest for a position other than President, the Electoral Officer shall accept an Expression of Interest for President from any member of the Society.
- (f) Where a defective EOI has been submitted to the Electoral Officer during the Special Round, the Electoral Officer shall inform the prospective candidate of how the expression of interest is invalid, and allow an extension for re-submission up until 3:00pm of the day of the close of the Special Round.
- (g) Between 3:00pm and 6:00pm on the day the Special Round closes, the Electoral Officer shall:
 - (i) Add any Expressions of Interest for President received during the Special Round to the EOI Register; and
 - (ii) Issue a notice (**Special Round Notice**) to members of the Society by email providing the names of persons who have submitted an Expression of Interest in all Rounds and a link to the EOI Register.

Note: If section 17 applies, the Special Round Notice shall include information provided in section 17(d).
- (ga) If one or more Expressions of Interest for President are submitted in the Special Round, the Special Round Notice shall also contain the Notice of Election and outline the matters provided in section 2(c)(i)–(v).
- (h) If no Expressions of Interest for President are submitted in the Special Round, the Elections will be conducted in the manner set out in section 17.
- (i) For the avoidance of doubt, an Expression of Interest for any position other than President may not be received and published on the EOI Register during the Special Round.



1F Members may form tickets

- (a) After (whichever is later):
 - (i) The publication of the Main Round Notice; or
 - (ii) The publication of the first Expression of Interest for President on the EOI Register,
 a person may approach any interested person to join a ticket that contains a prospective Presidential candidate whose Expression of Interest for President has been published on the EOI Register (at the time of approaching the candidate).
- (b) However, nothing in sub-section (a) permits a person to approach or attempt to approach a member of the Society to form or join a ticket that has a prospective Presidential candidate who does not have an Expression of Interest for President on the EOI Register (at the time of approaching the candidate).
- (c) For the avoidance of doubt, it is prohibited for (and nothing in sub-section (a) permits) a person to approach any prospective candidate or other candidates to form or join a ticket if there are no Expressions of Interest for President on the EOI Register.

Old Section	New Section
<p>12. Prohibited practices</p> <ul style="list-style-type: none"> a) Prior to the publication of Expressions of Interest by the Electoral Officer under Clause 1(e), no person may: <ul style="list-style-type: none"> i) solicit support or assistance for campaigning activities; ii) approach or attempt to approach candidates to fill positions on a ticket. b) Prior to the campaigning commencement time outlined in the Election Notice, campaigning activities are prohibited. Such activities include, but are not limited to: <ul style="list-style-type: none"> i) Publicly displaying or distributing any publication (including posters, stickers, flyers, letters, online communications, videos, sound recordings and t-shirts) containing any electoral matter; ii) Publicly displaying or distributing letters (online or otherwise), emails, mobile phone text messages and other online communications; 	<p>12. Prohibited Practices</p> <ul style="list-style-type: none"> a) Prior to the commencement of ticket formation as provided in Prior to the publication of Expressions of Interest by the Electoral Officer under Clause 1(e), section 1F, no person may: <ul style="list-style-type: none"> i) solicit support or assistance for campaigning activities; Note: Section 12(b) applies even after authorisation under section 1F. ii) approach or attempt to approach candidates to fill positions on a ticket. b) After the commencement of ticket formation under section 1F, but prior to the campaigning commencement time outlined in the Election Notice, campaigning activities are prohibited. Such activities include, but are not limited to: <ul style="list-style-type: none"> i) Publicly displaying or distributing any publication (including posters, stickers, flyers, letters, online



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<p>iii) Soliciting support or assistance for campaigning activities to commence after the campaigning commencement time by way of email, mobile phone text message, or any mass-communication technique.</p>	<p>communications, videos, sound recordings and t-shirts) containing any electoral matter;</p> <p>ii) Publicly displaying or distributing letters (online or otherwise), emails, mobile phone text messages and other online communications;</p> <p>iii) Soliciting support or assistance for campaigning activities to commence after the campaigning commencement time by way of email, mobile phone text message, or any mass-communication technique.</p>
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2. Extraordinary General Meeting

Background/Rationale

Where there are no Expressions of Interest for President under the current or proposed EOI system considered above, there is no stop-gap measure, leaving the Society in constitutional limbo. This provision is expected never to be triggered, but it is being proposed to ensure all eventualities are accounted for. It is also consistent with the proposal in past years of previous Presidents and the Electoral Legal Arbiter when there was a serious possibility that no Expressions of Interest for President would be submitted.

Proposed changes

- Insert new s 17

Summary of the proposed changes

Old Section	New Section
None	<p>17. No Presidential Expressions of Interest</p> <p>a) This section applies only if, after the close of the Special Round, there are no Expressions of Interest for President on the EOI Register. This section applies notwithstanding anything in the Regulations. This section applies only if</p>



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either

- i) After the close of the Special Round, there are no Expressions of Interest for President on the EOI Register; or
- ii) After the close of nominations, there are no valid nominations.

b) ~~Of these Regulations, only sections 1-1E, 3, 8, 9, 10, 11, 12, 14 and 15 shall apply to the Election, as far as they are applicable.~~ Only sections 1AA-1E, 3, 4, 8-12, 14, 15, 17 and 18 shall apply to the Election, as far as they are applicable.

c) ~~Notwithstanding sections 2(a) and (b), the Electoral Officer shall, by publication of the Special Round Notice, be deemed to have closed nominations.~~ If this section applies pursuant to section (a)(i), the Electoral Officer shall, by publication of the Special Round Notice, be deemed to have closed nominations. The Special Round Notice must also include a Notice of Extraordinary General Meeting. For the avoidance of doubt, the first sentence of this sub-section applies notwithstanding sections 2(a) and (b).

ca) If this section applies pursuant to section (a)(ii), the Electoral Officer must, on the same day as the close of nominations issue a Notice of Extraordinary General Meeting.

d) ~~The Special Round Notice must also give notice for an Extraordinary General Meeting to be held between 21 to 28 days after the Special Round Notice is issued. The notice shall state:~~ Subject to sub-section (e), the Extraordinary General Meeting shall be held:

- i) ~~That nominations for the Executive are re-open;~~ If this section applies pursuant to sub-section (a)(i) – 21 to 28 days after the Notice of Extraordinary General Meeting (which is contained in the Special Round Notice) is issued;



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ii) ~~The day and time on which nominations close;~~ If this section applies pursuant to sub-section (a)(ii) – 14 to 21 days after the Notice of Extraordinary General Meeting is issued.

iii) ~~The time, date and place, if applicable, of the election;~~

iv) ~~That the only persons eligible to be candidates are those eligible under section 3 of these Regulations, and that the only persons eligible to vote are members of the Society;~~

v) ~~The agenda, which shall include the particulars of how the Elections shall take place.~~

da) The Notice of Extraordinary General Meeting shall state:

- (i) The day and time that nominations for the Executive are re-open;
- (ii) The day and time on which nominations close;
- (iii) The time, date and place, if applicable, of the election;
- (iv) That the only persons eligible to be candidates are those eligible under section 3 of these Regulations, and that the only persons eligible to vote are members of the Society;
- (v) The agenda, which shall include the particulars of how the Elections shall take place.

e) An Extraordinary General Meeting must be held during the semester teaching period (from the start of main semester to before the commencement of STUVAC). The meeting shall be held between 9am and 9pm. The meeting shall be held online using suitable audio-visual conferencing software, and where possible, at a place on a campus of the University of Sydney.

f) Nominations for each elected position of the Executive are to be open 7 days after the Notice of Extraordinary General Meeting is issued. ~~Nominations for each elected position of~~



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~~the Executive are to be open 7 days after the Special Round Notice is issued.~~ The close of nominations shall be no later than the commencement time of the Extraordinary General Meeting at which the elections are to occur.

- g) A member of the Society may nominate themselves (but not any other person) for any position. A nomination is valid only if it is consistent with the form specified by the Electoral Officer, and if the candidate is eligible pursuant to section 3 of these Regulations.
- h) The Electoral Officer shall act as the Returning Officer for Elections conducted in this manner. The Returning Officer shall:
- i) Be chair of the meeting, notwithstanding the Standing Orders;
 - ii) Have responsibility with the conduct of the election; and
 - iii) May appoint suitable persons, not being candidates for election, as Deputy Returning Officers.
- i) The Electoral Legal Arbiter shall be empowered to receive any appeals against the decisions of the Returning Officer in the manner described in section 11 of these Regulations.
- j) Where such a meeting is duly called, the structure of the Elections at this meeting shall be as follows:
- i) A member of the Society is entitled to attend the Extraordinary General Meeting. Only members of the Society who attend the Extraordinary General Meeting may vote at that meeting.
 - ii) Ballots shall list the names of the individual candidates in surname alphabetical order.
 - iii) During the General Meeting, elections of each elected member of the Executive shall be carried out in the order that they are listed in clause 5A of the Constitution.
 - iv) Each candidate may speak for up to 1 minute but



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the speaking time may be varied by a resolution under the Standing Orders.

- v) Where the number of candidates is equal to the number of roles for a position, that candidate shall be declared elected.

Note: At the time of enacting this Regulation, there are two roles for Competitions Director, and two roles for Social Director.

- vi) Where the number of candidates is greater than the number of roles for a positions, voting shall be by secret ballot and shall be consistent with the counting mechanism in section 8 of these Regulations as far as it is applicable, provided that:

- A) The word "ticket" in section 8 shall refer to "candidate".

- B) Where a position has multiple roles, there will be a single ballot for them, and the mechanism of counting votes shall be consistent with section 8 of these Regulations, but the counting will proceed even if a candidate has a majority of votes, and shall cease where the number of remaining candidates matches the number of available positions. Those remaining candidates shall be declared elected.

- vii) Should no person nominate for a position on the Executive, nominations may be taken from the floor at the Extraordinary General Meeting. Unfilled positions after this point will be formally re-advertised with 14 days' notice, and filled promptly as a casual vacancy by the Executive.

- k) The declarations of election by the Returning Officer shall constitute the Notice of Election Result.

- l) No business, including constitutional amendments or



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- motions on notice, may be discussed or voted on at the Extraordinary General Meeting, unless moved by the Returning Officer with notice pursuant to the Constitution.
- m) The Returning Officer is empowered to make and publish Rules governing the fair and efficient conduct of the Extraordinary General Meeting and the Elections. In making the Rules, the Returning Officer must:
- i) have regard to the practice of the Society in the running of General Meeting and any directions of the University of Sydney Union; and
 - ii) consult with the President and Secretary, provided they are not a candidate for the Election and it is appropriate to do so.
- n) It is prohibited to breach Rules made by the Returning Officer pursuant to sub-section (m).

3. Amendments to nominations; shorter elections; dealing with defective nominations; and administrative amendments

Background/Rationale

The Committee has noted that the Election time is quite long, and takes a mental toll on participants, whether they become candidates or not. In addition, there is much time that has been taken away from other activities including study, work and extra-curricular. There is no functional change in the way defective nominations are dealt with; the proposed changes just clarify the 24-hour review period and make the Regulations more consistent with past practice. This includes allowing candidates to rectify their eligibility, which is especially significant given membership of the Society is no longer automatic. The proposed regulations also seek to anchor dates such that they are referential to the start of voting, as they were previously quite difficult to decipher.

Proposed changes

- Amendments to sections 2 and 4 of the Electoral Regulations

Summary of the proposed changes



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Old Section	New Section
<p>2. Election notice and timing</p> <ul style="list-style-type: none"> a) An Election Notice shall be issued 28 days prior to the commencement of voting by the Electoral Officer outlining: <ul style="list-style-type: none"> i) that nominations have opened; ii) the time, date and place for close of nominations; iii) the times, dates and place for voting; iv) the spending cap for that year's elections; and v) the date and time that campaigning may commence. b) For the purposes of these regulations "issued" means placed in one of the recognised publications of the University of Sydney Union or SRC and, if possible, the Society notice board and, if possible, by mail-out to all members of the society. Such a mail-out is understood to include communication by email. c) Nominations shall be open from 28 days prior to the commencement of voting. d) The nomination period shall last for 14 days, such that the close of nominations is 14 days prior to the commencement of voting. e) The time, date and place for the close of nominations shall be determined by the Electoral Officer. f) All ticket nomination forms are due at the close of nominations. After this, there will be a 24-hour period in which the Electoral Officer will review nominations as per section 3 of this Appendix. The Electoral Officer will make all reasonable efforts to contact the ticket if the nomination form is incorrect, and changes may be made up until the end of the 24-hour period. g) Campaigning will begin 7 days after the close of nominations (i.e. the "soft deadline"), and will last for 7 days inclusive of the 	<p>2. Election nNotice of Election and Timing</p> <ul style="list-style-type: none"> a) Nominations shall be open from 28 days prior to the commencement of the period of voting. b) The nomination period shall last for 14 days, such that the close of nominations is 14 days prior to the commencement of voting. c) The time, date and place for the close of nominations shall be determined by the Electoral Officer. A Notice of Election shall be issued 28 days prior to the commencement of the period of voting by the Electoral Officer outlining: An Election Notice of Election shall be issued 28 days prior to the commencement of voting by the Electoral Officer outlining: <ul style="list-style-type: none"> i) that nominations have opened; ii) the time and, date and place for close of nominations; iii) the times and, dates and place for voting; iv) the spending cap for that year's elections; and v) the date and time that campaigning may commence. d) For the purposes of these Rregulations "issued" or to "issue" means to placed or to place place in one of the recognised publications of the University of Sydney Union or SRC and, if possible, the Society notice board and, if possible, by distribute by mail-out to all members of the society. Such a mail-out is understood to include communication by email. Nominations shall be open from 28 days prior to the commencement of voting. The nomination period shall last for 14 days, such that the close of nominations is 14 days prior to the commencement of voting. The time, date and place for the close of nominations shall be determined by the Electoral Officer. e) All ticket nomination forms are due at the close of nominations. Upon the receipt of a nomination form, After this, there will be a 24-hour period in which the Electoral Officer will review nominations as per section 3 of the ese ese is



period of voting. Subject to Clause 5(c), voting shall open during this time but shall close with the close of campaigning.

- h) The Annual Elections of the Society will be held in the second semester of each year.

4. Nominations

- a) All valid nominations for elections of the Sydney University Law Society must be on the form issued by the Electoral Officer and include the following information about the candidate for each position:
- i) Name
 - ii) Student Identification Number
 - iii) University of Sydney Union Access Card Number
 - iv) Signature.
- b) Each nomination form must be signed by an additional ten people ('Nominators'). In order to nominate a candidate, the person must be eligible to vote in accordance with these regulations.
- c) In order to be nominated as a candidate, the student must comply with the requirements of paragraph 3 of these regulations.
- d) Candidates must run grouped as a ticket. They must lodge a ticket nomination form prescribed in accordance with paragraph 4(a) above.
- i) Any default of eligibility for single candidates appearing on a ticket nomination form shall not render the entire nomination form invalid, only the nomination of the affected individual(s). If this is discovered at the close of nominations, tickets will have until 24 hours after the close of nominations to replace ineligible candidates as per paragraph 2(f).

Appendix Regulations. The Electoral Officer will make all reasonable efforts to contact the ticket if the nomination form is incorrect, and changes may be made up until the end of a 24-hour **review** period **after the close of nominations**.

- f) Where the Electoral Officer is unable, despite best efforts, to verify a nomination form before the 24-hour review period after the close of nominations, the nomination will not be immediately considered invalid. The Electoral Officer will make all reasonable efforts to verify such nomination forms during the remainder of the Elections.
- g) If the Electoral Officer discovers any default of eligibility of persons on the nomination form after the 24-hour review period on the basis of membership of the Society:
- i) Any default for single candidates appearing on a ticket nomination form shall not render the entire nomination form invalid, only the nomination of the affected individual(s). If their ticket is elected, their position shall be deemed vacant and the Executive must fill the position as a casual vacancy.
 - ii) Any default of eligibility for nominators appearing on a ticket nomination form shall not render the entire nomination form invalid. The Electoral Officer will make all reasonable efforts to contact the ticket if there is an ineligible nominator on the nomination form, and changes may be made up until 24 hours after the Electoral Officer first contacts the ticket with this issue. Any failure to provide a valid nominator after this point will render the ticket nomination invalid.

Note: See section 4(e).

