

CONSTITUTION

OF

THE CRIMINAL AND FAMILY LAW

ASSOCIATION INCORPORATED

PART 1- PRELIMINARY	4
NAME	5
PURPOSE	5
DEFINITIONS	5
APPLICATION	6
AMENDING THE CONSTITUTION	6
GSA AFFILIATION	6
PART 2- POWERS OF ASSOCIATION	6
POWERS OF THE CFLA	7
NON-PROFIT CLAUSE	7
PART 3- MEMBERSHIP	7
MINIMUM NUMBER OF MEMBERS	8
WHO IS ELIGIBLE TO BE A MEMBER	8
REGISTER OF MEMBERS	8
GSA MEMBERSHIP COMPLIANCE	8
APPLICATION FOR MEMBERSHIP	9
CESSATION OF MEMBERSHIP	9
REMOVAL OF MEMBERS	9
DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS	9
DISPUTES AND MEDIATION	11
PART 4- COMMITTEE AND COMMITTEE MEETINGS	12
STRUCTURE OF THE COMMITTEE	13
EXECUTIVE OFFICE HOLDERS TERM	13
ELECTIONS OF THE MANAGING OFFICER AND SECRETARY	14
ELECTIONS OF OFFICERS OTHER THAN THE MANAGING OFFICER AND SECRETARY	14
ELECTIONS OF CO-OPTS	15
VACANCIES	15
MEETINGS OF THE COMMITTEE	16
VOTING AT COMMITTEE MEETINGS	16
SPECIAL RESOLUTIONS	16
NOTICE OF GENERAL MEETINGS	17
ANNUAL GENERAL MEETING	17
SPECIAL GENERAL MEETINGS	17

QUORUM FOR MEETINGS	17
MINUTES OF MEETINGS	18
ABSENCE FROM MEETINGS	18
PART 5- FINANCES AND WINDING UP THE CFLA	18
FUNDS	19
CUSTODY AND INSPECTION OF BOOKS AND RECORDS	19
WINDING UP	19

1.1 PART 1- PRELIMINARY

2 NAME

The name of the incorporated association is the Criminal and Family Law Association Inc ('the CFLA')

3 PURPOSE

3.1 The aim of the CFLA is to:

- (a) Enhance the academic and professional life of University of Melbourne Graduate students; and
- (b) Provide Members with information, and opportunities relevant to criminal and family law careers, issues and events.

3.2 The objective of the CFLA is to promote discussion, research and engagement with criminal and family law; paying particular attention to raising awareness of the over-incarceration and structural injustices faced by Aboriginal and Torres Strait Islander people in Australia

4 DEFINITIONS

In these rules-

the Act means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;

Committee means the members of the CFLA listed under rule 19

financial year means the year ending on 30 June;

general meeting means a general meeting of members convened in accordance with Rule 27;

law student means a student currently enrolled in a degree offered by the Law School at the University of Melbourne;

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 24

committee meeting means a meeting of the entire Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under rules 20,21,22

GSA means the Graduate Student Association

general member means a member of the CFLA that is not on any committee of the CFLA but has completed the appropriate membership registration form as provided by the CFLA committee

member means a member of the CFLA;

member entitled to vote means a member who under rule 13(1) is entitled to vote at a general meeting;

Purposes means aims and objectives as set out in section 2.

Regulations means regulations under the Act;

special resolution has the same meaning as the Act;

simple majority means fifty percent of eligible votes

the Registrar means the Registrar of Incorporated Associations.

5 APPLICATION

This Constitution is to be read in accordance with the Associations Incorporation Reform Act 2012 ('the Act').

6 AMENDING THE CONSTITUTION

- 6.1 The Constitution may be amended by special resolution at a General Meeting or at the AGM.
 - (a) Constitutional amendments must be presented in writing to the committee at least 14 days before the meeting.
 - (b) Notice of constitutional amendments must be sent to members 7 days before the meeting.

7 GSA AFFILIATION

- 7.1 When the CFLA is affiliated to the GSA, anything contained in this Constitution that conflicts with the Constitution of the GSA or with any regulations shall be null and void. In all matters not specifically provided for herein, the Constitution of the GSA and any regulations shall apply.
- 7.2 The CFLA may choose to affiliate, disaffiliate or re-affiliate from time-to-time by special resolution.

PART 2- POWERS OF ASSOCIATION

8 POWERS OF THE CFLA

- 8.1 Subject to the Act, the CFLA has power to do all things incidental or conducive to achieve its purposes.
- 8.2 The CFLA may only exercise its powers and use its income and assets (including any surplus) for its purposes.

