



OCTOBER 2021

THE ECONOMICS AND
COMMERCE STUDENTS'
SOCIETY INCORPORATED

CONSTITUTION

Table of Contents

1.	NAME OF THE SOCIETY	2
2.	OBJECTIVES.....	2
3.	INTERPRETATION.....	2
4.	QUALIFICATIONS FOR MEMBERSHIP OF THE SOCIETY	3
5.	GENERAL MEETINGS.....	5
6.	QUORUM AND PROCEDURE AT GENERAL MEETINGS.....	5
7.	COMMITTEE	6
8.	FULL COMMITTEE MEETINGS.....	8
9.	QUORUM AND PROCEDURE AT FULL COMMITTEE MEETINGS.....	9
10.	THE EXECUTIVE	9
11.	EXECUTIVE MEETINGS, QUORUM AND PROCEDURE.....	10
12.	ELECTED OFFICE BEARERS	10
13.	ELECTIONS	12
14.	VACANCIES	12
15.	APPOINTED OFFICE BEARERS	13
16.	DUTIES OF OFFICE BEARERS	13
17.	FINANCE	13
18.	REGISTER AND RECORDS.....	14
19.	COMMON SEAL.....	15
20.	AMENDMENT OF THIS CONSTITUTION.....	15
21.	DISSOLUTION CLAUSE	15
22.	APPENDIX: HONORARY LIFE MEMBERS	16

1. NAME OF THE SOCIETY

1.1. The name of the Society is the Economics and Commerce Students' Society Incorporated. (Hereafter 'ECOMS' and/or 'the Society').

2. OBJECTIVES

2.1. The Objectives of the Society are to:

- a) Encourage student interest in intellectual, social, philanthropic and sporting events, activities or issues relevant to the Society;
- b) Represent and promote members interests to the Academic Staff of the UWA Business School, the wider Business Community and the appropriate Councils and Subcommittees of the Guild;
- c) Encourage and promote co-operation between ECOMS and other Societies with similar or related interests; and
- d) Do all such things, as may appear necessary and proper for the benefit and advancement of members of the Society.

2.2. The property and income of the Society shall be applied solely towards the promotion of the objects of the society and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith and in the promotion of those Objectives.

3. INTERPRETATION

3.1. "Committee" means the ECOMS Committee created under Article 7 of this Constitution.

"Financial year" means the year ending 30 June.

"General Meeting" means a general meeting of members convened in accordance with Article 5.

"UWA Business Student" means a student currently enrolled in a major, degree or unit program administered by the UWA Business School at The University of Western Australia.

"Discipline" means a Major set offered for completion of an undergraduate or postgraduate degree in Commerce and/or Business.

“Guild” means The Guild of Undergraduates at The University of Western Australia.

“Member” means a member of ECOMS.

“Notice” means written notices of at least A4 size placed in the UWA Business School Student Learning Common, on the ECOMS Noticeboard and/or ECOMS Office door (whichever exist), in addition to electronic notice via social media.

“Office” means the position held on the Committee by officers and ordinary members (voting and non-voting) alike.

“The Act” means the Associations Incorporation Act 2015 (WA).

“The Regulations” means regulations under the Act.

“The Society” means the Economics and Commerce Students’ Society Incorporated as referred to in Article 1.

“Social Media” refers to the primary method of online social interaction currently in general use by ECOMS.

“University day” refers to a day in the academic calendar of The University of Western Australia.

3.2. Words or expressions contained in these Rules shall be interpreted in accordance with the provisions of the Acts Interpretation Act 1958 and the Act as in force from time to time.

4. QUALIFICATIONS FOR MEMBERSHIP OF THE SOCIETY

4.1. The Members of the Society shall consist of Ordinary Members, Associate Members, Honorary Life Members and Extra-ordinary members as follows:

- a) Ordinary Members shall consist of Financial Ordinary Members and Non-Financial Ordinary Members:
 - a) Non-Financial Ordinary Members shall consist of all those students enrolled in:
 - (i) A degree- specific and/or second undergraduate major administrated by the University of Western Australia Business School; and/or
 - (ii) Degree program administered by the University of Western Australia Business School, who have completed the annual registration requirements prescribed by the Committee.

- b) Financial Ordinary Members shall consist of those students who meet the requirements in 4.1.1(a), and have paid the annual financial ordinary membership fee prescribed by the Committee.
- b) Associate Members shall consist of other students of the University of Western Australia, who do not meet the requirements in 4.1.1(a), who have completed the registration requirements and paid the annual associate membership fee prescribed by the Committee.
- c) Honorary Life Members shall consist of those past or present Members or past or present members of the University of Western Australia Business School on whom the Society in General Meeting has conferred Honorary Life Membership by a three quarters majority of those present and voting.
- d) All former members of the Society's Executive shall be deemed extra-ordinary members and may be called upon by the current committee of management to assist in the affairs in the Society.