- h) Campaigning will begin 7 days **prior to the commencement of the period of voting** after the close of nominations (i.e. the "soft deadline"), and will last for the sum of 7 days and period of voting. Campaigning will necessarily conclude with the conclusion of the period of voting, ~~inclusive of the period of voting. Subject to Clause 5(c), voting shall open during this time but shall close with the close of campaigning.~~



- ii) To be eligible to be grouped as a ticket, the ticket must nominate candidates for all elected positions of the Society as per s 5A of the Constitution.
 - iii) Tickets are entitled to choose a name not exceeding 25 characters for their ticket that will appear on the ballot paper.
 - iv) Ticket names may not be offensive to, vilify, or defame a person or persons; or contradict any State or Federal law.
 - v) The Electoral Officer shall reject any name that falls into one of these categories. These shall be the sole grounds on which a ticket name is rejected.
 - vi) If the Electoral Officer rejects a ticket name and the ticket nomination is received prior to or at the close of nominations, the Electoral Officer shall make reasonable attempts to notify the primary contact for the ticket that is liable to have their name rejected and give them an opportunity to rectify before the hard deadline.
 - vii) If a ticket name is rejected at the hard deadline, the rejection shall not affect the nomination or grouping of the candidates on the ticket but the ticket will not be entitled to have a name appearing on the ballot paper.
 - viii) A ticket may not include more nominations for a position than there are positions available.
 - ix) A primary contact for a ticket need not be a candidate for that ticket but may not be a candidate running for another ticket in that election.
 - x) Tickets must comply with the affirmative action requirements in these regulations.
 - e) At the close of nominations, the Electoral Officer will make a determination on the validity of the nominations. Where a
 - i) The Annual Elections of the Society will be held in the second semester of each year during the teaching period.
4. Nominations
- a) All valid nominations for elections of the Sydney University Law Society must be on the form issued by the Electoral Officer and include the following information about the candidate for each position:
 - i) Name
 - ii) Student Identification Number
 - iii) University of Sydney Union Access Card Membership Number
 - iv) Signature
 - b) Each nomination form must be signed by an additional ten people (~~Nominators~~). In order to nominate a candidate, the person must be eligible to vote in accordance with these Regulations.
 - c) In order to be nominated as a candidate, the student must comply with the requirements of section paragraph 3 of these regulations.
 - d) Candidates must run grouped as a ticket. They must lodge a ticket nomination form prescribed in accordance with section paragraph 4(a) above.
 - i) Any default of eligibility for single candidates appearing on a ticket nomination form shall not render the entire nomination form invalid, only the nomination of the affected individual(s). If this is discovered at the close of nominations, tickets will have until 24 hours after the close of nominations to replace ineligible candidates or rectify their eligibility as per section paragraph 2(f).
 - ii) To be eligible to be grouped as a ticket, the ticket must nominate candidates for all elected positions of the Society as per pursuant to clause s-5A of the Constitution.
 - iii) Tickets are entitled to choose a name not exceeding



nomination is received at the close of nominations specified in the Notice of Election, the Electoral Officer shall make reasonable attempts to notify any person whose nomination is liable to be rejected at the hard deadline and give them an opportunity to rectify. Occasions where this will be appropriate will include, but not be limited to:

- i) Incorrect completion of the prescribed nomination form;
 - ii) Ineligibility of candidate(s).
- f) The Electoral Officer must reject any nomination which:
- i) Is not delivered to the Electoral Officer by the date and time specified as the close of nominations in the Notice of Election; or
 - ii) Is not on the form prescribed in these regulations; or
 - iii) Shows a candidate running as part of the ticket as a nominator; or
 - iv) Does not comply with the eligibility requirements for candidates and nominators in (b).
- g) Prior to the start of the campaign period, the Electoral Officer shall cause to be read out a list of candidates and their nominators and conduct a draw for the order in which each ticket shall appear on the ballot paper. This list shall be issued to all members of the Society in a notice 7 days prior to the end of voting, signifying the start of campaigning.
- h) Where a person withdraws their nomination after the close of nominations, the nomination of the ticket as a whole will not be declared invalid. The election will proceed as normal but the person will be deemed to resign immediately upon declaration of the result of the ballot. The position shall then be filled by the incoming Society Executive in accordance with the processes for filling casual vacancies.

25 characters for their ticket that will appear on the ballot paper.

- iv) Ticket names must ~~may~~ not be offensive to, vilify, or defame a person or persons; ~~or contradict~~ **or be likely to contradict** any State or Federal law.
 - v) ~~The Electoral Officer shall reject any name on the grounds identified in paragraph (iv) that falls into one of these categories. These shall be the sole grounds on which a ticket name is rejected.~~ If the Electoral Officer rejects a ticket name and the ticket nomination is received prior to or at the close of nominations, the Electoral Officer shall make reasonable attempts to notify the primary contact for the ticket that is liable to have their name rejected and give them an opportunity to rectify before **24 hours after the close of nominations** ~~the hard deadline~~.
 - vi) If a ticket name is rejected **more than 24 hours after the close of nominations** ~~at the hard deadline~~, the rejection shall not affect the nomination or grouping of the candidates on the ticket but the ticket will not be entitled to have a name appearing on the ballot paper.
 - vii) A ticket may not include more nominations for a position than there are positions available.
 - viii) A primary contact for a ticket need not be a candidate for that ticket but may not be a candidate running for another ticket in that election.
 - ix) Tickets must comply with the affirmative action requirements in **section 16 of these Regulations, and where applicable, clause 5CA of the Constitution**.
 - x) No person shall be a candidate on more than one ticket in an Election.
- e) At the close of nominations, the Electoral Officer will make a determination on the validity of the nominations. Where a nomination is received at **or prior to** the close of nominations ~~specified in the Notice of Election~~, the Electoral Officer shall make reasonable attempts to notify any person whose



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nomination is liable to be rejected at the **conclusion of the 24-hour review period contemplated by section 2(i) hard deadline** and give them an opportunity to rectify. Occasions where this will be appropriate will include, but not be limited to:

- i) **the incorrect completion of the prescribed nomination form; and**
 - ii) **the ineligibility of candidate(s) or nominator(s).**
- f) The Electoral Officer must reject any nomination which:
- i) **its not delivered to the Electoral Officer by the date and time specified as the close of nominations in the Notice of Election; or**
 - ii) **its not in on the form prescribed by the Electoral Officer in these Regulations; or**
 - iii) **sShows a candidate who is also running as part of the ticket as a Nominator; or**
 - iv) **dDoes not comply with the eligibility requirements for candidates and nominators in sections 3(a) and sub 4(b)**
- g) **7 days p**Prior to the **start**-commencement of the **campaigning period**-voting period, the Electoral Officer shall issue a notice with **cause to be read** out a list of candidates and their nominators **after having and conducted** a draw for the order in which each ticket shall appear on the ballot paper. This list shall be issued to all members of the Society and shall **in a notice 7 days prior to the of voting**, signifying the start of campaigning. **The notice must list the candidates in the order the tickets appear on the ballot paper.**
- h) Where a person withdraws their nomination after the close of nominations, the nomination of the ticket as a whole will not be declared invalid. The election will proceed as normal but the person will be deemed to resign immediately upon declaration of the result of the ballot. The position shall then be filled by the incoming Executive in accordance with the processes for filling casual vacancies.



4. Amendments to eligibility; codifying the eligibility of Masters students on the Executive

Background/Rationale

Though it has been informally done, past practice is that J.D. or LL.B. students considering an LL.M. at the University of Sydney are not barred from applying for the Executive in an appointed or elected position. This proposal merely seeks to codify this practice to avoid doubt in future years. Other administrative amendments are also made.

Proposed changes

- Amendments to s 3

Summary of the proposed changes

Old Section	New Section
<p>3. Eligibility</p> <p>a) In order to vote in an election, a person must be a member of the Sydney University Law Society as outlined in s 4 of the Society's Constitution. This shall include:</p> <ol style="list-style-type: none"> i) Final year law students; ii) Students who are not undertaking any law units in that academic year but who are enrolled in a law degree or diploma; and iii) Students on exchange. <p>b) In order to nominate for a position on the Executive, a person must be a member of the Society who is not, at the time of the election, in their final year.</p> <p>c) Students who will have finished the coursework requirements of their award from the Faculty of Law by 31 December of the year of the election and will be completing honours in any discipline other than law in the following year shall not be eligible to nominate.</p>	<p>3. Eligibility</p> <p>a) In order to vote in an election, a person must be a member of the Sydney University Law Society as outlined in clause-s 4 of the Society's Constitution. For the avoidance of doubt, tThis shall include:</p> <ol style="list-style-type: none"> i) Final year law students concluding their degree in the semester of the Annual Elections; ii) Students who are not undertaking any law units in that academic year or semester but who are proceeding enrolled in to a law degree or diploma; and iii) Students on exchange. <p>b) In order to nominate for a position on the Executive, a person must be a member of the Society who: is not, at the time of the election, in their final year,</p> <ol style="list-style-type: none"> i) will not have finished the coursework requirements of their award from the Faculty of Law by 31 December of the year of the



d) For the purposes of this section “final year” means that they are scheduled to have completed all requirements for their award from the Faculty of Law by 31 December.

Elections; or
ii) if so, intends on proceeding to postgraduate coursework or research after the year of the Elections.

- c) Students who will have finished the coursework requirements of their award from the Faculty of Law by 31 December of the year of the Elections election and will be completing Honours in any discipline other than law in the following year shall not be eligible to nominate. For the purposes of this section “final year” means that they are scheduled to have completed all requirements for their award from the Faculty of Law by 31 December.
- d) In the event that a person who is elected or appointed to the Society’s Executive ceases to comply with these requirements, their position shall be deemed vacant and the Executive must fill the position as a casual vacancy.

5. Moving from paper voting to online voting; other administrative in nature

Background/Rationale

Up until COVID-19, voting for the SULLS Election was in-person. The polling booth was in the SULLS office, and prevented SULLS activities during the voting period. In addition, with a polling booth comes an exclusion zone, which causes significant complaints from candidates, and can often create a WHS hazard. In-person voting also excluded candidates from voting if they were overseas on exchange, and any voters overseas for any reason, including medical or family reasons. With the effects of COVID-19 likely to present for a number of years, online voting is recommended to ensure the continued functioning of the Society’s elections. The proposal also makes appointing scrutineers easier where the primary contact is unavailable or unresponsive, whilst also preventing a rogue primary contact who has fallen out of favour with their ticket from unilaterally appointing themselves scrutineer. Other administrative amendments are also made.

Proposed changes

- Amendments to ss 5-8, 12(f)

Summary of the proposed changes



Old Section	New Section
<p>5. Voting</p> <ul style="list-style-type: none">a) Voting shall be by secret ballot.b) Voting times, dates and places are to be set by the Electoral Officer in consultation with the Society Executive and advertised on the Notice of Election.c) Voting in-person must be open for a period of no fewer than four hours and no greater than 12 hours, with no polling place being open for less than 2 hours.d) Voting online must be open for a period of no fewer than forty-eight hours.e) Scrutineers during voting:<ul style="list-style-type: none">i) A ticket is entitled to have one scrutineer overseeing the conduct of the ballot;ii) Scrutineers must be appointed by the ticket in writing signed by the primary contact for the ticket (in the case of a ticket candidate scrutineer);iii) A primary contact, so long as they are not a candidate in that election, may act as scrutineer for that ticket without the requirement for any written authority to do so;iv) Scrutineers may not be candidates in the election;v) Scrutineers are entitled to raise objections to the conduct of the ballot but may not attempt to solicit votes;vi) Where the Electoral Officer regards that a scrutineer is acting in a disruptive, belligerent or unworthy fashion, they may exclude the scrutineer from the ballot room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer;	<p>5. Voting</p> <ul style="list-style-type: none">a) Voting shall be by secret ballot.b) Voting times; and dates and places are to be set by the Electoral Officer in consultation with the Society Executive.e) Voting in person must be open for a period of no fewer than four hours and no greater than 12 hours, with no polling place being open for less than 2 hours.d) Voting shall be online and must be open for a period of no fewer than forty-eight hours.e) [Repealed] Scrutineers during voting:<ul style="list-style-type: none">i) A ticket is entitled to have one scrutineer overseeing the conduct of the ballot;ii) Scrutineers must be appointed by the ticket in writing signed by the primary contact for the ticket (in the case of a ticket candidate scrutineer);iii) A primary contact, so long as they are not a candidate in that election, may act as scrutineer for that ticket without the requirement for any written authority to do so;iv) Scrutineers may not be candidates in the election;v) Scrutineers are entitled to raise objections to the conduct of the ballot but may not attempt to solicit votes;vi) Where the Electoral Officer regards that a scrutineer is acting in a disruptive, belligerent or unworthy fashion, they may exclude the scrutineer from the ballot room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer;



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- vii) At the opening of voting, the scrutineers are entitled to inspect the ballot box to ensure that it is empty.
- f) The Electoral Officer and their Assistant Electoral Officers shall initial each ballot paper. Any uninitialed ballot paper will be deemed informal.
- g) A separate roll of voters and ballot box shall be used for each different polling place;
- h) The Electoral Officer or their Assistant Electoral Officers must require that every voter:
 - i) Presents their student card or some other form of photo identification; and
 - ii) Signs their name next to their name and student number of the roll of voters in order to satisfy themselves that the voters are eligible to vote.
- i) If the Electoral Officer or their Assistant Electoral Officers cannot satisfy themselves of the eligibility of the voter, a challenge vote may be issued where a ballot paper is issued to the voter but placed in a sealed envelope with the voter's name, contact details and the reason for doubt and then placed in the ballot box. Such votes will only be counted if:
 - i) Their number is sufficient that their inclusion may affect the outcome of the ballot; and
 - ii) Upon further inquiries the Electoral Officer is able to satisfy themselves of the eligibility of the voter.
- j) A voter may be issued with a fresh ballot paper on request. The voter's original ballot paper must be returned to the Electoral Officer and marked "SPOILED" on the back and placed in an envelope set aside for the purpose of retaining spoiled ballot papers. At the conclusion of the ballot the spoiled ballot papers must be retained and counted for the purpose of reconciling the number of ballot papers.

- vii) ~~At the opening of voting, the scrutineers are entitled to inspect the ballot box to ensure that it is empty.~~
- f) **[Repealed]** ~~The Electoral Officer and their Assistant Electoral Officers shall initial each ballot paper. Any uninitialed ballot paper will be deemed informal.~~
- g) **[Repealed]** ~~A separate roll of voters and ballot box shall be used for each different polling place;~~
- h) **[Repealed]** ~~The Electoral Officer or their Assistant Electoral Officers must require that every voter:
 - i) ~~Presents their student card or some other form of photo identification; and~~
 - ii) ~~Signs their name next to their name and student number of the roll of voters in order to satisfy themselves that the voters are eligible to vote.~~~~
- i) **[Repealed]** ~~If the Electoral Officer or their Assistant Electoral Officers cannot satisfy themselves of the eligibility of the voter, a challenge vote may be issued where a ballot paper is issued to the voter but placed in a sealed envelope with the voter's name, contact details and the reason for doubt and then placed in the ballot box. Such votes will only be counted if:
 - i) ~~Their number is sufficient that their inclusion may affect the outcome of the ballot; and~~
 - ii) ~~Upon further inquiries the Electoral Officer is able to satisfy themselves of the eligibility of the voter.~~~~
- j) **[Repealed]** ~~A voter may be issued with a fresh ballot paper on request. The voter's original ballot paper must be returned to the Electoral Officer and marked "SPOILED" on the back and placed in an envelope set aside for the purpose of retaining spoiled ballot papers. At the conclusion of the ballot the spoiled ballot papers must be retained and counted for the purpose of reconciling the number of ballot papers.~~



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<p>k) The ballot box is to be sealed immediately after voting closes and signed or initialed in some way to uncover any opening. A ticket's scrutineers are entitled to inspect the seals.</p> <p>l) Where, by circumstances beyond the control of the Electoral Officer, the voting cannot be conducted as advertised in the Election Notice, the Electoral Officer has the discretion to extend polling times or amend polling conducted online or in person as they consider appropriate. If such a decision is made, an amended Notice of Election should be posted advising the new polling changes and the primary contacts for tickets must be advised of the change.</p>	<p>k) [Repealed] The ballot box is to be sealed immediately after voting closes and signed or initialed in some way to uncover any opening. A ticket's scrutineers are entitled to inspect the seals.</p> <p>l) Where, by circumstances beyond the control of the Electoral Officer, the voting cannot be conducted as advertised in the Election Notice of Election, the Electoral Officer has the discretion to extend polling times or amend polling conducted online or in person as they consider appropriate. If such a decision is made, an amended Notice of Election should be issued to all members of the Society posted advising of the new polling changes, and the primary contacts for each tickets must be advised of the change.</p>
<p>6. Method of voting</p> <p>a) The method of voting shall be by optional preferential voting (alternative vote).</p> <p>b) Upon receipt of a ballot paper, a voter:</p> <ul style="list-style-type: none">i) must record their vote for at least one ticket by placing "1" in the defined space opposite the name of the candidate for whom they desire to give their first preference voteii) may, if they wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the defined space opposite the names of those additional candidates in the order of their preference for them. <p>c) For avoidance of doubt, a ballot paper is not rendered informal by reason only that the voter has recorded a vote by placing a cross or a tick in a defined space and not placing any mark in any other defined space, rather the ballot paper is to be treated as if the cross or tick were the number "1". Example:</p>	<p>6. Method of voting</p> <p>e) The method of voting shall be by optional preferential voting (alternative vote).</p> <p>f) Upon receipt of a ballot paper, a voter may vote by:</p> <ul style="list-style-type: none">i) must recording ing their vote for at least one ticket by placing "1" in the defined space opposite the name of the candidate for whom they desire to give their first preference vote; andii) may, if they wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the defined space opposite the names of those additional candidates in the order of their preference for them. <p>g) [Repealed] For avoidance of doubt, a ballot paper is not rendered informal by reason only that the voter has recorded a vote by placing a cross or a tick in a defined space and not placing any mark in any other defined space, rather the ballot paper is to be treated as if the cross or tick were the number</p>