9 NON-PROFIT CLAUSE

- 9.1 The profits (if any) or other income and property of the association must be applied solely towards the promotion of the purposes of the CFLA as set out in this Constitution and no portion of it may be distributed, directly or indirectly, to any member of the CFLA whether by way of dividend, bonus or other profits.
- 9.2 Rule 8.1 does not prevent any payment in good faith by the CFLA for the payment or reimbursement of out-of-pocket expenses incurred by a member of the CFLA on behalf of the CFLA.

PART 3- MEMBERSHIP

10 MINIMUM NUMBER OF MEMBERS

There must be a minimum of six University of Melbourne graduate student members to constitute the CFLA.

11 WHO IS ELIGIBLE TO BE A MEMBER

11.1 Membership shall be open to:

- (a) All students of the Melbourne Law School;
- (b) Other persons who subscribe to the aims of the CFLA.

11.2 Persons eligible under rule 10.1(a) may apply to be a-

- (a) Executive Committee Member
- (b) Committee member
- (c) General member

12 REGISTER OF MEMBERS

12.1 The Executive Officer must keep and maintain a register of members that includes—

- (a) For each current member—
 - (i) the member's name;
 - (ii) the email address for notice last given by the member;
 - (iii) the date of becoming a member;
 - (iv) if the member is an associate member under rule 12.2, a note to that effect;
 - (v) any other information determined by the Committee; and

12.2 For each former member, the date they cease to be a member.

12.3 Any Member may, at a reasonable time and free of charge, inspect the register of Members.

12.4 The CFLA may refuse a request made under rule 11.3 where:

- (a) To provide the information requested would be contrary to law;
- (b) To provide the information requested would materially prejudice the interests of the CFLA; or
- (c) To provide the information would be unreasonable in all the circumstances.
- (d) Where a request is refused pursuant to rule 11.4, a redacted version of the requested documentation may be made available, wherever possible.

13 GSA MEMBERSHIP COMPLIANCE

13.1 To maintain affiliation with the GSA, the CFLA's membership must be composed of a minimum of 75% Graduate Students from the University of Melbourne.

13.2 An associate membership may be offered to those persons who share the CFLA's aims but who would otherwise mean that the CFLA would compromise its 75% graduate student membership. These members shall not be counted as members according to the rules in this constitution relating to the governance of the organisation.

14 APPLICATION FOR MEMBERSHIP

14.1 A person can be considered a member on having:

(a) Completed a membership form as prepared by the Committee.

14.2 Members must not be required to pay:

(a) An entrance fee; or

(b) A subscription fee.

15 CESSATION OF MEMBERSHIP

15.1 A person will no longer be a member of the CFLA upon resignation, graduation from the Melbourne Law School unless they fall within 10.1(b), upon removal from the CFLA under rule 15, or death.

15.2 If a person ceases to become a member of the CFLA the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

16 REMOVAL OF MEMBERS

16.1 If it is deemed that a committee member should be stood down, by a motion of no confidence of the committee, or a petition bearing the names of at least two-third of members, removal proceedings will take place against the nominated committee member.

16.2 At a Special General Meeting or Annual General Meeting, via special resolution, a motion shall be put to remove the committee member, provided that at least seven days' notice has been given to the membership and to the member concerned in writing.

16.3 If this is passed by a two thirds majority, that committee position will become vacant and a new election held immediately.

16.4 The committee member to be removed must be given the opportunity to speak for at least five minutes or provide a written statement before the vote is taken.

17 DISCIPLINE, SUSPENSION AND EXPULSION OF MEMBERS

17.1 The CFLA may take disciplinary action against a member if it is determined that the member has failed to comply with the rules of this Constitution; refuses to support the aims of the CFLA; or has engaged in conduct prejudicial to the CFLA.

17.2 Disciplinary action may be taken on the terms above if it is deemed by a motion of the committee, or a petition bearing the names of at least two-third of members

17.3 Any member of the CFLA can be expelled.

- 17.4 The Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (a) the subcommittee may be Committee members, members of the CFLA or anyone else;
 - (b) members must not be biased against, or in favour of, the member concerned.
- 17.5 The subcommittee must give the member an opportunity to be heard and consider any written statement submitted by the member.
- 17.6 The disciplinary subcommittee may
- (a) take no further action against the member; or
 - (b) reprimand the member; or
 - (c) suspend the membership rights of the member for a specified period; or
 - (d) expel the member from the CLFA.
- 17.7 The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.
- 17.8 A person whose membership rights have been suspended or who has been expelled from the CFLA may give notice to the effect that they wish to appeal against the suspension or expulsion.
- 17.9 The notice must-
- (a) be in writing
 - (b) be given to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or
 - (c) be given to the Executive Officer not later than 48 hours after the vote.
- 17.10 A disciplinary appeal meeting must be convened in no less than 21 days and all members entitled to vote must be notified about the meeting.
- 17.11 At the meeting the committee must state the grounds for expelling the member and the reasons for taking action.
- (a) The member whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- 17.12 Following this, eligible members must vote by secret ballot.
- 17.13 The decision of the discipline committee will be upheld if 75% of the members voting at the meeting vote in favour of the decision.