4.2. The Committee shall prescribe the annual membership fees for Financial Ordinary Members and Associate Members.

4.3. Membership shall be terminated when a Member:

- a) Submits to the Secretary notice in writing terminating membership; or
- b) Ceases to fulfil the qualifications for membership as prescribed in Article 4.1

4.4. Members other than Ordinary Members shall not;

- a) Nominate Candidates for the offices and Committee of the Society;
- b) Become or remain office bearers of the Society; but shall otherwise have all the rights and privileges of ordinary membership.

5. GENERAL MEETINGS

- 5.1. The Committee may at any time convene a Special General Meeting.
- 5.2. The Committee shall convene an Annual General Meeting in the Second Semester of the University calendar.
- 5.3. The Committee shall, within ten days of receiving a written request from at least twenty Ordinary Members, convene a Special General Meeting. The Ordinary Members making a request under this Article shall:
 - a) Specify in the request the purpose for which the Special General Meeting is required; and
 - b) Sign the request.
- 5.4. If the Committee fails to convene a Special General Meeting within the ten days referred to in Article 5.3, the Ordinary Members who made the request may convene a Special General Meeting.
- 5.5. The Secretary shall post written notice of any General Meeting at least five days before the date of that Meeting, specifying:
 - a) When and where the General Meeting is to be held;
 - b) Particulars of the business to be transacted at the General Meeting and of the order in which that business is to be transacted; and
 - c) The intention to propose any resolution to amend this Constitution and the particulars of any such proposed resolution.
- 5.6. All UWA Business Students shall be entitled to vote at general meetings.

6. QUORUM AND PROCEDURE AT GENERAL MEETINGS

- 6.1. Thirty persons as defined in Article 5.6 or 10% of total membership of the Society, whichever being less, present shall constitute a quorum at a General Meeting.
- 6.2. A resolution, other than a resolution to amend this Constitution, passed at a General Meeting shall not be invalid due to the lack of a quorum, provided that:
 - a) Notice has been given in accordance with Article 5.5; and
 - b) No objection is made at the General Meeting
- 6.3. A resolution, other than a resolution to amend this Constitution, shall be passed by the affirmative vote of a majority of those present and voting.
- 6.4. Subject to Article 6.6, votes shall be determined by a show of hands.

- 6.5. If requested by at least three persons present and voting, a poll shall be conducted by the officer presiding at a General Meeting.
- 6.6. The President shall preside at all General Meetings, or his absence, the next most senior Office Bearer in the order listed in Article 12.1.
- 6.7. Any business specified in a written request in accordance with Article 5.3(a) shall have priority over all other business at a Special General Meeting called pursuant to Article 5.3 or Article 5.4.
- 6.8. Subject to this Constitution, General Meetings shall be conducted in accordance with such procedure as the Committee may provide.

7. COMMITTEE

- 7.1. The Committee shall consist of the Elected and Appointed Office Bearers
- 7.2. Subject to this Constitution, the Committee may be split into any number of Sub-Committees with responsibilities, membership and reporting structures as decided by resolution of the Executive.
- 7.3. All Office Bearers shall attend all respective Ordinary and Executive Committee Meetings for the duration of their term unless they can provide a reasonable explanation for their absence.
- 7.4. No person shall hold more than one office bearing position at once, whether appointed or elected.
- 7.5. The Committee shall be responsible for giving effect to the Objects of the Society and for the efficient administration, organisation and conduct of the activities and affairs of the Society, including:
 - a) Organising the Society's educational and academic activities and competitions;
 - b) Organising the Society's social activities;
 - c) Organising the Society's professional development, career and employment activities;
 - d) Organising the Society's activities pertaining to student welfare and equity;
 - e) Organising the Society's publications;
 - f) Organising the Society's sporting activities, with a particular focus on the Interfaculty Sports Competition.
 - g) Reviewing the units offered by the University of Western Australia Business

School, and in particular considering and acting upon submissions and concerns of business students with respect to course content, teaching methods, teaching staff and assessment;

- h) Making such delegations and appointments as it considers necessary or convenient;
- i) All matters incidental to, and all things necessary to organise, the matters set out in this Article; and
- j) To increase ECOMS' involvement, and encourage Business School students to become contributors to the wider community, being involved in equity and diversity initiative and helping people who are social and financially disadvantaged.