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<p>Where someone marks a space [✓] or [X] rather than [1], but the ballot paper is otherwise validly completed, the marked space will be taken as that voter's first preference.</p> <p>d) A vote for a ticket shall be deemed to be a vote for every candidate running in a position for that ticket.</p>	<p>"1". Example: Where someone marks a space [✓] or [X] rather than [1], but the ballot paper is otherwise validly completed, the marked space will be taken as that voter's first preference.</p> <p>h) [Repealed] A vote for a ticket shall be deemed to be a vote for every candidate running in a position for that ticket.</p>
<p>7. Ballot paper</p> <p>a) The ballot paper is to be in the form prescribed by these regulations</p> <p>b) Ballot papers will allow voters a choice of voting for either ticket(s).</p> <p>c) Only a choice between tickets and not individual candidates shall be offered on the ballot paper.</p>	<p>7. Ballots paper</p> <p>a) The ballot paper is to be in the form prescribed by these regulations the Electoral Officer.</p> <p>b) Ballots papers will allow voters a choice of voting for all either ticket(s) in the Elections.</p> <p>c) Only a choice between tickets and not individual candidates shall be offered on the ballot paper.</p>
<p>8. Counting the votes</p> <p>a) Where there are multiple polling places (as distinct from multiple polling times at the same place), the counting process shall be followed and repeated for each booth and then the results combined. The votes from different polling places shall not be intermingled at any time. In the Election Result Notice, the result at each polling place shall be outlined individually.</p> <p>b) The counting of the ballot shall occur in the following manner:</p> <ol style="list-style-type: none"> i) For a ballot paper to be accepted as casting a formal vote it must comply with 6. ii) Once the formality of ballots has been assessed, the ticket votes shall be counted. iii) Each ticket vote shall be regarded as a vote for each candidate in each position on the ticket. iv) The ballots will be counted as follows: 	<p>8. Counting the votes</p> <p>a) [Repealed] Where there are multiple polling places (as distinct from multiple polling times at the same place), the counting process shall be followed and repeated for each booth and then the results combined. The votes from different polling places shall not be intermingled at any time. In the Election Result Notice, the result at each polling place shall be outlined individually.</p> <p>b) The counting of the ballot shall occur in the following manner:</p> <ol style="list-style-type: none"> i) For a ballot paper to be accepted as casting a formal vote it must comply with section 6(b). ii) Once the formality of ballots has been assessed, the ticket votes shall be counted. iii) Each ticket vote shall be regarded as a vote for each candidate in each position on the ticket. iv) The ballots will be counted as follows:



- A) If a ticket has a majority (greater than half) of the first preference votes, they shall be declared elected.
- B) If no ticket is elected under 8(b)(iv)(A), a second count is performed. In this second count, the ticket with the fewest first preference votes shall be excluded, and each of their ballot-papers that have not been exhausted shall be transferred to the ticket next in order of the voter's preferences and counted to them as a vote. If after the second count, a ticket has a majority (greater than half) of the votes remaining in the count, they shall be declared elected.
- C) If no ticket is elected under 8(b)(iv)(B) and more than one ticket remains, the process of performing an additional count described by 8(b)(iv)(B) shall be repeated until one ticket a majority (greater than half) of the votes remaining in the count.
- D) If after performing a count under 8(b)(iv)(B) or 8(b)(iv)(C) only one ticket remains, that ticket shall be declared elected.
- E) If after performing a count under 8(b)(iv)(B) or 8(b)(iv)(C) where the ticket with the lowest number of votes is to be excluded, 2 (or more) tickets have an equal number of votes (that number being fewer than the number of any other ticket or those tickets being the only continuing tickets), the ticket with the lower number of votes at the last count where they did not have an equal number of votes shall

- A) If a ticket has a majority (greater than half) of the first preference votes, they shall be declared elected.
- B) If no ticket is elected under **sub-paragraph 8(b)(iv)(A)**, **another second** count is performed. In this **second** count, the ticket with the fewest **first preference** votes shall be excluded, ~~and each~~ **Each** of their ballots ~~papers~~ that have not been exhausted shall be transferred to the ticket next in order of the voter's preferences and counted to them as a vote. If after **this second** count, a ticket has a majority (greater than half) of the votes remaining in the count, they shall be declared elected.
- C) If no ticket is elected under **sub-paragraph 8(b)(iv)(B)** and more than one ticket remains, the process **(and not the precondition)** of performing an additional count described by **sub-paragraph 8(b)(iv)(B)** shall be repeated until one ticket **has** a majority (greater than half) of the votes remaining in the count. **That ticket shall be declared elected.**
- D) **[Repealed].** ~~If after performing a count under 8(b)(iv)(B) or 8(b)(iv)(C) only one ticket remains, that ticket shall be declared elected.~~
- E) If after performing a count under **sub-paragraphs 8(b)(iv)(B) or 8(b)(iv)(C)** where the ticket with the lowest number of votes is to be excluded, 2 (or more) tickets have an equal number of votes (that number being fewer than the number of any other



be excluded. If the tickets had an equal number of votes at all preceding counts, the Electoral Officer must prescribe a method by which one of those tickets is to be randomly selected and excluded.

- F) A ballot is exhausted for the purposes of 8(b)(iv)(B) if all the tickets given preferences by the voter no longer remain in the count.
- v) The Electoral Officer must complete the Election Result Notice outlining the results of the election at the completion of the Count. This Notice shall include the votes received by each ticket and explicitly state who was successfully elected in each position. The Notice must also identify the deadline for appeals against the outcome in compliance with 9a.
- vi) The Election Result Notice shall be posted on a publicly-accessible noticeboard deemed suitable by the Electoral Officer and copies shall be provided to all scrutineers present for the count as well as on request to any candidate who asks for one.
- c) Formal votes must:
 - i) Be initialed by the Electoral Officer or their Assistant(s); and
 - ii) Provide a clear indication of the voter's intended vote. For the purpose of ascertaining the first preference a tick, cross or the numeral "1" inside the box are the only permissible indications. Any ticks, crosses, or numerals outside the box are not permissible indications. Further, if there are multiple ticks, crosses, or the numeral "1" on the ballot paper for that ticket, the voter's intention must be deemed impossible to ascertain and the vote shall be deemed informal.

ticket or those tickets being the only continuing tickets), the ticket with the lower or lowest number of votes at the last-most recent count where they did not have an equal number of votes shall be excluded. If the tickets had an equal number of votes at all preceding counts, the Electoral Officer must prescribe a method by which one of those tickets is to be randomly selected and excluded.

- F) A ballot is exhausted for the purposes of sub-paragraph 8(b)(iv)(B) and is deemed not to remain in the count if all the tickets given preferences by the voter no longer remain in the count have been excluded.
- v) The Electoral Officer must complete the ~~Election Result Notice~~ of Election Result outlining the results of the election at the completion of the ~~Count~~ of the ballot. This Notice shall include the votes received by each ticket and explicitly state who was successfully elected in each position. The Notice must also identify the deadline for appeals against the outcome in compliance with section 9(a).
- vi) The ~~Election Result Notice~~ of Election Result shall be issued to all members of the Society. ~~posted on a publicly accessible noticeboard deemed suitable by the Electoral Officer and e~~Copies shall be provided to all scrutineers present for the count as well as on request to any candidate who asks for one.
- c) [Repealed] Formal votes must:
 - i) ~~Be initialed by the Electoral Officer or their Assistant(s); and~~



- d) Scrutineers during counting
 - i) A ticket is entitled to have one scrutineer overseeing the conduct of the count.
 - ii) Scrutineers must be appointed by the ticket in writing signed by the primary contact for the ticket.
 - iii) A primary contact, so long as they are not candidate in that election, may act as scrutineer for that ticket without the requirement for any written authority to do so.
 - iv) Scrutineers may not be candidates in the election.
 - v) Scrutineers are entitled to raise objections to the conduct of the count including raising questions about formality of ballot papers.
 - vi) Scrutineers may not, at any time or for any reason, touch the ballot papers. Doing so will result in their exclusion from the counting room.
 - vii) Scrutineers must follow the directions of the Electoral Officer and the Assistant Electoral Officers at all times. Failure to do so will result in their exclusion from the counting room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer.
- e) Where the Electoral Officer regards that a scrutineer is acting in a disruptive, belligerent or unworthy fashion, they may exclude the scrutineer from the ballot room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer.

- ii) Provide a clear indication of the voter's intended vote. For the purpose of ascertaining the first preference a tick, cross or the numeral "1" inside the box are the only permissible indications. Any ticks, crosses, or numerals outside the box are not permissible indications. Further, if there are multiple ticks, crosses, or the numeral "1" on the ballot paper for that ticket, the voter's intention must be deemed impossible to ascertain and the vote shall be deemed informal.

- ~~d) Scrutineers during counting~~ A ticket is entitled to have one scrutineer overseeing the conduct of the count of the ballot. Scrutineers are subject to the following conditions:
 - i) Scrutineers must be appointed by the ticket in writing signed by the primary contact for the ticket; A ticket is entitled to have one scrutineer overseeing the conduct of the count.
 - ii) Where a primary contact is the intended scrutineer, so long as they are not a candidate in the election, they may act as scrutineer if appointed in writing signed by the candidate for the President for that ticket; Scrutineers must be appointed by the ticket in writing signed by the primary contact for the ticket.
 - iii) Scrutineers may not be candidates in the election; A primary contact, so long as they are not candidate in that election, may act as scrutineer for that ticket without the requirement for any written authority to do so.
 - iv) Scrutineers are entitled to raise objections to the conduct of the count including raising questions about the ballots; Scrutineers may not be candidates in the election.



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	<ul style="list-style-type: none"> v) Scrutineers are entitled to raise objections to the conduct of the count including raising questions about formality of ballots papers. vi) [Repealed] Scrutineers may not, at any time or for any reason, touch the ballot papers. Doing so will result in their exclusion from the counting room. vii) Scrutineers must follow the directions of the Electoral Officer and the Assistant Electoral Officers at all times. Failure to do so will result in their exclusion from the counting space (whether online or otherwise) room. A ticket The scrutineer's candidate or ticket is entitled to replace them with another scrutineer appointed in writing by the primary contact; viii) Where the Electoral Officer regards that a scrutineer is acting in a disruptive, belligerent or unworthy fashion, they may exclude the scrutineer from the ballot room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer; ix) Where the primary contact is unavailable to appoint a scrutineer , the candidate for President for that ticket may appoint one in writing. e) [Repealed] Where the Electoral Officer regards that a scrutineer is acting in a disruptive, belligerent or unworthy fashion, they may exclude the scrutineer from the ballot room. The scrutineer's candidate or ticket is entitled to replace them with another scrutineer.
<p>12. Prohibited practices [...] f) No person shall display any poster, distribute leaflets or solicit votes within ten metres of any polling booth or impede the conduct of the</p>	<p>12. Prohibited practices [...] f) [Repealed]</p>



election. This rule may be derogated from only with the prior express permission of the Electoral Officer.	
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6. Sanctions for breach of Regulations; right to vote abrogated only in extreme situations; where consent to breach of reasonable steps not taken; and other administrative in nature

Background/Rationale

This proposal seeks to address the fact that prior to the close of nominations, some of the provisions in section 10 technically do not apply to those seeking to be a candidate. The main changes are:

1. It is noted that the maximum consequence currently of a non-candidate who has flagrantly ignored the Electoral Officer’s rulings, or who has committed some egregious breach of the Regulations, is the suspension of their right to vote. An additional option has been added to prevent such a person from nominating or applying for the Executive for 18 months as to encompass the following year’s Executive and the following year’s elections. Additionally, the list to be sent off the Law Society of NSW has not occurred in at least the last five years. A full list of complaints and resolutions is quite difficult in years with a contested election. The provision has been amended to include only egregious breaches of the Regulations resulting in one of the severe penalties imposed.
2. A penalty has been imposed for the behaviour of someone seeking to hide their identity, and for the behaviour of non-law students on the ticket such behaviour is seen to benefit. If the ticket can show they have reasonably tried to prevent this behaviour or remedy the situation, there will be no penalty. As a guide, a ticket asking an anonymous user or non-law student on social media who has posted information that breaches the Regulations can avoid a penalty by evidencing an attempt to have the information taken down.

Other administrative amendments are also made.

Proposed changes

- Amendments to ss 10 and 13

Summary of the proposed changes

Old Section	New Section
10. Sanctions for breach of the regulations	10. Sanctions for breach of the R egulations



- a) Any candidate who knows of and does not report, consents to, or commits or aids or abets a breach of these regulations are to be disqualified from the election.
- b) Depending on the seriousness of the breach, the candidate's entire ticket may be subject to disqualification
- c) The decision to disqualify a candidate on the basis of failing to report, consenting to, committing or aiding and abetting a breach of the regulations may be appealed but appeals shall be confined to the question of whether they did or did not in fact do or fail to do the thing alleged.
- d) The Electoral Officer has discretion to impose a lesser penalty that they deem reasonable in the circumstances but the decision to impose a lesser penalty may be the subject of an appeal.
- e) Persons who are not candidates but commit or aid and abet a breach of these regulations are subject to any penalty which the Electoral Officer has jurisdiction to impose including disqualification of their ticket (in the case of a primary contact who is not a candidate), barring from further participation in any formal process associated with the election, and suspending their right to vote in the election that year.
- f) Where a person who is not a candidate has their vote in the election suspended, the person may appeal that decision until the close of voting. When that appeal has been made the person must be issued with a challenge vote and their appeal will be determined after the count if there are sufficient challenge votes to change the outcome of the election.
- g) A register shall be kept by the Electoral Officer of all complaints upheld against candidates and other persons regarding their conduct in the election and made available to the NSW Law Society for the purposes of determining whether any person is a "fit and proper person" to be a legal

- a) Any **person** candidate who knows of and does not report, consents to, or commits or aids or abets a breach of these **R**egulations **is deemed to have breached the Regulations. If the person is a candidate or a prospective candidate, they** are to be disqualified from the election.
- b) Depending on the seriousness of the breach, the **candidate or prospective** candidate's entire ticket may be subject to disqualification
- c) The decision to disqualify a candidate on the basis of failing to report, consenting to, committing or aiding and abetting a breach of the **R**egulations may be appealed but appeals shall be confined to the question of whether they did or did not in fact do or fail to do the thing alleged.
- d) The Electoral Officer has discretion to impose a lesser penalty that they deem reasonable in the circumstances but the decision to impose a lesser penalty may **itself** be the subject of an appeal.
- e) Persons who are not candidates but commit or aid and abet a breach of these **R**egulations are subject to any penalty which the Electoral Officer has jurisdiction to impose including disqualification of their ticket (in the case of a primary contact who is not a candidate), barring from further participation in any formal process associated with the **Annual Election, or, in extreme cases, and** suspending their right to vote in the election that year **and/or suspending their right to nominate or apply for the Executive for 18 months.**
- f) Where a person who is not a candidate has their vote in the election suspended, the person may appeal that decision until the close of voting. When that appeal has been made the person must be issued with a **declaration** ~~challenge~~-vote and their appeal will be determined after the count if there are



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<p>practitioner. h) Where a candidate for President, one of the Vice-Presidents, Secretary or Treasurer is disqualified for breach of these regulations, the ticket shall be de- grouped on the ballot paper in accordance with 2 (c)(ii).</p>	<p>sufficient declaration challenge-votes to change the outcome of the election.</p> <p>g) A register shall be kept by the Electoral Officer of all complaints upheld against candidates and other persons whose conduct results in a decision that suspends their right to campaign, disqualifies their ticket, suspends their right to vote, or suspends their right to nominate regarding their conduct in the election and made available to the NSW Law Society for the purposes of determining whether any person is a “fit and proper person” to be a legal practitioner.</p> <p>h) Where either the person contemplated in section 12(b) is unidentifiable, and the Electoral Officer deems there is a breach of the Regulations, or where the Electoral Officer is investigating a breach of Regulations relating to section 12(m), the ticket or candidate which such a comment or conduct respectively is seen to benefit must be contacted and asked to rectify the situation. Where it can be established reasonable attempts have not been made to do so, the ticket or candidate is deemed to have consented to a breach of the Regulations. Where a candidate for President, one of the Vice-Presidents, Secretary or Treasurer is disqualified for breach of these regulations, the ticket shall be de- grouped on the ballot paper in accordance with 2 (c)(ii).</p>
<p>13. Election spending</p> <ol style="list-style-type: none"> Election spending shall be capped to \$750 for a ticket. The spending cap for that year’s election shall be published in the Election Notice. All actual expenditures and donations in-kind (included at the rate of their market value) shall be disclosed to the Electoral Officer within 7 days of the closing of the poll. This disclosure must include a full summary of expenditures incurred for the 	<p>13. Election spending</p> <ol style="list-style-type: none"> Election spending shall be capped to \$750 for a ticket. The spending cap for that year’s election shall be published in the Election Notice of Election. All actual expenditures and donations in-kind (included at the rate of their market value) shall be disclosed to the Electoral Officer within 7 days of the closing of the poll. This disclosure must include a full summary of expenditures incurred for the



purpose of promoting their candidacy, substantiating receipts and a statutory declaration by the primary contact of a ticket swearing the accuracy of the disclosure.