18 DISPUTES AND MEDIATION

- 18.1 Disputes may arise that involve:
- (a) A member and another member;
 - (b) A member and the Committee;
 - (c) A member and the CLFA.

- 18.2 Any disputes must be resolved internally by the CLFA, and an informal resolution should be sought, except where there are serious allegations that should be referred to the appropriate authorities.
- 18.3 The parties must meet and discuss the matter of the dispute and must reasonably attempt to come to a decision within 14 days of all relevant parties being aware of the dispute.
- 18.4 If no resolution is found under rule 17.3 the parties may hold a meeting in the presence of a mediator, within 10 days.
- 18.5 The mediator must be
- (a) A person chosen by agreement between the parties; or
 - (b) In the absence of agreement—
 - (i) If the dispute is between a member and another member—a person appointed by the Committee; or
 - (ii) If the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- 18.6 A mediator appointed by the Committee may be a member or former member of the CFLA but in any case must not be a person who:
- (a) Has a personal interest in the dispute; or
 - (b) Is biased in favour for or against any party involved in the dispute.
- 18.7 The mediator to the dispute, in conducting the mediation, must:
- (a) Give each party every opportunity to be heard; and
 - (b) Allow due consideration by all parties of any written statement submitted by any party; and
 - (c) Ensure that natural justice is accorded to the parties throughout the mediation process.
- 18.8 The mediator must not determine the dispute and must keep the dispute confidential.
- 18.9 If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute at law.

PART 4- COMMITTEE AND COMMITTEE MEETINGS

19 STRUCTURE OF THE COMMITTEE

The CFLA Committee shall be comprised of the following:

- 19.1 A Cabinet consisting of:
- (a) The Managing Officer, who shall be a graduate student, and is the representative of the CFLA who shall liaise with the GSA.
 - (b) The Executive Officer, who shall be a graduate student, and is responsible for maintaining the constitution and minutes of any meetings held.

- (c) The Treasurer, who shall be a graduate student, and is responsible for maintaining the financial records of the CFLA.
- (d) The External Relation Officer(s), who shall be a graduate student, and are responsible for managing the relationships with sponsors and affiliates of the CFLA.

19.2 An Executive Committee consisting of:

- (a) Managing Officer;
- (b) Executive Officer;
- (c) Treasurer;
- (d) External Relations Officer(s);
- (e) Marketing Officer(s);
- (f) Careers Officer(s);
- (g) Engagement Officer(s);
- (h) Justice Officer(s); and
- (i) Any other pertinent Committee positions, as the Cabinet may see fit.

19.3 Co-opts to work with and help executive committee members in the carrying out of their responsibilities.

19.4 Members of the executive committee are called executive officers.

19.5 The executive officers included in the Cabinet may be altered by special resolution of the committee.

19.6 The Managing Officer may appoint an outgoing Cabinet member to the role of non-executive director.

19.7 The Executive Committee may vote by general resolution to create new co-opt positions from time to time.

20 EXECUTIVE OFFICE HOLDERS TERM

20.1 Each officer of the Executive Committee shall hold office until the AGM next after their date of election.

20.2 Officers cannot be re-elected to the same position unless otherwise decided by special resolution of the CFLA or if the position were to otherwise remain vacant.

- (a) Any member who has held the position of Managing Officer cannot hold the position of Executive Officer unless otherwise decided by special resolution of the committee, and vice versa.

20.3 Each executive committee member shall hold honorary office for a period of six months after the AGM and act as adviser to the new executive committee of the CFLA.

20.4 In the event that a vacancy in any executive position occurs, the executive committee may appoint one of its members to the vacant position. The member will hold the position until the conclusion of the next AGM or General Meeting following the date of appointment, whichever is first.

- (a) Any member of the CFLA committee may nominate themselves to be considered to fill the vacancy.