7.6. Committee Portfolios will consist of:

- a) Presidential Portfolio
 - a. President
 - b. Orientation Directors
 - c. Postgraduate Director
 - d. International Director
 - e. Fresher Representatives
- b) Education Portfolio
 - a. Education Vice-President
 - b. Education Officers
- c) Business Portfolio
 - a. Business Vice-President
 - b. Business Officers
 - c. Sponsorship Directors
- d) Social Portfolio
 - a. Social Vice-President
 - b. Social Officers
- e) Welfare Portfolio
 - a. Welfare Vice-President
 - b. Welfare Officers
 - c. Sports Directors
 - d. Diversity Officer
- f) Secretary Portfolio
 - a. Secretary
- g) Treasurer Portfolio

- a. Treasurer
- h) Marketing Portfolio
 - a. Marketing Director
 - b. Marketing Officers
- i) Any positions not listed here are to be assigned to a portfolio at the current year's committee's discretion.

8. FULL COMMITTEE MEETINGS

- 8.1. The President may at any time convene a Full Committee Meeting
- 8.2. The Full Committee shall meet not less than once in every month during the academic year.
- 8.3. The Secretary shall, within seven days of receiving a valid written request signed by at least;
 - a) One Member of the Executive, or
 - b) Three ordinary members of the Committee, or
 - c) Ten financial or ordinary members of the Society Convene a Special Committee Meeting.
- 8.4. A requisition under Article 8.3 is not valid unless the members:
 - a) Specify in the request the purpose for which the Special Committee Meetings is required; and
 - b) Sign the request
- 8.5. If the Secretary fails to convene a Special Committee Meeting within the seven days referred to in Article 8.3, the members of the Committee who made the request may convene a Special Committee Meeting.
- 8.6. The Secretary shall communicate to all Committee Members the time, date, and place of the meeting no less than 48 hours before the commencement of that Meeting.
- 8.7. The Committee may resolve, on a show of hands, to conduct any vote on a future motion at the Committee Meeting by a secret ballot.

9. QUORUM AND PROCEDURE AT FULL COMMITTEE MEETINGS

- 9.1. Ten members of the Committee present in person, of whom at least three are members of the Executive, shall constitute a quorum at a Committee Meeting.
- 9.2. Only members of the Committee shall vote at a Committee Meeting.
- 9.3. Subject to Article 8.7, a resolution shall be passed by the affirmative vote of a majority of the members of the Committee present and voting, decided on a show of hands, provided that if there is no majority, the chairperson presiding at the Committee Meeting shall have a casting vote.
- 9.4. The President shall chair at all Committee Meetings, or if unwilling or unable, the next most senior Elected Office Bearer in the order listed in Article 12.1.
- 9.5. Any business specified in a written request in accordance with Article 8.3 and 8.4 shall have priority over all other business at a Special Committee Meeting called pursuant to Article 8.3 or 8.5.
- 9.6. Subject to this Constitution, Committee Meetings shall be conducted in accordance with such procedure as the Committee may provide.

10. THE EXECUTIVE

- 10.1. The Executive shall consist of the President, the Vice-President (Education), the Vice-President (Business), the Vice-President (Social), the Vice-President (Welfare), the Secretary, the Treasurer and the Marketing Director.
- 10.2. In addition to the specific duties imposed in the Duties of the Office Bearers of ECOMS document, the Executive shall be responsible for giving effect to the Objects of the Society and for the efficient organisation, administration and conduct of the activities and affairs of the Society.
- 10.3. Subject to this Constitution and to the resolutions of the Society in General Meeting, the Executive may do all things necessary or convenient for carrying out the Objects of the Society, and in particular, may:
 - a) Acquire, hold, deal with, and dispose of any real or personal property;
 - b) Open and operate bank accounts;
 - c) Invest the Society's money;
 - d) Borrow money on behalf of, or in the name of, the Society, to no greater amount than two dollars for each Financial Ordinary Member existing at that time;
 - e) Coordinate and seek out sponsorship for the Society; and

- f) Enter in any contract the Executive considers necessary or desirable.
- 10.4. Subject to Article 10, the Executive may act as trustee and accept and hold real and personal property upon trust:
- a) In giving effect to the Objects of the Society and for the efficient administration, organisation and conduct of the activities and affairs of the Society; or
 - b) For a charitable organisation, but only in connection with the activities and affairs of the Society.
 - c) Where a prior resolution of the Society in General Meeting authorises the Executive to act as trustee and to accept and hold real or personal property specified in the resolution upon trust for a charitable organisation also specified in the resolution.