- d) Breach of the spending cap and/or failure to comply with disclosure requirements shall result in disqualification of the ticket in breach.
- e) Where the Electoral Officer has reasonable suspicion that a ticket may have breached the spending cap, they may conduct an inquiry into their electoral expenditure to determine the accuracy of the disclosure provided.

purpose of promoting their candidacy, substantiating receipts and a statutory declaration by the primary contact of a ticket swearing the accuracy of the disclosure.

- d) Breach of the spending cap and/or failure to comply with disclosure requirements shall result in disqualification of the ticket in breach. **For the avoidance of doubt, the Electoral Officer must disqualify such a ticket.**
- e) Where the Electoral Officer has reasonable suspicion that a ticket may have breached the spending cap, they may conduct an inquiry into their electoral expenditure to determine the accuracy of the disclosure provided.

7. Amendments to protect sensitivity in complaints; and other administrative in nature; Amendments to appeals, including standing to appeal

Background/Rationale

As a matter of due process, complaints should be put to the party complained against. However, the Regulations do not currently contain provisions that protect the identity of the source of information if the complaint is sensitive. The proposed amendment is designed to give the Electoral Officer the discretion to handle complaints as they see fit where they are satisfied the complaint requires a higher level of sensitivity not afforded by the other provisions in section 9.

The amendment to section 11 clarifies that persons intending to become candidates (ie. before nominations close, and those who have not been confirmed for a ticket) can lodge an appeal against a decision. It also provides for a situation where the primary contact is unavailable.

Appeals should be decided in 3 days, not 14, given that at times the fast nature of the elections would render the result of an appeal delivered after 14 days futile. Any appeals to the Electoral Legal Arbiter should also be referred verbatim; the amendments codify this requirement.

Other administrative amendments are also made.

Proposed changes



- Amendments to ss 9 and 11

Summary of the proposed changes

Old Section	New Section
<p>9. Complaints process</p> <p>a) Where the Electoral Officer has witnessed first-hand or has been provided with evidence that they believe establishes a breach of the regulations they must provide particulars of the alleged act or omission in writing to the person, candidate or primary contact of a ticket giving them a reasonable opportunity to respond the allegation in writing. In setting the timeframe for response, regard must be had to the remaining length of the election campaign and the need for expediency in determining the matter.</p> <p>b) The Electoral Officer must act upon any complaint that is provided to them in writing alleging a breach of the regulations. In all such cases the Electoral Officer shall provide particulars of the alleged act or omission in writing to the person, candidate or primary contact of a ticket (including a copy of the original allegation) giving them a reasonable opportunity to respond to the allegation in writing. In setting the timeframe for response, regard must be had to the remaining length of the election campaign and the need for expediency in determining the matter.</p> <p>c) Complaints to the Electoral Officer must contain the name and phone number of the person(s) making the complaint, particulars of the allegation and any supporting evidence.</p> <p>d) When the time for response to the complaint has elapsed, the Electoral Officer must dismiss the complaint, take steps to</p>	<p>9. Complaints process</p> <p>a) Where the Electoral Officer has witnessed first-hand or has been provided with evidence that they believe establishes a breach of the regulations they must provide particulars of the alleged act or omission in writing to the person, candidate or primary contact of a ticket giving them a reasonable opportunity to respond to the allegation in writing. In setting the timeframe for response, regard must be had to the remaining length of the election campaign and the need for expediency in determining the matter.</p> <p>b) The Electoral Officer must act upon any complaint that is provided to them in writing alleging a breach of the Regulations. In all such cases the Electoral Officer shall provide particulars of the alleged act or omission in writing to the person, candidate or primary contact of a ticket (including a copy of the original allegation) giving them a reasonable opportunity to respond to the allegation in writing. In setting the timeframe for response, regard must be had to the remaining length of the election campaign and the need for expediency in determining the matter.</p> <p>c) Complaints to the Electoral Officer must contain the name and contact details phone number of the person(s) making the complaint, particulars of the allegation and any supporting evidence.</p> <p>d) When the time for response to the complaint has elapsed, the Electoral Officer must dismiss the complaint, take steps to</p>



further investigate the matter, or impose such sanctions as they see fit in accordance with these regulations.

- e) The Electoral Officer shall have power to conduct further investigations as he or she sees fit but must adhere to the principles of natural justice as required.

further investigate the matter, or impose such sanctions as they see fit in accordance with these Rregulations.

- e) The Electoral Officer shall have power to conduct further investigations as he or she sees fit but must adhere to the principles of natural justice as required.
- f) However, where the Electoral Officer deems that a complaint requires sensitivity not sufficiently addressed by sub-sections (a) to (c), they may handle the complaint as they see fit but must adhere to the principles of natural justice as required.

11. Appeals

- a) Repealed.
- b) The only people with standing to make an appeal are individual candidates not standing with a ticket and primary contacts acting with the written consent of every candidate on their ticket. Agents may make appeals on behalf of these people if an authority to do so is provided in writing, signed by the primary contact or candidate.
- c) Subject to (f), appeals in the first instance are made to the Electoral Officer.
- d) Recounts will only be conducted in the event of a successful appeal at the discretion of the Electoral Officer.
- e) The only acceptable ground for an appeal is an alleged breach of the Regulations as they relate to conduct of elections for the Society.
- f) If a candidate wishes to appeal on the basis of some improper or unfit conduct of the Electoral Officer, that appeal must be made to the Electoral Officer who must then refer it immediately to the Electoral Legal Arbiter for determination.
- g) The Electoral Officer, on receipt of an appeal alleging breach of the regulations, shall make a determination on the appeal within fourteen days of the appeal being made. The onus is on

11. Appeals

- a) [Repealed.]
- b) The only people with standing to make an appeal are individual prospective candidates not standing with a successfully nominated ticket and primary contacts acting with the written consent of every candidate on their ticket. Agents may make appeals on behalf of these people if an authority to do so is provided in writing, signed by the primary contact or candidate. Where the primary contact is unavailable, standing extends to the candidate for President acting with the written consent of all other candidates on their ticket.
- c) Subject to sub-section (f), appeals in the first instance are made to the Electoral Officer.
- d) Recounts will only be conducted in the event of a successful appeal at the discretion of the Electoral Officer.
- e) The only acceptable ground for an appeal is an alleged breach of the Regulations as they relate to conduct of elections for the Society.
- f) If a candidate wishes to appeal on the basis of some improper or unfit conduct of the Electoral Officer, that appeal must be made to the Electoral Officer who must then refer it immediately to the Electoral Legal Arbiter for determination.



<p>the appellants to provide evidence and submissions supporting their complaint.</p> <p>h) In determining the complaint, the Electoral Officer shall provide reasons for his/her decision in writing to the appellants.</p> <p>i) If the appellants are not satisfied with the Electoral Officer's determination, they may advise the Electoral Officer within 72 hours of the first instance decision being made, that they wish to appeal further. The Electoral Officer must then refer the matter to the Electoral Legal Arbiter.</p>	<p>g) The Electoral Officer, on receipt of an appeal alleging breach of the regulations, shall make a determination on the appeal within 3 workingfourteen days of the appeal being made. The onus is on the appellants to provide evidence and submissions supporting their complaint.</p> <p>h) In determining the complaint, the Electoral Officer shall provide reasons for his/her decision in writing to the appellants.</p> <p>i) If the appellants are not satisfied with the Electoral Officer's determination, they may advise the Electoral Officer within 72 hours of the first instance decision being made, that they wish to appeal further. The Electoral Officer must then refer the matter to the Electoral Legal Arbiter. Where a further appeal is made in writing, the Electoral Officer must refer the appeal verbatim to the Electoral Legal Arbiter.</p>
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8. Prohibited Practices on early campaigning, ticket formation and related practices; and other administrative amendments

Background/Rationale

The amendments here are designed to clarify the responsibility of SULLS candidates or prospective candidates not to use **any** SULLS resource to be elected, and what those resources are. This has been the subject of complaint in previous years and it would be helpful to make this clear.

The other change is a practical one which codifies existing practice, in that comments on social media posts need not be authorised. This is also important in light of new defamation decisions which indicate that for defamation purposes the publisher of such comments is the publisher of the original post.

Other administrative amendments are also made.

Proposed changes

- Amend ss 12(d), (e), (ga), (gb), (i), (k) en bloc



Summary of the proposed changes

Old Section	New Section
<p>d) A candidate must not make use of any SULTS or Law Faculty facilities to aid their attempt to be elected.</p>	<p>d) A candidate or prospective candidate must not make use of any Society SULTS or Law Faculty facilities to aid their attempt to be elected. In this sub-section, Society facilities includes, but is not limited to, any social media platforms, pages and groups, and digital assets established or maintained by the Society.</p>
<p>e) No person shall, in relation to an election, print, publish or distribute (including via an electronic or internet source or medium), or cause, permit or authorise to be printed, published or distributed, any matter or thing containing a statement:</p> <ul style="list-style-type: none"> i. That is untrue; ii. That is, or is likely to be, misleading or deceptive; iii. That is discriminatory on any grounds, including but not limited to gender, sexuality, race, ethnicity or disability; It shall be a defence to an allegation of breach of this subsection if the person proves that they did not know, and could not reasonably be expected to have known, that the matter or thing contained a statement of the kind referred to in i. and ii. above. 	<p>e) No person shall, in relation to an election, print, publish or distribute (including via an electronic or internet source or medium), or cause, permit or authorise to be printed, published or distributed, any matter or thing containing a statement:</p> <ul style="list-style-type: none"> i. That is untrue; ii. That is, or is likely to be, misleading or deceptive; iii. That is discriminatory on any grounds, including but not limited to gender, sexuality, race, ethnicity or disability; It shall be a defence to an allegation of breach of this subsection if the person proves that they did not know, and could not reasonably be expected to have known, that the matter or thing contained a statement of the kind referred to in paragraphs i. and ii. above.
<p>ga) Responsibility for publication shall be attributed as follows:</p> <ul style="list-style-type: none"> i. The authoriser shall be subject to any sanctions for breaches of the regulations and any criminal or civil liability that arises from the publication. ii. In cases where letters (online or otherwise), emails, and other online communications (including private messages and private emails from individuals) which clearly identify the 	<p>ga) Responsibility for publication shall be attributed as follows:</p> <ul style="list-style-type: none"> i. The authoriser shall be subject to any sanctions for breaches of the Rregulations and any criminal or civil liability that arises from the publication. ii. In cases where letters (online or otherwise), emails, and other online communications (including private messages and private emails from individuals) which clearly identify the individual sender (this may be by real name or known



<p>individual sender (this may be by real name or known username or alias) are distributed, the sender shall be the one subject to any sanctions for breaches of the regulations and any criminal or civil liability that arises from the publication.</p> <p>iii. Where the Electoral Officer deems appropriate, they may also impose sanctions on a candidate or ticket for breaches of the regulations arising from a publication, notwithstanding that the particular candidate or ticket members are not the official authoriser of the publication giving rise to the breach.</p>	<p>username or alias) are distributed, the sender shall be the one subject to any sanctions for breaches of the Rregulations and any criminal or civil liability that arises from the publication.</p> <p>iii. Where the Electoral Officer deems appropriate, they may also impose sanctions on a candidate or ticket for breaches of the Rregulations arising from a publication, notwithstanding that the particular candidate or ticket members are not the official authoriser of the publication giving rise to the breach.</p> <p>gb) For the purposes of paragraph (g), a comment reacting electronically in response to any online publication shall be deemed to be duly authorised by the person who made the comment, provided the person is reasonably identifiable.</p>
<p>i) No person shall distribute or place any election material within the University of Sydney Library or any of its branches, the Society office, a goods or persons lift or a Union Catering Outlet.</p>	<p>i) No person shall distribute or place any election material within the University of Sydney Library or any of its branches, the Society office, a goods or persons lift or a University of Sydney Union Catering Outlet.</p>
<p>k) No candidate or ticket shall distribute any material or engage in any act which suggests that merit appointments to the Society Executive will be filled by a predetermined individual.</p>	<p>k) No person candidate or ticket shall distribute any material or engage in any act which suggests that merit appointments to the Society Executive will be filled by a predetermined individual.</p>

9. New Prohibited Practices for 'Closed' elections and WHS law

Background/Rationale

This amendment codifies existing practice in that Electoral Officers past request candidates not to engage campaigners not from the Law School and to breach any work, health and safety provisions.

Proposed changes

- Add new ss 12(m), (n)

Summary of the proposed changes

Old Section	New Section
N/A	12. Prohibited practices [...] <p>m) No person who does not meet the eligibility criteria for membership of the Society in Part 4 of the Society's Constitution may participate in, aid or abet campaigning activities.</p> <p>n) Where necessary, no person shall engage in any act which may cause a breach of work, health and safety law.</p>

10. Administrative amendments to EO and ELA appointments; candidates' information evening; affirmative action

Background/Rationale

The main amendment here is to provide a stopgap measure in the event the Electoral Legal Arbiter is unable to appoint a delegate to replace them if need be. The proposed amendment allows for the Executive to do so in such a case.

The other amendments here are mainly administrative and:

1. Split the descriptive requirements of the Electoral Officer into duties and eligibility.
2. Clarify that Candidates' information evening is available to all persons who are eligible but not members of the Society, in recognition of the opt-in system caused by incorporation. It also requires the Electoral Officer to disclose to all present any administrative anomalies they expect (eg. online voting) in the year's Elections.

Other administrative amendments are also made.

Proposed changes

- Amendments to ss 14-16

Summary of the proposed changes



Old Section	New Section
<p>14. Electoral officials</p> <p>a) The SULLS Executive shall appoint an Electoral Officer to conduct the annual elections of the Society.</p> <p>b) The Electoral Officer shall ensure the fair and efficient conduct of the elections and shall:</p> <ul style="list-style-type: none"> i) Not be a candidate, nominator, or member of the outgoing Executive, nor vote in the election; ii) Not be eligible for any appointed position under the new Executive except the position of Electoral Officer in the following year's elections; iii) Be empowered to make and hear allegations of breaches of these regulations; iv) Receive and hear complaints and appeals; v) Act independently of both the outgoing Executive, and any candidates/teams running in the election; vi) Table their report at the first meeting of the incoming Executive; and vii) Do or refrain from doing anything else that these regulations require of the Electoral Officer. <p>c) The Electoral Officer may appoint Assistant Electoral Officers to assist with conduct of the election. These officials shall act under the authority and supervision of the Electoral Officer and be empowered to:</p> <ul style="list-style-type: none"> i) Remove any material that contravenes these regulations; ii) Issue ballot papers to eligible voters at the booths; iii) Make statements of fact regarding forbidden practices they have witnessed for the Electoral Officer to interpret and rule upon; 	<p>14. Electoral Officials</p> <p>a) The SULLS Executive shall appoint an Electoral Officer to conduct the aAnnual eElections of the Society.</p> <p>b) Any Electoral Officer shall ensure the fair and efficient conduct of the elections and shall:</p> <ul style="list-style-type: none"> i) Not be a candidate, nominator, or member of the outgoing Executive, nor vote in the election; ii) At the time of their appointment, Not be eligible for any appointed position under the new Executive except the position of Electoral Officer in the following year's elections; <p>c) The Electoral Officer shall, to ensure the fair and efficient conduct of the elections and shall, be empowered:</p> <ul style="list-style-type: none"> i) To make and hear allegations of breaches of these regulations; ii) To receive and hear complaints and appeals; iii) To act independently of both the outgoing Executive, and any candidates/teams running in the election; iv) To table their report at the first meeting of the incoming Executive; and v) To do or refrain from doing anything that these Regulations require of the Electoral Officer. <p>d) The Electoral Officer may appoint Assistant Electoral Officers to assist with conduct of the election. These officials shall act under the authority and supervision of the Electoral Officer and be empowered to:</p> <ul style="list-style-type: none"> i) Remove or require removal of any material that contravenes these regulations;



- iv) Oversee the conduct of candidates;
 - v) Oversee the conduct of the booth;
 - vi) Assist in the counting of votes;
 - vii) Do anything that the Electoral Officer delegates to them except the hearing of complaints and appeals.
- d) An act of an Assistant Electoral Officer is taken to be that of the Electoral Officer except to the extent that the Assistant Electoral Officer is acting beyond their stated powers or beyond their delegated duties.
- e) At the same time as the Executive appoints an Electoral Officer, it shall appoint an Electoral Legal Arbiter, who shall be a barrister or a solicitor of the Supreme Court of New South Wales of at least three (3) years standing or an academic of the Faculty of Law. Notice of the appointment of the Electoral Legal Arbiter shall be provided to members by an email to the Society's database.
- f) The Electoral Legal Arbiter shall:
- i) Receive any appeals against the decisions of the Electoral Officer;
 - ii) Hold office from time of appointment until such time as all appeals arising out of the election have been determined; and
 - iii) Be empowered to do any other thing that they are empowered to do under these regulations.
- g) The Electoral Legal Arbiter shall have the power, in any event that he or she is not available to hear complaints, to appoint a suitably qualified delegate.

- ii) Issue ballot papers to eligible voters at the booths;
- iii) Make statements of fact regarding forbidden practices they have witnessed for the Electoral Officer to interpret and rule upon;
- iv) Oversee the conduct of candidates;
- v) Oversee the conduct of the booth;
- vi) Assist in the counting of votes;
- vii) Do anything that the Electoral Officer delegates to them except the hearing of complaints and appeals.