21 ELECTIONS OF THE MANAGING OFFICER AND EXECUTIVE OFFICER

- 21.1 Election of the Managing Officer and Executive Officer of the CFLA must be completed and announced before nominations of candidates for all other officers of the executive committee have closed.
- 21.2 Only members who are currently holding a position in the CFLA committee are eligible to apply for the positions of Managing Officer and Executive Officer
 - (a) Members who have held the position of Managing Officer or Executive Officer at any time in the past are not eligible to apply
- 21.3 Applications for the elections of Managing Officer and Executive Officer of the CFLA must-
 - (a) Be made in writing and signed by the candidate themselves and two members of the CFLA Cabinet
 - (b) Strictly close on the date advised on the application form except in circumstances under 20.4
- 21.4 In circumstances where the positions of Managing Officer and Executive Officer cannot reasonably be filled, the cabinet may extend the application deadline at their discretion.
- 21.5 The election process for the Managing Officer and Executive Officer will be set out in the Election Guidelines Manual.
 - (a) The Election Guidelines Manual must be ratified yearly by the Executive Committee in a General Meeting held prior to Week 3 of Semester 1 of each year.
 - (b) Any amendments to election guidelines must be passed by a resolution with a simple majority of the committee.
 - (c) The process must be democratic

22 ELECTIONS OF OFFICERS OTHER THAN THE MANAGING OFFICER AND EXECUTIVE OFFICER

- 22.1 Election of the Executive committee must be completed prior to the end of Semester 2 of each year.
- 22.2 Any student at the Melbourne Law School who shares the ideals of the CFLA may apply for a position in the Executive Committee
- 22.3 Applications for the elections of the Executive Committee members must-
 - (a) Be made in writing and signed by the candidate themselves and two members of the CFLA Executive Committee
 - (b) Strictly close on the date advised on the application form except in circumstances under 21.4.
- 22.4 In circumstances where the positions of Executive Committee cannot reasonably be filled, the Cabinet may extend the application deadline at their discretion
- 22.5 The election process for Executive Officers will be set out in the Election Guidelines Manual
 - (a) The Election Guidelines Manual must be ratified yearly by the Executive Committee in a General Meeting held prior to Week 3 of Semester 1 of each year.

- (b) Any amendments to election guidelines must be passed by general resolution with a simple majority of the committee .
- (c) the Committee must discuss any reasonable objections made by CFLA members
- (d) The process must be democratic

23 ELECTIONS OF CO-OPTS

- 23.1 Election of co-opts must be completed prior to Week 4 of Semester 1 of each year.
- 23.2 Any student at the Melbourne Law School who shares the ideals of the CFLA may apply
- 23.3 Applications for the elections of co-opts must-
 - (a) Be made in writing and signed by the candidate themselves and two members of the CFLA Executive Committee
 - (b) Strictly close on the date advised on the application form except in circumstances under 22.4
- 23.4 In circumstances where the positions of co-opts cannot reasonably be filled, the Cabinet may extend the application deadline at their discretion
- 23.5 The election process for co-opts will be set out in the CFLA's Election Guidelines Manual
 - (a) The CFLA's Election Guidelines Manual must be ratified yearly by the Executive Committee in a General Meeting held prior to Week 3 Semester 1
 - (b) Any amendments to election guidelines must be passed by general resolution with a simple majority of the committee
 - (c) The Guidelines must be circulated to members 14 days prior to the committee meeting
 - (d) the process must be democratic

24 VACANCIES

The office of a member of the CFLA committee becomes vacant if the member-

- 24.1 Ceases to be a member of the CFLA in accordance with rule 15 & 16; or
- 24.2 Resigns from office by notice in writing given to the Executive Officer
- 24.3 In the event of resignation of the Executive Officer, the notice must be given to the Managing Officer
- 24.4 Vacancies will be filled as soon as practicable by the committee of the CFLA.

25 MEETINGS OF THE COMMITTEE

- 24.1 A Chairperson shall be appointed for all meetings.
- 24.2 Unless otherwise decided by the Managing Officer, the chairperson will be the Managing Officer
- 24.3 The committee shall meet at least twice a semester and have the following powers:

- (a) Control over the finances of CFLA; and
- (b) Control over the activities of the CFLA.

24.4 A committee meeting may be called by any member of the committee, with a minimum of three days notice.

24.5 The committee is at all times bound by the decisions of a CFLA general meeting. Any committee decision may be overturned by a subsequent CFLA general meeting.

26 VOTING AT COMMITTEE MEETINGS

26.1 Any motion to be voted on at a meeting of the committee, or a meeting of any sub-committee shall be determined by either;

- (a) A show of hands
- (b) Or if a member requests, a poll, in the manner that the Chair determines

26.2 Each member present at a meeting of the committee or at a meeting of any sub committee is entitled to one vote and, in the event of an equality of votes on any questions, the Chair may exercise a second or casting vote.