- e) An act of an Assistant Electoral Officer is taken to be that of the Electoral Officer except to the extent that the Assistant Electoral Officer is acting beyond their stated powers or beyond their delegated duties.
- f) At the same time as the Executive appoints an Electoral Officer, it shall appoint an Electoral Legal Arbiter, who shall be a barrister or a solicitor of the Supreme Court of New South Wales of at least three (3) years standing or an academic of the Faculty of Law. Notice of the appointment of the Electoral Legal Arbiter shall be provided to members by an email to the Society's database.
- g) The Electoral Legal Arbiter shall:
- i) Receive any appeals against the decisions of the Electoral Officer;
 - ii) Hold office from time of appointment until such time as all appeals arising out of the election have been determined; and
 - iii) Be empowered to do any other thing that they are empowered to do under these Regulations.
- h) The Electoral Legal Arbiter shall have the power, in any



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	<p>event that they are not available to hear complaints, to appoint a suitably qualified delegate consistent with the criteria in sub-section (f). If the Electoral Legal Arbiter does not do so in a reasonable timeframe, the Executive shall be empowered to appoint a suitably qualified substitute consistent with the criteria in sub-section (f).</p>
<p>15. Candidates' information evening</p> <ul style="list-style-type: none"> a) At least one week prior to Expression of Interest Callout, the Executive will hold an information evening open to all SULLS members to explain the role of each position and how the election is to be conducted. <ul style="list-style-type: none"> i) Notice of the SULLS candidates' information evening will be distributed no less than one week prior to the event's scheduled date. b) The Electoral Officer must attend this meeting to answer any procedural questions that may arise relating to the conduct of the election. c) A one-page summary of the electoral process will be distributed to SULLS members: <ul style="list-style-type: none"> i) With the notice of the candidates' information evening; and ii) On the SULLS website. d) The one-page electoral process summary will include: <ul style="list-style-type: none"> i) Key dates; ii) The nomination system; iii) The voting method in effect for that election; and iv) Any other relevant information. 	<p>15. Candidates' information evening</p> <ul style="list-style-type: none"> a) At least one week prior to the Expression of Interest Callout, the Executive and Electoral Officer must will hold an information evening open to all persons who meet the eligibility criteria for membership of the Society in Part 4 of the Society's Constitution SULLS members to explain the role of each position and how the election is to be conducted. <ul style="list-style-type: none"> i) Notice of the SULLS candidates' information evening will be distributed no less than one week prior to the event's scheduled date. b) The Electoral Officer must attend this meeting to answer any procedural questions that may arise relating to the conduct of the election. c) No less than a week prior to the information evening, a two-page summary of the electoral process and notice of the information evening shall be issued to the members of the Society, and published on the Society's website. d) The one two-page electoral process summary shall will include: <ul style="list-style-type: none"> i) Key dates weeks dates; ii) The nomination system; iii) The voting method in effect for that election; and iv) Any other relevant information, including but not limited to, whether there will be any administrative anomalies expected in the Elections for that year.



<p>16. Affirmative action</p> <p>a) The elected positions of the SULS Executive shall be comprised of at least (n-1)/2 women-identifying students (where n is the number of elected positions on the Committee).</p> <p>i) Where positions are left vacant at the conclusion of the election for any reason, the “n” shall be the number of positions that were elected, not the number of positions that were available to be elected.</p> <p>ii) Where a vacant position is to be filled, the Executive must ensure that the constitution of the Executive remains compliant with the women-identifying (n1)/2 requirement. Note that where a position is being filled as a casual vacancy, “n” shall be the number of positions on the Executive once that vacancy is filled.</p>	<p>16. Affirmative action</p> <p>a) The elected positions of the SULS Executive shall be comprised of at least (n-1)/2 women-identifying members of the Society students (where n is the number of elected positions on the Executive Committee).</p> <p>i) Where positions are left vacant at the conclusion of the election for any reason, the “n” shall be the number of positions that were elected, not the number of positions that were available to be elected.</p> <p>ii) Where a vacant position is to be filled, the Executive must ensure that the constitution of the Executive remains compliant with the women-identifying (n1)/2 requirement. Note that where a position is being filled as a casual vacancy, “n” shall be the number of positions on the Executive once that vacancy is filled.</p>
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11. Notice of Election Result to be final

Background/Rationale

For some reason, it has become custom in recent years that the Executive be confirmed at the next SGM. It is unclear whether this is actually necessary; the proposed amendment dispenses with such a ‘requirement’. Section 18 recognises that a Notice of Election Result (which is issued by the Electoral Officer) can be varied by, on appeal, by the Electoral Legal Arbiter and, as a society registered with the University of Sydney Union, must comply with that body’s orders and directions.

Proposed changes

- Insert new section 18

Summary of the proposed changes

Old Section	New Section
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N/A

18 Notice of Election Result to be final and conclusive

- (a) The Notice of Election Result shall be final, binding and conclusive on the Society, unless varied by appeal by the Electoral Legal Arbiter and subject to compliance with any orders and directions of the University of Sydney Union.
- (b) For the avoidance of doubt:
 - (i) There is no requirement for the General Meeting to accept, ratify or confirm the Notice of Election Result;
 - (ii) The General Meeting and Executive has no power to vary or reject the Notice of Election Result;
 - (iii) But nothing precludes a discussion or expression of opinion at a General Meeting about the Notice of Election Result.

Constitutional reforms

12. Miscellaneous amendments to modernise the Constitution: Powers, Functions and Roles of the Executive

Background/Rationale

These amendments address issues in the powers, functions and roles of members of the Executive. They include:

- Stating clearly that the Executive may determine whether the Immediate Past President is to serve as an ex-officio member and it would require the consent of the Immediate Past President;
- Providing that the Executive will serve 12 month terms from 1 December to 30 November of the next calendar year but the outgoing President, Secretary, Treasurer and Equity Officer shall remain on to perform administrative tasks, including ending the financial year and managing the Textbook Loan Scheme;
- Removing an obsolete sub-clause that required Executive appointments for members of the Society to other non-Executive positions, which is more properly done by individual members of the Executive who are responsible for the portfolio;
- Imposing an explicit duty on the Competitions Directors to facilitate training and development of members of the Society for mooting and skills competitions;
- Removing references to sub-committees, which are now Committees; and



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- Providing that, where there is a vacancy in an elected position, the Executive may appoint a member of the Society to act in the position from the time of the vacancy to the filling of that position. However, to prevent an abuse of that provision, it provides that the acting member of the Executive shall hold office for not more than eight weeks. It is the intent that a replacement for an elected member of the Executive should be filled by the General Meeting.

Proposed changes

- Amendments to clause 5E, 6(a), (c), 6A, 11(b)-(k), 12(d), 15-19, 21, 23, 26A, 28, 32, 39

Summary of the proposed changes

Old Clause	New Clause
<p>5E. The Immediate Past President of the Society may serve as an ex-officio member of the Executive if they are so inclined. The Immediate Past President will have no voting power during their term as Immediate Past President.</p>	<p>5E. The Executive may, in its absolute discretion, invite the Immediate Past President to serve as an ex-officio member of the Executive if they consent to do so. As an ex-officio member, the Immediate Past President shall have no vote on any matter.</p> <p>The Immediate Past President of the Society may serve as an ex-officio member of the Executive if they are so inclined. The Immediate Past President will have no voting power during their term as Immediate Past President.</p>
<p>Part 6: Functions and Powers of the Executive</p> <p>6.</p> <p>a) The period of Executive tenure shall be thirteen months commencing 1 December. For the month of December, the Incoming Executive shall hold office concurrently with the Outgoing Executive, however the Outgoing Executive will continue to control the society's finances until 1 January.</p>	<p>Part 6: Functions and Powers of the Executive</p> <p>6.</p> <p>a) The term of each Executive shall be for 12 months. The Executive shall commence from 1 December of each year and continue to 30 November of the following year. The period of Executive tenure shall be thirteen months commencing 1 December in the year of election or appointment. For the month of December, the Immediate Past President, Secretary, Treasurer and Equity Officer shall assist in the administration of the Society. Incoming Executive shall hold office</p>



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	<p>concurrently with the Outgoing Executive, however the Outgoing Executive will continue to control the society's finances until 1 January.</p>
<p>c) The Executive shall be responsible for the appointment of:</p> <ul style="list-style-type: none"> i. the Electoral Officer; ii. the Legal Arbitrator; iii. the committees listed in Clauses 26 and 26A, upon the recommendation of the appropriate member of the Executive; iv. student representatives to sit on Faculty of Law committees; v. delegates to attend the annual ALSA Conference; vi. competitors to attend the annual ALSA Conference; and vii. members of the Society to other non-Executive positions as the Executive sees fit. 	<p>c) The Executive shall be responsible for the appointment of:</p> <ul style="list-style-type: none"> i. the Electoral Officer; ii. the Legal Arbitrator; iii. the committees listed in Clauses 26 and 26A, upon the recommendation of the appropriate member of the Executive; iv. student representatives to sit on Faculty of Law committees; v. delegates to attend the annual ALSA Conference; and vi. competitors to attend the annual ALSA Conference. ; and vii. members of the Society to other non-Executive positions as the Executive sees fit.
<p>6A. The Executive, subject to this Constitution, the Bylaws, and to any resolution passed by the Society in General Meeting:</p> <ul style="list-style-type: none"> a) is to control and manage the affairs of the Society; b) may exercise all such functions as may be exercised by the Society, other than those functions that are required by these rules to be exercised by a general meeting of the members of the Society; c) has power to perform all such acts and do all such things as appear to the Executive to be necessary or desirable for the proper management of the affairs of the Society, including the power to make, amend, and repeal the Bylaws. 	<p>6A. The Executive, subject to this Constitution, the Bylaws, and to any resolution passed by the Society in General Meeting:</p> <ul style="list-style-type: none"> a) is to control and manage the affairs of the Society; b) may exercise all such functions as may be exercised by the Society, other than those functions that are required under this Constitution by these rules to be exercised by a general meeting of the members of the Society; c) has power to perform all such acts and do all such things that as appear to the Executive considers to be necessary or desirable for the proper management of the affairs of the Society, including the power to make, amend, and repeal the Bylaws.
<p>Duties of the Secretary 11. The duties of the Secretary shall include:</p>	<p>Duties of the Secretary 11. The duties of the Secretary shall include:</p>



<p>b) Keeping minutes of meetings of the Society, and displaying the minutes, when approved, on the Society's notice boards and website;</p> <p>c) Presenting, as immediate past Secretary, on behalf of the Executive a report on the proceedings of the Society during the preceding year to the Annual General Meeting;</p> <p>d) Maintaining a list of current Members, in accordance with University of Sydney Union Guidelines;</p> <p>e) Conducting email communication with the Society as directed by the Executive;</p> <p>f) Ensuring that the records of the Society are stored electronically;</p> <p>g) Providing for the electronic submission of application forms;</p> <p>h) Monitoring all general Executive expenses including those related to the maintenance of the SULS office and storage space;</p> <p>i) Compiling the weekly SULS Newsletter;</p> <p>j) Maintaining the Society's registration with the University of Sydney Union; and</p> <p>k) Keeping a record of attendance at all meetings of the SULS Executive to be published in a SULS publication.</p>	<p>b) Keeping minutes of meetings of the Society, and displaying the minutes, when approved, on the Society's notice boards and website;</p> <p>c) Presenting, as immediate past Secretary, on behalf of the Executive a report on the proceedings of the Society during the preceding year to the Annual General Meeting;</p> <p>d) Maintaining a list of current Members, in accordance with University of Sydney Union Guidelines;</p> <p>e) Conducting email communication with the Society as directed by the Executive;</p> <p>f) Ensuring that the records of the Society are stored electronically;</p> <p>g) Providing for the electronic submission of application forms;</p> <p>h) Monitoring all general Executive expenses including those related to the maintenance of the SULS office and storage space;</p> <p>i) Compiling the weekly SULS Newsletter;</p> <p>j) Assisting in the maintenance of Maintaining the Society's registration with the University of Sydney Union; and</p> <p>k) Keeping a record of attendance at all meetings of the SULS Executive to be published on the Society's website in a SULS publication; and</p>
<p>Duties of the Treasurer</p> <p>12. The duties of the Treasurer shall include: [...]</p> <p>d) Presenting to the Annual General Meeting, as immediate past Treasurer, a report, profit and loss statement and balance sheet audited for the preceding year;</p>	<p>Duties of the Treasurer</p> <p>12. The duties of the Treasurer shall include: [...]</p> <p>e) Presenting to the Annual General Meeting, as immediate past Treasurer, a report, profit and loss statement and balance sheet audited for the preceding year;</p>
<p>Duties of the Competitions Directors</p> <p>15. The duties of the Competitions Directors shall include:</p>	<p>Duties of the Competitions Directors</p> <p>15. The duties of the Competitions Directors shall include:</p>



- a) Overseeing the administration of the mooting, client interviewing, negotiations, witness examination competitions intervarsity competitions and other skill development competitions.

Duties of the Women's Officer

16. The duties of the Women's Officer shall include:

- a) Advising the Executive on issues which affect women;
- b) Organising seminars, talks and other events to promote the position of women at Law School, in the legal profession and generally;
- c) Working with the SRC Women's Officer, the Union Women's Committee and other women's groups;
- d) Co-ordinating the Women's Mentoring Program; and
- e) Overseeing the publication of Yemaya.

Duties of the Sports Directors

17. The duties of the Sports Director shall include:

- a) Organising sporting activities, including teams for Inter-Faculty and Inter-Varsity competition, and social matches;
- b) Advertising all sporting activities (inter-Faculty, inter-Varsity and other) by email and posting of public notices, and whatever other means the Executive considers appropriate; and
- c) Liaising with Sydney University Sport and Fitness on matters that may be relevant to law students.

Duties of the Campus Director

18. The duties of the Campus Director shall include:

- a) Chairing the Campus Committee;
- b) Conducting elections to select the members of the Campus Committee in such manner as they shall see fit, subject to

- a) Overseeing the administration of the mooting, client interviewing, negotiations, witness examination competitions, intervarsity competitions and other skill development competitions; and

- b) Being responsible for the training and development of members of the Society for mooting and skill competitions.

Duties of the Women's Officer

16. The duties of the Women's Officer shall include:

- a) Advising the Executive on issues which affect women;
- b) Organising seminars, talks and other events to promote the position of women at Law School, in the legal profession and generally;
- c) Working with the SRC Women's Officer, the ~~USU Women's Portfolio Holder~~ ~~USU Women's Portfolio Holder~~ ~~Union Women's Committee~~ and other women's groups;
- d) Co-ordinating the Women's Mentoring Program; and
- e) Overseeing the publication of Yemaya.

Duties of the Sports Directors

17. The duties of the Sports Director shall include:

- a) Organising sporting activities, including teams for ~~interfaculty~~ ~~inter-Faculty~~ and ~~intervarsity~~ ~~inter-Varsity~~ competition, and social matches;
- b) Advertising all sporting activities (~~interfaculty~~ ~~inter-Faculty~~, ~~intervarsity~~ ~~Varsity~~ and other) ~~by email~~ and posting of public notices, and whatever other means the Executive considers appropriate; and
- c) Liaising with Sydney University Sport and Fitness on matters that may be relevant to law students.



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<p>approval of the Executive; and subject to any requirements in Part 4 of the Bylaws;</p> <ul style="list-style-type: none"> c) Promoting SULS’s presence on Campus by assisting other members of the Executive with relevant aspects of their portfolio and through the Campus Committee’s own initiatives; and d) Organising forums and seminars on issues of current interest from time to time. <p>Duties of the Publications Director</p> <p>19. The duties of the Publications Director shall include:</p> <ul style="list-style-type: none"> a) Producing the Welcome Week Handbook; b) Producing and facilitating the publication of Hearsay and Blackacre; c) Assisting with the publication of the SULS newsletter, Careers Guide, Yemaya and Dissent; and d) Overseeing other publications as the Executive may undertake. 	<p>Duties of the Campus Director</p> <p>18. The duties of the Campus Director shall include:</p> <ul style="list-style-type: none"> a) Chairing the Campus Committee; b) Conducting elections to select the members of the Campus Committee in such manner as they shall see fit, subject to approval of the Executive; and subject to any requirements in Part 4 of the Bylaws; c) Promoting the Society’s SULS’s presence on cCampus by assisting other members of the Executive with relevant aspects of their portfolio and through the Campus Committee’s own initiatives; and d) Organising forums and seminars on issues of current interest from time to time. <p>Duties of the Publications Director</p> <p>19. The duties of the Publications Director shall include:</p> <ul style="list-style-type: none"> a) Producing the First Years and Welcome Week Handbook; b) Producing and facilitating the publication of <i>Hearsay</i> and <i>Blackacre</i>; c) Assisting with the publication of the SULS newsletter, Careers Guide, <i>Yemaya</i> and <i>Dissent</i>; and d) Overseeing other publications that as the Executive may undertake.
<p>Duties of the Equity Officer</p> <p>21. The duties of the Equity Officer shall include: [...]</p> <ul style="list-style-type: none"> d) Providing information about Sydney University Student Support Services; 	<p>Duties of the Equity Officer</p> <p>21. The duties of the Equity Officer shall include: [...]</p> <ul style="list-style-type: none"> d) Providing information about student support services Sydney University Student Support Services;
<p>Duties of the Marketing Director</p> <p>23. The duties of the Marketing Director shall include:</p>	<p>Duties of the Marketing Director</p> <p>23. The duties of the Marketing Director shall include:</p>



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<ul style="list-style-type: none"> a) Maintaining the Society's website; b) Managing the Society's mailing list; c) Maintaining the Society's computer, printing and telephone and email systems; d) Providing technical support to the Executive in the fulfilment of its functions; e) Managing the Society's social media accounts (including Facebook, Twitter and Instagram) alongside the President and Vice- Presidents; f) Working closely with the Sponsorship Director to shape the marketing strategy of the Society; and g) Overseeing the Photography Subcommittee. 	<ul style="list-style-type: none"> a) Maintaining the Society's website; b) Managing the Society's mailing list; c) Maintaining the Society's computer, printing and telephone and email systems; d) Providing technical support to the Executive in the fulfilment of its functions; e) Managing the Society's social media accounts (including Facebook, Twitter and Instagram) alongside the President and Vice- Presidents; f) Working closely with the Sponsorship Director to shape the marketing strategy of the Society; and g) Overseeing the Photography Subcommittee.
<p>26A</p> <ul style="list-style-type: none"> a) Positions available on such Sub-Committees shall be advertised in the Society's emails and by notice posted on the notice boards of the Society, and by such other means as is considered necessary by the Executive; and b) Appointment to such Sub-Committees shall be considered by the Executive and made upon merit. 	<p>26A</p> <ul style="list-style-type: none"> a) Positions available on such Sub-Committees shall be advertised in the Society's emails and by notice posted on the notice boards of the Society's social media platforms, and by such other means as is considered necessary by the Executive; and b) Appointment to such Sub-Committees shall be considered by the member of the Executive of the relevant portfolio and made upon merit.
<p>32. The members of the Society may, at a General Meeting, carry a motion on notice to elect any member of the Society to fill a vacant elected position by a two- thirds majority vote of those members present and voting.</p>	<p>32.</p> <ol style="list-style-type: none"> 1) The members of the Society may, at a General Meeting, carry a motion on notice to elect any member of the Society to fill a vacant elected position by a two- thirds majority vote of those members present and voting. 2) Where there is a vacancy in an elected position, the Executive may appoint a member of the Society to act in the position from the time of the vacancy to the filling of that position under sub-clause (1). However, the acting member of the Executive shall hold office for not more than eight weeks.



<p>39. If the Executive expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member’s right of appeal under Part 9.</p>	<p>39. If the Executive expels or suspends a member, the Secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member’s right of appeal under Part 9.</p>
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13. Appointment of Appointed Positions

Background/Rationale

This amendment deals with affirmative action requirements. Firstly, the affirmative action provisions would be stated more concretely by replacing language of “Only [members of an intersectionality] may be considered...” with words that “The [autonomous position] must be [members of the intersectionality]”. It is not intended to bring about any substantive change, other than for the Ethnocultural Officer. Secondly, the affirmative action for Ethnocultural Officer will be matched with similar language used in the SRC Regulations and USU Constitution. Thirdly, new affirmative action requirements are imposed for the International Students Officer and Equity Officer. The Equity Officer must be a disabled member, a carer for a disabled person (who need not be a member of the Society), has experienced financial hardship, from regional Australia or a remote place, or has refugee status. For the latter, it is envisaged that they are a holder of a refugee or humanitarian visa (which would include Global Special Humanitarian visa (subclass 202), Protection visa (subclass 866), Refugee visas (subclass 200, 201, 203 and 204), Temporary Protection visa (subclass 785), Safe Haven Enterprise visa (subclass 790) and any like visas) or be registered as a refugee with the Red Cross or United Nations High Commissioner for Refugees.

This amendment retains the existing provision that appointed positions may be left unfilled at the discretion of the Executive. However, it now requires that before leaving an appointed position unfilled, the Executive must consider the impact (if any) to the portfolio, Executive and Society by leaving the position unfilled. This would need to be explained in reasons to the applicants.

This amendment also clarifies that the interviewing panel and appointing body are two separate and distinct groups (albeit with some overlap in membership). There will be four people (including the outgoing Officer, in the case of autonomous positions and where it is appropriate) on the interviewing panel. For abundant clarity, it is not required that all four people interview every applicant. However, those four people would be collectively responsible for making a recommendation to the Executive. The appointing body will be the incoming elected members of the Executive.

There is also clarification that appointments must be made *solely* on the basis of merit. Further, the Executive will be required to provide reasons to applicants for their decision to appoint or leave the position unfilled.

Proposed changes

- Amend cls 5C and 5D, and insert new cl 5CA

Summary of the proposed changes

Old Clause	New Clause
<p>5C. The elected members of the Executive shall appoint SULLS members to the eight abovementioned positions as soon as reasonably practicable after their election, following notice to all members that applications are being received for the autonomous positions as per 5D below.</p> <ol style="list-style-type: none"> Only queer members may be considered for the Queer Officer's position. Only women may be considered for the Women's Officer position Only First Nations members may be considered for the First Nation's Officer position. Only members who are people of colour may be considered for the Ethnocultural Officer position. Only disabled members — that is, members with disabilities — may be considered for the Disabilities Officer position. In the event that the elected members of the Executive deem there to be no suitable applicant for an appointed position, they may re-advertise the position as per 5D below. Appointed positions may be left unfilled at the discretion of the Executive Without limiting section 5C(f), if there is no suitable applicant for Women's Officer, the responsibilities of Women's Officer should be allocated to a female-identifying member of the elected executive. 	<p>5C. The elected members of the Executive shall appoint SULLS members of the Society to the eight appointed members of the Executive abovementioned positions as soon as reasonably practicable after their election, following notice to all members that applications are being received for these positions, pursuant to clause as per 5D below.</p> <p>5CA. (1) In the Executive:</p> <ol style="list-style-type: none"> The Queer Officer must be a queer-identifying member of the Society; The Women's Officer must be a woman-identifying member of the Society; The First Nation's Officer must be a First Nations member of the Society; The Ethnocultural Officer must be a member of the Society who identifies either as a person of colour, Indigenous or from a non-white or mixed-race ethnic or cultural background; The Disabilities Officer must be a disabled member of the Society - that is, a member with a disability; The International Student Officer must be a member of the Society who is an international student; and The Equity Officer must be a member of the Society who: <ol style="list-style-type: none"> is a disabled member; or



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	<p>ii) is a carer for a disabled person; or iii) has experienced financial hardship; or iv) is from regional Australia or a remote place; or, v) has refugee status (for example, is a holder of a refugee or humanitarian visa or registered with the Red Cross or United Nations High Commissioner for Refugees (UNHCR)).</p> <p>(2) In the event that the elected members of the Executive deem there to be no suitable applicant for an appointed position, they may re-advertise the position, pursuant to as per clause 5D below.</p> <p>(3) Appointed positions may be left unfilled at the discretion of the Executive. However, before leaving an appointed position unfilled, the Executive must consider the impact (if any) to the portfolio, Executive and Society by leaving the position unfilled.</p> <p>(4) Without limiting clause section 5CA(2), if there is no suitable applicant for Women's Officer, the responsibilities of Women's Officer should be allocated to a womanfemale-identifying member of the elected executive.</p>
<p>5D. Appointments to the Executive of the Society shall be subject to the following conditions:</p> <ul style="list-style-type: none">a) Nominations for appointed Executive positions shall remain open for at least two weeks;b) Notice shall be given by the Secretary of the availability of appointed Executive positions by placing particulars in an email to the Society's database, and by other means as the Executive may direct or the Secretary thinks appropriate.c) Appointments shall be on the basis of merit.d) For autonomous positions (Queer Officer, Women's Officer, Ethnocultural Officer and First Nations Officer) the final selection panel should comprise the Senior Executive, the	<p>5D. Appointments to the Executive of the Society shall be subject to the following conditions:</p> <ul style="list-style-type: none">a) Applications Nominations for appointed Executive positions shall remain open for at least two weeks;b) Notice shall be given by the Secretary of the availability of appointed Executive positions by placing particulars in an email to the Society's database, and by other means as the Executive may direct or the Secretary thinks appropriate;.c) The interviewing panel for each appointed Executive position shall be composed of up to four individuals. The interviewing panel for each appointed position shall be



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office bearer from the outgoing executive (if applicable), and other members of the Executive that identify with that portfolio. If these persons do not exist or are not available, the Executive should consult with other identifying individuals.

composed by a number determined by the incoming Executive, provided that the panel shall be composed of two or more persons and, in the case of autonomous positions, the panel shall be composed of:

- i) ~~In the case of autonomous positions, the panel shall be composed of:~~ Members of the incoming Executive who identify with the autonomous portfolio; and
 - 1) ~~Up to three members of the incoming Executive who identify with the autonomous portfolio; and~~
 - 2) ~~The outgoing position holder of that autonomous portfolio (if applicable);~~
 - 3) ~~However, if the above membership is not possible or available, the incoming Executive may appoint other members of the incoming Executive to the panel.~~
- ii) ~~In the case of other positions, the panel shall be composed of up to four members of the incoming Executive.~~ The outgoing position holder of that autonomous portfolio (if applicable).

However, if the above membership is not possible or available, the incoming executive may appoint members of the Society who identify with the autonomous portfolio or other members of the incoming Executive to the panel.

- d) The appointment of each appointed Executive position shall be by the incoming elected members of the Executive.
- e) Appointments must ~~shall~~ be solely on the basis of merit.-
- f) For each applicable position, the Executive must provide reasons to all applicants under sub-clause (a) nominators for their decision:
 - i) to appoint a member to an appointed Executive position; or
 - ii) to exercise their discretion to leave an appointed Executive position unfilled.



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	<p>g) In the case of autonomous positions, the Executive may consult with other identifying individuals. For autonomous positions (Queer Officer, Women's Officer, Ethnocultural Officer and First Nations Officer) the final selection panel should comprise the Senior Executive, the office bearer from the outgoing executive (if applicable), and other members of the Executive that identify with that portfolio. If these persons do not exist or are not available, the Executive should consult with other identifying individuals.</p> <p>h) For the purposes of filling a casual vacancy, references to 'incoming Executive' in this clause shall be read as 'the Executive'.</p>
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14. Attendance Requirements of the Executive

Background/Rationale

Members of the Executive must attend meetings of the Executive. It is their duty to contribute to the affairs and efficient running of their Society. It is plainly unacceptable for members of the Executive to retain their positions whilst having unexplained absences from the Executive. The new clause will explicitly state that all members of the Executive have an obligation to attend all meetings of the Executive but apologies can be sent if there is a good reason for the absence.

It will be the duty of the President and Secretary to monitor the attendance of members of the Executive. If a member of the Executive has been absent for three consecutive or five overall meetings without their apologies accepted and leave of absence granted, it will be the duty of the President and Secretary to raise this matter to the Executive. The Executive must then vote on whether the member of the Executive is dismissed. The President and Secretary must move this motion so as to facilitate a discussion. However, they are not obliged to vote in favour and can act on their own conscience. Other members of the Executive can also move motions as well.

Proposed changes

- Omit cls 29-30 and instead insert new cls 29-30.

Summary of the proposed changes



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Old Clause	New Clause
<p>Failure to attend Executive meetings.</p> <p>29. Any member of the Executive who does not attend three consecutive regular meetings of the Executive without leave may be dismissed by a two-thirds majority vote of the members present and voting at an Executive meeting so long as two thirds of the Executive are present and the motion to dismiss is circulated with notice of the Executive meeting more than seven (7) days prior to the meeting. Such an Executive meeting may only be called on request of three members of the Executive, none of whom are the subject of the motion. If the President refuses to call such a meeting on request, the three requesting members may call the meeting themselves.</p> <p>30. Leave from Executive meetings may not be withheld without good reason.</p>	<p>Failure to attend Executive meetings.</p> <p>29. Any member of the Executive who does not attend three consecutive regular meetings of the Executive without leave may be dismissed by a two thirds majority vote of the members present and voting at an Executive meeting so long as two thirds of the Executive are present and the motion to dismiss is circulated with notice of the Executive meeting more than seven (7) days prior to the meeting. Such an Executive meeting may only be called on request of three members of the Executive, none of whom are the subject of the motion. If the President refuses to call such a meeting on request, the three requesting members may call the meeting themselves.</p> <p>(1) All members of the Executive have an obligation to attend all meetings of the Executive.</p> <p>(2) If a member of the Executive is unable to attend a meeting of the Executive, they may submit apologies.</p> <p>(3) Upon the receipt of apologies, the Executive may grant the relevant member of the Executive a leave of absence.</p> <p>(4) Leave must not be withheld without good reason.</p> <p>Failure to Attend Executive Meetings</p> <p>30. Leave from Executive meetings may not be withheld without good reason.</p> <p>(1) In this clause, an “absent Executive member” means a member of the Executive who was absent (without leave of absence granted by the Executive) for:</p> <p>(a) three consecutive meetings of the Executive; or</p> <p>(b) five meetings of the Executive in a term of the Executive.</p> <p>(2) An absent Executive member may be dismissed by a two-thirds majority of the Executive present and voting.</p>



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(3) It is the duty of the President and Secretary to:

- (a) notify all members of the Executive that a member of the Executive is an absent Executive member as soon as practicable; and
- (b) move a motion for their dismissal at a meeting of the Executive immediately following the notification and, if necessary, at any subsequent meeting of the Executive.

(4) The Executive must give the absent Executive member a reasonable right of reply, by submitting a written response and/or speaking at the meeting. However, nothing prevents the Executive from dismissing an absent Executive member if they do not wish to exercise their right or, after a reasonable time, makes no reply.

(5) To remove any doubt:

- (a) Although it is the duty of the President and Secretary to move a motion so that discussion can take place, they are under no duty to vote affirmatively to their motion; and
- (b) Nothing in sub-clause (3) prevents a different member of the Executive from issuing a notification or moving a motion that an absent Executive member be dismissed; and
- (c) Nothing in this clause limits the General Meeting's power to remove a member of the Executive pursuant to clauses 31 or 33(a).

15. Miscellaneous amendments to modernise the Constitution: Finance and compliance with USU and regulatory requirements

Background/Rationale

In relation to financial matters, these amendments modernise the Constitution and reflect current practice. The existing cls 12(f) and 60 were outdated provision that required submission of documents to “Clubs and Societies auditors” by 1 February of each year. This is no longer the requirements of the Clubs and Societies Office. Instead, obligations to submit finances and records will be provided in cl 12(b).

Clause 58, which relates to signatories of USU accounts, is amended to formally add the Secretary and Equity Officer. It has been common practice for the Secretary to be a signatory. It is proposed that the Equity Officer is added to protect the confidentiality and integrity of financial assistance programs in the Equity portfolio as far as possible so that fewer members of the Executive need to know about an equity recipient’s name, the amount of their equity payment and their circumstances and reasons for the payment. This extends to the context of equity grants, reimbursement for discounted tickets and return of textbook bonds.

The amendment to cl 64 will provide flexibility for the Equity Officer to administer financial assistance programs. Rather than ‘specifically’ requiring an application made by students in need for every single event, the Equity Officer will have the power, subject to the By-laws, to give grants that cover a period of time (such as a semester). That way, students in need do not need to regularly re-submit an application form for each event that they wish to receive financial assistance for.

Proposed changes

- Amendments to cls 6(b), 12(b), (f), 58, 60, 64, 89

Summary of the proposed changes

Old Clause	New Clause
<p>Part 6: Functions and Powers of the Executive b) The Executive shall be responsible for ensuring the Society complies with all the requirements of the University of Sydney for annual recognition.</p> <p>12 The duties of the Treasurer shall include: [...]</p> <p>b) Maintain the Society’s finances in accordance with the Treasurer’s Handbook produced by the Clubs and Societies Office of the University of Sydney Union;</p>	<p>Part 6: Functions and Powers of the Executive b) The Executive shall be responsible for ensuring the Society complies with all the requirements of the University of Sydney, University of Sydney Union and any government regulators for annual recognition.</p> <p>12 The duties of the Treasurer shall include: [...]</p>



[...]

f) Submitting a profit and loss statement and balance sheet for the year to the Clubs and Societies auditors by 1 February in the following year;

Accounts of the Society

58. The Society shall have such banking accounts as the Executive sees fit and the signatories shall be:

- a) the Treasurer;
- b) the President; and
- c) another member of the Executive who undertakes his or her studies at the Law School;

any two of whom may operate such accounts on behalf of the Society

Compliance and Audit

60. The finances of the Society shall be maintained in accordance with the C&S Handbook for Treasurers produced by the Clubs & Societies Office of The University of the Sydney Union, and submitted for audit by the Clubs & Societies Auditor immediately following the Financial Year End of the Society in the month of December each year.