26.3 A member of the CFLA is entitled to appoint another member of the CFLA to cast a vote on their behalf at general meetings.

27 SPECIAL RESOLUTIONS

27.1 Special resolutions may be used by the committee in order to undertake the following changes:

- (a) Affiliate, disaffiliate or re-affiliate;
- (b) Constitutional amendments or changes;
- (c) Elections;
- (d) Other motions that the committee has agreed to send to special resolution by simple majority voting.

27.2 The procedure for a special resolution is that the committee must agree to it by simple majority voting.

27.3 The special resolution can then be sent to all members, with at least seven days' notice between sending the special resolution and voting on the resolution.

27.4 Voting will take place on the special resolution according to the elections and voting procedure above, save that an online voting method may be used.

28 NOTICE OF GENERAL MEETINGS

28.1 The Executive Officer of the CFLA shall give 7 days notice of the date, time and the nature of business of the general meeting

- (a) if passing a special resolution, then notice must be given 21 days prior to the meeting

28.2 Notice shall be sent by electronic transmission to email address appearing in the register of members

28.3 a member intending to bring any business before a meeting may notify in writing, or by electronic transmission, to the Executive Officer, who shall include that business in the notice calling the next general meeting after the receipt of that notice

29 ANNUAL GENERAL MEETING

29.1 There shall be one Annual General Meeting every calendar year, which shall be held during term time in second semester. Seven days' notice must be given.

29.2 At this meeting:

- (a) Reports shall be presented by the Managing Officer, Treasurer, External Relations Officers and any other reports that are deemed necessary.
- (b) Full financial reports shall be presented and adopted. They will report on finances from the previous AGM to the present AGM.
- (c) Other motions on notice may be discussed and voted upon.
- (d) General business may discuss motions that are not on notice and vote on them.

30 SPECIAL GENERAL MEETINGS

30.1 The Committee may call general meetings as it sees fit or if they are petitioned. The form and procedure of general meetings will be consistent with the Annual General Meeting.

30.2 If one-third of the membership should petition the committee for a general meeting, such meeting must take place within Four Weeks. Seven days' notice must be given.

31 QUORUM FOR MEETINGS

31.1 The quorum for meetings shall be:

- (a) At a committee meeting, three committee members of which at least one must be an executive committee member.
- (b) No business must be conducted unless there is quorum
- (c) At the Annual General Meeting, ten members, including at least seven University of Melbourne graduate students.
- (d) At a general meeting, ten members or one-third of the group, whichever is the lesser.

31.2 The committee shall be required to give seven days notice of a general meeting or Annual General Meeting.

32 MINUTES OF MEETINGS

The Executive Officer of the CFLA must keep minutes of the proceedings of each general meeting and committee meeting together with a record of the names of persons present at each meeting.

33 ABSENCE FROM MEETINGS

Any committee member absent from two consecutive committee meetings without apology or due cause may, at the committee's discretion, be deemed to have resigned their position.

34 PART 5- FINANCES AND WINDING UP THE CFLA

35 FUNDS

The Treasurer of the CFLA must-

- 35.1 Collect and receive all moneys due to the CFLA;
- 35.2 Reimburse committee members for approved expenses incurred in the course of official CFLA business;
- 35.3 Make all payments authorised by the CFLA; and
- 35.4 Keep correct accounts and books showing the financial affairs of the CFLA with full details of all expenditure and receipts connected with the activities of the CFLA.

36 CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- 36.1 Except as otherwise provided by this constitution, the Secretary must keep in their custody or under their control all books, documents and securities of the CFLA.
- 36.2 All accounts, books, securities and any other relevant documents of the CFLA must be available for inspection free of charge by any member upon request
- 36.3 A member may make a copy of any accounts, books, securities and any other relevant documents of the CFLA
- 36.4 The CFLA may refuse a request made under rules 34.2 and 34.3 where:
 - (a) To provide the information requested would be contrary to law;
 - (b) To provide the information requested would materially prejudice the interests of the CFLA; or
 - (c) To provide the information would be unreasonable in all the circumstances.
 - (d) Where a request is refused pursuant to rule 34.4, a redacted version of the requested documentation may be made available, wherever possible.

37 WINDING UP

- 37.1 A motion to wind up the CFLA must be:
 - (a) In writing;
 - (b) Notice of the motion is to be given in the agenda for the General Meeting at which the winding up motion is to be decided.
 - (c) A winding up motion is carried by a 75% majority.
- 37.2 In the event of the CFLA being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to any association with similar purposes which is not carried on for the profit or gain of its individual members.