Concessions

64. No concession shall be given to any person in the nature of free or discounted tickets to any function arranged by or in conjunction with the Society, unless:

- a) the person has specifically applied for and been successful in their application for an equity grant from the Society's Equity Officer, or
- b) a motion to that effect is approved by two-thirds of the members present and voting at an ordinary meeting of the Executive.

b) Maintain **and submit** the Society's finances **and records** in accordance with the **requirements** ~~Treasurer's Handbook produced by the Clubs and Societies Office of the University of Sydney Union;~~

[...]

~~f) Submitting a profit and loss statement and balance sheet for the year to the Clubs and Societies auditors by 1 February in the following year;~~

Accounts of the Society

58. The Society shall have such banking accounts as the Executive sees fit and the signatories shall be:

- a) the Treasurer;
- b) the President; ~~and~~
- c) the Secretary;**
- d) the Equity Officer**

e) ~~another any other~~ member of the Executive **that the Executive appoints when the Executive deems it necessary** ~~who undertakes his or her studies at the Law School;~~

any two of whom may operate such accounts on behalf of the Society

Compliance and Audit

60. The finances of the Society shall be maintained in accordance with the ~~C&S Handbook for Treasurers produced by~~ **requirements of** the Clubs & Societies Office of The University of the Sydney Union, ~~and submitted for audit by the Clubs & Societies Auditor immediately~~ following the Financial Year End of the Society in the month of December each year.

Concessions

64. No concession shall be given to any person in the nature of free or discounted tickets to any function arranged by or in conjunction with the Society, unless:



Part 23: Inactivity

89. The Society shall be deemed inactive after any continuous six-month period in which that Club or Society has remained unregistered. If, upon inactivity, there remains any monies or properties, the Clubs & Societies Office shall control such properties and all money will be deposited into a USU-administered trust account and will be returned to the Club should it reform. After a total of eighteen months inactivity, all Society funds will be transferred to the USU general account

- a) the person has been approved for an equity grant or program by the equity officer, in accordance with any relevant By-laws, specifically applied for and been successful in their application for an equity grant from the Society's Equity Officer, or
- b) a motion to that effect is approved by two-thirds of the members present and voting at an ordinary meeting of the Executive.

Part 23: Inactivity

89. The Society shall be deemed inactive after any continuous six-month period in which that Club or Society has remained unregistered. If, upon inactivity, there remains any monies or properties, the Clubs & Societies Office shall control such properties and all money will be deposited into a USU-administered trust account and will be returned to the Club should it reform. After a total of eighteen months of inactivity, all Society funds will be transferred to the USU general account

16. Conduct of General Meetings

Background/Rationale

This amendment makes administrative changes to provisions governing the conduct of General Meetings. Relevantly, Special General Meetings must be held between 9am and 9pm. Further, motions on notice should also be able to be moved for Special General Meetings and are not limited to Annual General Meetings.

Proposed changes

- Amendments to cls 11(l), 47, 48, 50-54
- Insert new cl 53A



Summary of the proposed changes

Old Clause	New Clause
<p>Duties of the Secretary 11. The duties of the Secretary shall include l) Calling a general meeting if and when he or she sees fit; or as required under s 38A(a).</p>	<p>Duties of the Secretary 11. The duties of the Secretary shall include l) Calling a general meeting if and when he or she sees fit; or as required under s 50A38A(a).</p>
<p>Part 10: Annual General Meetings 47. [...] d) The Annual General Meeting shall be held between 9am and 9pm at a place on a campus of the University of Sydney during semester (teaching period, Weeks 1 -13). The meeting shall be held online using suitable audio-visual conferencing software and, where possible, at a place on a campus of the University of Sydney.</p>	<p>Part 10: Annual General Meetings 47. [...] d) The Annual General Meeting shall be held between 9am and 9pm at a place on a campus of the University of Sydney during the semester teaching period (from the start of main semester to before the commencement of STUVAC)(teaching period, Weeks 1 –13). The meeting shall be held online using suitable audio-visual conferencing software and, where possible, at a place on a campus of the University of Sydney.</p>
<p>Motions on Notice 48. a) Motions on notice shall be conveyed to the Secretary of the Society at least seventeen (17) days before the Annual General Meeting. b) The Secretary shall give notice of such motions by notices placed on the notice boards of the Society or by an email sent to members no less than fourteen (14) days before the Annual General Meeting. c) All motions on notice shall be made available to members of the Society on request.</p>	<p>Motions on Notice 48. a) Motions on notice shall be conveyed to the Secretary of the Society at least seventeen (17) days before the Annual General Meeting. b) The Secretary shall give notice of such motions by notices placed on the notice boards of the Society or by an email sent to members no less than fourteen (14) days before the Annual General Meeting. c) All motions on notice shall be made available to members of the Society on request.</p>



<p>d) This rule does not apply to motions to amend the Constitution, which must comply with the procedure set out in Part 16.</p> <p>e) The rule does not apply to motions to amend the Standing Orders of the Society or Electoral Regulations, which must comply with the procedures set out in sections 73 and 76, respectively.</p>	<p>d) This rule does not apply to motions to amend the Constitution, which must comply with the procedure set out in Part 16.</p> <p>e) The rule does not apply to motions to amend the Constitution, Electoral Regulations or Standing Orders of the Society or Electoral Regulations, which must comply with the procedures set out in clauses sections 70 73 and 76, respectively.</p>
<p>Part 11: General Meetings Convening of General Meeting 50. The Society shall hold General Meetings as required during semester (teaching period, Weeks 1-13). The meeting shall be held online using suitable audio-visual conferencing software, and where possible, at a place on a campus of the University of Sydney. 50A. A General Meeting of the Society shall be convened: a) By the Secretary at any time, for any worthy purpose, and he or she shall do so forthwith upon receipt of the written application of twenty percent (20%) of Members of the Society stating the purposes for which the meeting is called. The business debated at a General Meeting shall be confined to the purposes in the notice; or b) By the President of the Society, or in the case of misadventure, by one of the Vice-Presidents. 50B. If an application is received in accordance with section 50A(a), the President shall convene a General Meeting within twenty-one (21) days. Notice of General Meeting 51. Except where otherwise provided, the Secretary shall give at least seven (7) days' notice of the time and place of a General Meeting through one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board, and if possible, by a</p>	<p>Part 11: General Meetings Convening of General Meeting 50. The Society shall hold General Meetings as required during the semester teaching period (from the start of main semester to before the commencement of STUVAC)(teaching period, Weeks 1–13). The General Meeting shall be held between 9am and 9pm. The meeting shall be held online using suitable audio-visual conferencing software, and where possible, at a place on a campus of the University of Sydney. 50A. A Special General Meeting of the Society shall be convened: c) By the Secretary at any time, for any worthy purpose, and he or she shall do so forthwith upon receipt of the written application of twenty percent (20%) of Members of the Society stating the purposes for which the meeting is called. The business debated at a Special General Meeting shall be confined to the purposes in the notice; or d) By the President of the Society, or in the case of misadventure, by one of the Vice-Presidents. 50B. If an application is received in accordance with section 50A(a), the President Secretary shall convene a Special General Meeting within twenty-one (21) days. Notice of General Meeting 51. Except where otherwise provided, the Secretary shall give at least seven (7) days' notice of the time and place of a Special General</p>



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mail-out to all members. (A mail-out is understood to include communication by e-mail.)

52. The procedure at all meetings shall follow the normal rules of debate .

53. The agenda for a General Meeting shall include:

- a) Opening and welcome;
- b) Acknowledgment of Country, and/or Welcome to Country as appropriate;
- c) Apologies and leaves of absence;
- d) Minutes of the previous meeting;
- e) Business arising from the minutes;
- f) Correspondence;
- g) Motions on notice;
- h) Reports of Executive Members, as required; and
- i) General business.

Part 12: Quorum at General Meetings

54. The quorum for General Meetings of the Society shall be the lesser of one-third of members or fifteen (15) members.

Meeting through one of the recognised publications of The University of Sydney Union and, if possible, the Society notice board, and if possible, by a mail-out to all members. (A mail-out is understood to include communication by e-mail.)

52. The procedure at all meetings shall follow the normal rules of debate.

53. The agenda for a **Special** General Meeting shall include:

- a) Opening and welcome;
- b) Acknowledgment of Country, and/or Welcome to Country as appropriate;
- c) Apologies and leaves of absence;
- d) Minutes of the previous meeting;
- e) Business arising from the minutes;
- f) Correspondence;
- g) Motions on notice;
- h) Reports of Executive Members, as required; and
- i) General business.

Motions on Notice

53A.

- a) Motions on notice shall be conveyed to the Secretary of the Society at least seventeen (17) days before the Special General Meeting.
- b) The Secretary shall give notice of such motions by notices placed on the notice boards of the Society or by an email sent to members no less than fourteen (14) days before the Special General Meeting.



- c) All motions on notice shall be made available to members of the Society on request.
- d) This rule does not apply to motions to amend the Constitution, which must comply with the procedure set out in Part 16.
- e) The rule does not apply to motions to amend the Constitution, Electoral Regulations or Standing Orders of the Society, which must comply with the procedures set out in clauses 70, 73 and 76, respectively.

Part 12: Quorum at General Meetings

54. The quorum for all General Meetings of the Society shall be the lesser of one-third of members or fifteen (15) members.

17. Amendments to the Constitution, Electoral Regulations and Standing Orders; Dissolution

Background/Rationale

This amendment:

- Addresses obsolete provisions requiring matters to be on notice boards or publications of the University of Sydney Union;
- Abolishes an automatic deeming provision;
- Prevents changes in By-laws from taking effect unless notified in SULLS Weekly and published on the website;
- Providing that no changes to the Electoral Regulations shall take effect until after the Notice of Election Result or final determination of any appeals arising out of the election (whichever is later); and
- Increases the threshold for alterations to the Electoral Regulations to a two-thirds majority of the General Meeting and dissolution of the Society to a three-fourths majority of the General Meeting (which is the same as alterations to the Constitution).

Proposed changes

- Amendments to cls 70-73, 77, 87-88



Summary of the proposed changes

Old Clause	New Clause
<p>Part 17: Alterations to the Constitution</p> <p>70. This Constitution may be amended or added to by a three-quarters majority of those members present and voting at any General Meeting, provided that:</p> <ul style="list-style-type: none"> a) Notice of such proposed change has been given to the Secretary, in writing, at least seventeen (17) days before such meeting; b) The Secretary has given at least fourteen (14) days' notice of such proposed changes to all members of the Society; c) The said amendment(s) do not contravene any University of Sydney or University of Sydney Union regulation(s); d) A copy of the amended constitution, and minutes of the meeting at which the amendment(s) were made, are presented to the Clubs and Societies Programme Manager of the University of Sydney Union within fourteen (14) days of the meeting; and, e) The amendment(s) do not become effective until approved by the Clubs and Societies Committee and ratified by the Board of the University of Sydney Union. All amendments shall be presumed to be moved subject to this requirement and the above requirements within this section, unless expressly inconsistent with such requirements. <p>71. For the purposes of clause 70(b), "notice" means placed in one of the recognised publications of the University of Sydney Union, and a mail-out via email to the Society's database.</p> <p>72. The Bylaws may be amended or added to by an absolute majority of those Executives present and voting at any Executive meeting.</p>	<p>Part 17: Alterations to the Constitution</p> <p>70. This Constitution may be amended or added to by a three-quarters majority of those members present and voting at any General Meeting, provided that:</p> <ul style="list-style-type: none"> a) Notice of such proposed change has been given to the Secretary, in writing, at least seventeen (17) days before such meeting; b) The Secretary has given at least fourteen (14) days' notice of such proposed changes to all members of the Society; c) The said amendment(s) do not contravene any University of Sydney or University of Sydney Union regulation(s); d) A copy of the amended constitution, and minutes of the meeting at which the amendment(s) were made, are presented to the Clubs and Societies Office Programme Manager of the University of Sydney Union within fourteen (14) days of the meeting; and, e) The amendment(s) do not become effective until approved by the Clubs and Societies Committee and ratified by the Board of the University of Sydney Union. All amendments shall be presumed to be moved subject to this requirement and the above requirements within this section, unless expressly inconsistent with such requirements. <p>71. For the purposes of clause 70(b), "notice" means placed in one of the recognised publications of the University of Sydney Union, and a mail-out via email to the Society's database and on the Society's website.</p>



Part 18: Electoral Regulations

73. The Society in General Meeting may make such regulations as may be necessary for the conduct of elections, subject to the following:

- a) notice of any motion to amend the regulations must be given to the Secretary, in writing, at least seventeen (17) days before the General Meeting;
- b) the Secretary must give at least fourteen (14) days' notice of such proposed changes to all members of the Society;
- c) a mail-out via email to the Society's database shall be deemed sufficient notice to all members of the Society;
- d) the changes must be approved by a majority of members present and voting at the General Meeting;
- e) no regulation changes may be made in the period between the appointment of the electoral officer and the final determination of any appeals arising out of the election;
- f) the regulations must be attached as Appendix 1 to this Constitution; and
- g) the regulations must not be inconsistent with this Constitution.

77. The Standing Orders may be amended by the Society in General Meeting, subject to the following:

72. The Bylaws may be amended or added to by an absolute majority of those Executives present and voting at any Executive meeting.

However, the By-laws shall not take effect until the amendments are notified to members of the Society in the Society's newsletter and updated on the Society's website.

Part 18: Electoral Regulations

73. The Society in General Meeting may make such regulations as may be necessary for the conduct of elections and other incidental matters, subject to the following:

- a) notice of any motion to amend the regulations must be given to the Secretary, in writing, at least seventeen (17) days before the General Meeting;
- b) the Secretary must give at least fourteen (14) days' notice of such proposed changes to all members of the Society;
- c) a mail-out via email to the Society's database and publication on the Society's website shall be deemed sufficient notice to all members of the Society;
- d) the changes must be approved by a two-thirds majority of members present and voting at the General Meeting;
- e) no any Rregulation changes may be made in the period between the appointment of the Electoral Oofficer and the final determination of any appeals arising out of the election shall be of no effect until after the Notice of Election Result or final determination of any appeals arising out of the election (whichever is later);
- f) the Rregulation must be attached as Appendix 1 to this Constitution; and
- g) the Rregulation must not be inconsistent with this Constitution.

77. The Standing Orders may be amended by the Society in General Meeting, subject to the following:



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- a) Notice of any motion to amend the Standing Orders must be given to the Secretary, in writing, at least seventeen (17) days before the General Meeting;
- b) The Secretary must give at least fourteen (14) days' notice of such proposed changes to all members of the Society;
- c) A mail-out via email to the Society's database shall be deemed sufficient notice to all members of the Society;
- d) The changes must be approved by a majority of members present and voting at the General Meeting;
- e) The Standing orders must be attached as Appendix 2 to this constitution; and
- f) The Standing orders must not be inconsistent with this Constitution.

- a) Notice of any motion to amend the Standing Orders must be given to the Secretary, in writing, at least seventeen (17) days before the General Meeting;
- b) The Secretary must give at least fourteen (14) days' notice of such proposed changes to all members of the Society;
- c) A mail-out via email to the Society's database and the **Society's website** shall be deemed sufficient notice to all members of the Society;
- d) The changes must be approved by a majority of members present and voting at the General Meeting;
- e) The Standing orders must be attached as Appendix 2 to this **C**onstitution; and
- f) The Standing orders must not be inconsistent with this Constitution.

Part 22: Dissolution

87. The Society may be dissolved by resolution of a two-thirds majority vote of those members present and voting at a General Meeting. If on the dissolution there remain any monies or property, they shall, with the consent of the Clubs and Societies Office, be transferred to a cultural charitable or educational organisation as the Society in a General Meeting may resolve.

88. The Secretary shall give at least fourteen (14) days' notice of the time and place of such a General Meeting through one of the recognized publications of the University of Sydney Union and, if possible, the Society notice board and, if possible, by a mail-out to all members. (A mail-out is understood to include communication by e-mail.)

Part 22: Dissolution

87. The Society may be dissolved by resolution of a ~~two-thirds~~ **three-quarters** majority vote of those members present and voting at a General Meeting. ~~If,~~ on the dissolution there remains ~~any~~ any monies or property, they shall, with the consent of the Clubs and Societies Office, be transferred to a cultural charitable or educational organisation as the Society in a General Meeting may resolve.

88. The Secretary shall give at least fourteen (14) days' notice of the time and place of such a General Meeting ~~through one of the recognized publications of the University of Sydney Union and, if possible, the Society notice board and, if possible,~~ by a mail-out to all members **and publishing the notice on the Society's website.** (A mail-out is understood to include communication by e-mail.)

18. Miscellaneous amendments to modernise the Constitution: Membership, references to clauses, correcting anomalies

Background/Rationale

This amendment makes miscellaneous amendments to modernise the Constitution. All provisions in the Constitution should be referred to clauses, not sections. There are no substantive changes.

Clause 46 makes clear that determinations of appeals by an academic are final and binding at the Society level but a person may still appeal to the University of Sydney Union.

Proposed changes

- Amendments to cls 4A, 34, 44-46, 57, 75, 78, 85

Summary of the proposed changes

Old Clause	New Clause
<p>4A. A person is eligible to be a member of the Society if:</p> <p>a) The person is a natural person, and</p> <p>b) The person is a student in the Faculty of Law (whether undergraduate, postgraduate, Juris Doctor or Honours student) proceeding to a degree or diploma, OR</p> <p>c) The person is a student studying the Diploma of Law jointly run by the Law Extension Committee and the NSW Legal Profession Admissions Board.</p>	<p>4A. A person is eligible to be a member of the Society if:</p> <p>a) The person is a natural person, and</p> <p>b) Either:</p> <p>i) The person is a student in the Faculty of Law (whether undergraduate, post-graduate, Juris Doctor or Honours student) proceeding to a degree or diploma;</p> <p>or</p> <p>ii) The person is a student studying the Diploma of Law jointly run by the Law Extension Committee and the NSW Legal Profession Admissions Board.</p>
<p>Filling casual vacancies of appointed members</p> <p>34. The Executive may appoint a member to fill a vacant appointed position subject to the conditions in s 5D.</p>	<p>Filling casual vacancies of appointed members</p> <p>34. The Executive may appoint a member to fill a vacant appointed position subject to the conditions in clause s 5D.</p>
<p>Part 9: Right of appeal of disciplined member</p> <p>[...]</p>	<p>Part 9: Right of appeal of disciplined member</p> <p>[...]</p>



<p>44. The Secretary and/or President is to provide to the academic of the Faculty of Law deidentified versions (in accordance with Section 45) of all necessary materials, including but not limited to:</p> <ul style="list-style-type: none"> a) the original complaint under Section 35, b) the written notice under Section 39, c) the note of appeal under Section 41, and d) a statement of grounds on which the member intends to rely for the purposes of the appeal. <p>45. The Secretary and/or President is, to the best of their ability, to de-identify the necessary materials provided to the academic of the Faculty of Law under Section 44, so as not to reveal, the identity of:</p> <ul style="list-style-type: none"> a) the original complainant, and b) the member concerned, unless the original complainant or the member concerned consent to their identity being revealed to the academic of the Faculty of Law. <p>46. The appeal is to be determined by that academic of the Faculty of Law. The decisions of the academic are final and conclusive.</p>	<p>44. The Secretary and/or President is to provide to the academic of the Faculty of Law deidentified versions (in accordance with Section 45) of all necessary materials, including but not limited to:</p> <ul style="list-style-type: none"> e) the original complaint under clause Section 35, f) the written notice under clause Section 39, g) the note of appeal under clause Section 41, and h) a statement of grounds on which the member intends to rely for the purposes of the appeal. <p>45. The Secretary and/or President is, to the best of their ability, to de-identify the necessary materials provided to the academic of the Faculty of Law under clause Section 44, so as not to reveal, the identity of:</p> <ul style="list-style-type: none"> c) the original complainant, and d) the member concerned, unless the original complainant or the member concerned consent to their identity being revealed to the academic of the Faculty of Law. <p>46. The appeal is to be determined by that academic of the Faculty of Law. The determination by decisions of the academic are final and conclusive decisions of the Society.</p>
<p>Funds of the Society [...]</p> <p>57. The funds of the society shall be dealt with as follows:</p> <ul style="list-style-type: none"> a) Whenever any person(s) deal, at the request or the direction of the Executive, with any money in the preparation, arrangement or execution of any function or activity of the Society, such person(s) shall lodge receipts with the Treasurer, indicating in writing the reason for the expenditure. b) Notwithstanding anything contained in this Constitution or the Bylaws, all assets and funds of the Society shall be used solely to further the Objects of the Society, and no portion of 	<p>Funds of the Society [...]</p> <p>57. The funds of the society shall be dealt with as follows:</p> <ul style="list-style-type: none"> a) Whenever any person(s) deals, at the request or the direction of the Executive, with any money in the preparation, arrangement or execution of any function or activity of the Society, such person(s) shall lodge receipts with the Treasurer, indicating in writing the reason for the expenditure. b) Notwithstanding anything contained in this Constitution or the Bylaws, all assets and funds of the Society shall be used solely to further the Objects of the Society, and no portion of



<p>those funds shall be paid or distributed to members of the Society except as compensation for out-of-pocket expenses.</p>	<p>those funds shall be paid or distributed to members of the Society except as compensation for out-of-pocket expenses.</p>
<p>Part 18: Electoral Regulations [...] 75. Every two years, the Executive should conduct a formal review of the Electoral Regulations to consider whether they promote accessibility and transparency, and seek to amend the regulations where necessary in accordance with section 70 of this Constitution.</p>	<p>Part 18: Electoral Regulations [...] 75. Every two years, the Executive should conduct a formal review of the Electoral Regulations to consider whether they promote accessibility and transparency, and seek to amend the regulations where necessary in accordance with section 739 of this Constitution.</p>
<p>Part 19: Standing Orders 78. The Procedure for creating, adding to or repealing the Standing Orders is the same as the procedures for amending them set out in section 77.</p>	<p>Part 19: Standing Orders 78. The Procedure for creating, adding to or repealing the Standing Orders is the same as the procedures for amending them set out in clause section 77.</p>
<p>Part 21: Relationship with the Sydney University Law Revue Society 85. The Sydney University Law Society will endeavour to support the Sydney University Law Revue by means including, but not limited to:</p> <ul style="list-style-type: none"> a) Allowing limited access to an usage of the SULS office and SULS storage space during the Law Revue pre-production period, where no other such facilities are available or practicable and pursuant to the approval of the SULS Executive; b) Raising sponsorship funds and making representations to existing and prospective sponsors on behalf of the Sydney University Law Revue Society (as per s 13(d)); c) Any other reasonable activities undertaken in support of and for the benefit of the Sydney University Law Revue which are consistent with the aims and interests of the Sydney University Law Society and the interests of students of the Law Faculty at Sydney University. 	<p>Part 21: Relationship with the Sydney University Law Revue Society 85. The Sydney University Law Society will endeavour to support the Sydney University Law Revue by means including, but not limited to:</p> <ul style="list-style-type: none"> a) Allowing limited access to an usage of the SULS office and SULS storage space during the Law Revue pre-production period, where no other such facilities are available or practicable and pursuant to the approval of the SULS Executive; b) Raising sponsorship funds and making representations to existing and prospective sponsors on behalf of the Sydney University Law Revue Society (as per clause s-13(d)); c) Any other reasonable activities undertaken in support of and for the benefit of the Sydney University Law Revue which are consistent with the aims and interests of the Sydney University Law Society and the interests of students of the Law Faculty at Sydney University.

19. Protecting Independence (Part 1)

Background/Rationale

This amendment repeals the Exceptional Circumstances clauses for 2020. It replaces cl 91 with a broad requirement that the resources of the Society not be used to promote candidates for any election. This is consistent with the fiduciary duties of Executive members. Promote in this context is somewhat akin to campaigning. A carve-out allows the Executive to be part of helping out with debates that occur during SULS elections.

Proposed changes

- Repeal cls 91-94.
- Insert new cl 91.

Summary of the proposed changes

Old Clause	New Clause
<p>Part 25: Exceptional Circumstances 91. For the year of 2020, AGMs, SGMs, elections and campaigns shall all be held online due to in-person limitations posed by COVID-19 health regulations. This clause ceases to have effect upon the conclusion of the last SGM for the year of 2020. 92. For the year of 2020, clause 5(c) of the Electoral Regulations does not apply. 93. For the year of 2020, election voting must be open for a period of no fewer than four hours and no greater than forty-eight hours. 94. This part ceases to have effect upon the conclusion of the last SGM for the year of 2020.</p>	<p>Part 25: Exceptional Circumstances 91. For the year of 2020, AGMs, SGMs, elections and campaigns shall all be held online due to in-person limitations posed by COVID-19 health regulations. This clause ceases to have effect upon the conclusion of the last SGM for the year of 2020. 92. For the year of 2020, clause 5(c) of the Electoral Regulations does not apply. 93. For the year of 2020, election voting must be open for a period of no fewer than four hours and no greater than forty eight hours. 94. This part ceases to have effect upon the conclusion of the last SGM for the year of 2020.</p> <p>Part 25: Independence</p>



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91. (1) A member of the Executive must not use the resources of the Society to promote candidates for any election, including, but not limited to, Commonwealth or State parliamentary, local government, University, club or society elections.

(2) Sub-clause (1) does not apply where the Executive members are doing so at the instruction of the Electoral Officer of the Society's elections to provide a forum for candidates or prospective candidates of those elections.

20. Protecting Independence (Part 2)

Background/Rationale

This amendment repeals the Exceptional Circumstances clauses for 2020.

The new amendments are designed to address a concerning trend that SULS Executive members have in the past used their office incidentally (rarely directly) to garner preliminary support for election to other bodies. Though in the past it has been noted that such actions have not been taken in particularly bad faith, it is the interest of the Society that its executives are not forming connections at events, especially First Year Camp in order to facilitate their electoral chances for other organisations such as the University of Sydney Union. The provisions require any Executive member actively considering or currently a candidate for election to certain other organisations to recuse themselves from events where they could receive a benefit from doing so, and notes the consequences of contravention. These are stringent and quite experimental provisions. It is considered that they will be a deterrent rather than punitive. To that end, amendments to them are welcomed from the floor of the meeting to adjust the scope as necessary.

Proposed changes

- Insert new cls 92-93.

Summary of the proposed changes

Old Clause	New Clause
	<p>92. (1) Any member of the Executive that is actively considering to be or is a candidate for election to:</p> <ul style="list-style-type: none"> a) Board Director of the University of Sydney Union; b) President of the Students Representative Council of the University of Sydney; c) Representative of the Students Representative Council, where their candidacy is first place on a ticket; d) Editor(s) of Honi Soit;



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e) General Councillor of the Sydney University Postgraduate Representative Society; or

f) Fellow of the University of Sydney Senate;

shall recuse themselves from attendance at any event of the Society where they hold a position which can be reasonably perceived to provide a direct or indirect benefit for their candidacy.

(2) Sub-clause (1) does not apply if it is necessary for the organisation and functioning of the event that the member of the Executive is in attendance. For the avoidance of doubt, Executives that attend such events must nevertheless comply with clause 91.

93.

(1) A member of the Executive may be the subject of a complaint to the President or Secretary for breaching clauses 91 or 92 by:

a) a member of the Society; or

b) an Electoral or Returning Officer of any of the elections or bodies in clause 92(1).

(2) Upon the receipt of a complaint under sub-clause (1), the Executive must consider the complaint at the shorter of:

a) the next scheduled meeting of the Executive; or

b) a convened a meeting within one week.

(3) An Executive member subject to a complaint in sub-clause (1) may be dismissed by an absolute majority of the Executive.

(4) The Executive must give such a member of the Executive a reasonable right of reply, by submitting a written response and/or speaking at the meeting. However, nothing prevents the Executive from dismissing this Executive member if they do not wish to exercise their right or, after a reasonable time, makes no reply.

(5) To remove any doubt, nothing in this clause limits a General Meeting's power to remove a member of the Executive pursuant to clauses 31 or 33(a).



APPENDIX B - Electoral Officer's Report

The Electoral Officer's Report for the SULS Annual Elections 2021

Report prepared by: Casper Lu (B. Comm. (Finance), LL.B. – University of Sydney), Electoral Officer, Sydney University Law Society Annual Elections 2021.

Report prepared for: University of Sydney Law Society (SULS). Authorised for public dissemination as at the Special General Meeting scheduled on the 10th of November 2021 or as the Secretary sees fit.

Part A: Declaration of Results

All of the provisionally elected candidates below are now duly elected.

President: Benjamin Hines

Vice President (Education): Irene Ma

Vice President (Careers): Thrishank Chintamaneni

Vice President (Social Justice): Naz Sharifi

Secretary: Eden McSheffrey

Treasurer: Julia Tran

Sponsorship Director: Kelly Ma

Social Directors: Grace Wong & Vivienne Davies

Competition Directors: Harriet Walker & Maja Vasic

Sports Director: Adam Schaffer

Campus Director: Onor Nottle

Publications Director: Ariana Haghighi

International Officer: Michelle Chim

Part B: Matters Arising from the Elections

SULS is an incredibly important body that sits alongside the Law School, and forms an integral part of the student experience of all those reading law at the University of Sydney. It provides a myriad of offerings, ranging from social events, to competitions and equity loans.

SULS' Elections are designed to elect from the student body 15 to represent their peers. These students are ultimately responsible for the operations and the financial position of SULS, and as such, the way by which the Elections are carried out each year is an integral part of the institution.

The brief report seeks to:

1. Provide some background into the operation of routine procedures;
2. Provide recommendations as to address the above issues.

It is noted that the dearth of recommendations in this report stems from the fact that many of them have been included in the suite of reforms to the SULS Constitution and Regulations proposed at the meeting at which this report is to be tabled. For readers of this report seeking recommendations for future Elections, I refer you to the Electoral Officer's report from 2020, written by then-Electoral Officer Calida Tang.



Phase One: Nomination Period

1. Dates

Immediately after the appointment of the Electoral Officer (EO), a schedule was set for the Elections. Because at this time, the Regulations operated in 7-day blocks, it was determined that the callout for Expressions of Interest starting the formal electoral process would occur at 9:00am on Wednesday 8th September 2021.

Two Expressions of Interest were received for President, and six Expressions of Interest were received for Senior Executive positions by the close of the Expression of Interest period two weeks after the period opened.

I held a preliminary meeting with both prospective Presidential candidates to establish a few ground rules and to inform them on administrative matters. These included how voting would take place, and a reminder of key Regulations they should avoid breaching. Notably, I sought mutual consent to vary the days of voting, as successive reforms to the Regulations meant voting technically lasted 0 seconds. Should the proposed reforms for the Special General Meeting not pass successfully, mutual consent will need to be sought for future Elections.

Many requests for guidance on the Regulations and Constitution were sought. The following emerged from discussions:

1. A co-presidency model does not exist with SULLS under its current Constitution.
2. It is misleading conduct to renege on any agreement on a so-called 'merged' ticket where it can be established the offending party did not intend to honour it.
3. Design was to be kept 'in-house'. I.e. No ticket would be allowed to source design work from outside the members (including the primary contact) of that ticket.

Recommendation 1.1: The Electoral Officer should endeavour to meet with all prospective Presidential candidates after the close of the Expression of Interest period to discuss preliminary matters.

2. Notice of Election

A Notice of the Election was provided in a manner satisfying the Regulations. The Notice was circulated by email on the 6th of October, and coincided with the opening of Nominations.

3. Nomination Period and Close of Nominations

The nomination period lapsed on the 20th of October. At this point, I received one ticket containing the names of both prospective Presidential candidates. I declared this ticket elected via an email to the SULLS mailing list shortly after the close of nominations.

4. Checking of Nomination Forms

After the nomination form was first received, I asked the University of Sydney Union and the Law School to verify both candidates and nominators for eligibility. Both entities noted no issues.



5. Electoral Roll

An Electoral Roll was sought from the Law School for the Elections, even though no formal election occurred. It is notable that much of the voting process is reliant on the accuracy and responsiveness of the Law School. The Law School is to be thanked for its assistance with the Elections thus far, but to avoid unnecessary burden and stress in the event the Law School cannot respond or is otherwise incapacitated, a stopgap measure might need to be considered to ensure the continued progress of the Elections to reduce reliance on the Law School.

Recommendation 5.1: That a stopgap measure be considered in the event that voter data is not readily available.

6. Voting System

OpaVote was being considered for this year's Elections, in line with the recommendation of the previous Electoral Officer, and my own previous experience. I would recommend this for future years as the most cost-efficient mechanism for voting, especially noting proposed reforms to make voting in the Elections online indefinitely.

Recommendation 6.1: That OpaVote be strongly considered for future elections. Notably this should not bind any future Electoral Officer to do so.

7. Audits

There was no audit for this year's Elections. I was satisfied given how early discussions occurred that there not be a contested election that the ticket submitted had either spent little or nothing, thereby satisfying the expenditure cap in the Regulations.

8. Other

Notably there is a significant body of reform to the Constitution and Regulations upcoming at the meeting at which this report is to be tabled. In light of this, there will be many requirements of SULLS and the Electoral Officer it appoints, both foreseen and unforeseen. Both should stay vigilant and ensure the Constitution and Regulations are complied with, and that the intention behind their words be strongly considered.



Summary of Recommendations of the 2021 Electoral Officer of the SULLS Elections

1. Dates

Recommendation 1.1: The Electoral Officer should endeavour to meet with all prospective Presidential candidates after the close of the Expression of Interest period to discuss preliminary matters.

2. Notice of Election

No recommendations made.

3. Nomination Period and Close of Nominations

No recommendations made.

4. Checking of Nomination Forms

No recommendations made.

5. Electoral Roll

Recommendation 5.1: That a stopgap measure be considered in the event that voter data is not readily available.

6. Voting System

Recommendation 6.1: That OpaVote be strongly considered for future elections. Notably this should not bind any future Electoral Officer to do so.

7. Audits

No recommendations made.

8. Other

No recommendations made.

Conclusion

The Elections this year were significantly briefer than those in previous years, with a return to the era of uncontested elections. Whether this becomes a trend once again is yet to be seen, especially with changes in the Regulations being determined often to address issues in transparency and a perceived lack of democratic accountability. Congratulations go to all those elected.

My warmest regards to you all,

Casper Lu

Electoral Officer

2021 SULLS Elections