11. EXECUTIVE MEETINGS, QUORUM AND PROCEDURE

- 11.1. The President may at any time convene an Executive Meeting.
- 11.2. The President shall convene an Executive Meeting at least twice in each Semester of the University calendar.
- 11.3. Four members of the Executive must be present in person to constitute a quorum at an Executive Meeting.
- 11.4. A resolution shall be passed by the affirmative vote of a majority of the members of the Executive present and voting, decided on a show of hands, provided that if there is a tied vote the President will have the casting vote.
- 11.5. Subject to this Constitution, Executive Meetings shall be conducted in accordance with such procedure as the President may provide.

12. ELECTED OFFICE BEARERS

- 12.1. The Elected Office Bearers shall consist of:
 - a) The President;
 - b) The Vice-President (Education);
 - c) The Vice-President (Business);
 - d) The Vice-President (Social);
 - e) The Vice-President (Welfare);
 - f) The Secretary;
 - g) Two Education Officers;

- h) Two Business Officers;
- i) Two Social Officers;
- j) Two Welfare Officers;
- k) Four Male First Year Representatives;
- l) Four Female First Year Representatives;
- m) One Sport Director (Male or Gender Diverse);
- n) One Sport Director (Female or Gender Diverse); and
- o) An International Director

12.2. The Elected Office-Bearers shall hold office from 1 December of the year of their election until 30 November of the subsequent year, with the exception of:

- a) The First Year Representatives, who shall hold office from the date of their election until the date of the election of the First Year representatives in the subsequent year, except:
 - (i) In the event that a First Year Representative is elected or appointed to a position before their period of office expires, they shall assume the new position automatically.

12.3. Only a person who currently holds or has previously held an Office-Bearer position described in 12.1 or 15.1 may nominate for the position described in 12.1(a), except where no nomination from a current or former Office-Bearer is received, in which case any Financial Ordinary Member may nominate.

12.4. The Committee in meeting may dismiss an Elected Office-Bearer or an Appointed Office-Bearer where, in the opinion of three quarters of the members of the Committee present and voting, that Office-Bearer has:

- a) Consistently failed adequately to discharge the duties of that position; or
- b) Been absent from three consecutive Committee Meetings without providing a reasonable explanation; and
- c) Been given at least seven days' notice of that Committee Meeting; and
- d) Been accorded the opportunity to be present and to speak at that Committee Meeting

13. ELECTIONS

- 13.1. Elections shall be held annually and in accordance with the ECOMS Society Election Regulations document.
- 13.2. Amendments to the ECOMS Society Election Regulations are to be approved by a resolution of the Committee in accordance with Article 9.3.

14. VACANCIES

- 14.1. A vacancy shall occur in the position of an Elected Office Bearer where:
 - a) There are no nominations received for that position;
 - b) That Elected Office-bearer dies or is permanently incapacitated by mental or physical ill health;
 - c) That Elected Office-bearer resigns by notice in writing submitted to the Secretary;
 - d) That Elected Office-bearer ceases to be an Ordinary Member; or
 - e) That Elected Office Bearer is dismissed in accordance with Article 12.4.
- 14.2. To fill a vacancy in the position of an Elected Office-Bearer, a new Elected Office-Bearer shall be determined as follows:
 - a) If the vacancy occurs before the Friday of Week Two of First Semester of the University Calendar, the person next placed in the election previously held for that position shall be deemed elected to that position, provided that if there is no such person, the Committee shall appoint a new Elected Office-Bearer, in accordance with Article 14.3.
 - b) If the vacancy occurs after the Friday of Week Two of First Semester of the University Calendar, the Committee shall appoint a new Elected Office-Bearer, in accordance with Article 14.3.
- 14.3. Persons shall be appointed to fill Elected Office Bearer positions as follows:
 - a) The Secretary shall post written notice calling for nominations for the position.
 - b) Nominations for the position shall be held open for at least seven days.
 - c) Nominations for the position shall be submitted to the Secretary and shall be:
 - a) In writing;
 - b) Signed by the nominee;
 - c) Signed by one Ordinary Member supporting the nomination; and
 - d) Accompanied by an A4 runsheet outlining their reasons for nominating and skills that make them suited to the role.

- d) The Executive Committee shall appoint a nominee to fill the Elected Office-Bearer position.

15. APPOINTED OFFICE BEARERS

- 15.1. The Executive shall appoint one additional Office-Bearer in each of the following positions:
 - a) The Treasurer;
 - b) A Marketing Director;
 - c) A Diversity Officer;
 - d) Two (2) Marketing Officers;
 - e) A Postgraduate Director;
 - f) Two (2) Orientation Director;
 - g) Two (2) Sponsorship Director; and
 - h) An Immediate Past President
- 15.2. The positions listed in Article 15.1 will be appointed annually and in accordance with the ECOMS Society Election Regulations.

16. DUTIES OF OFFICE BEARERS

- 16.1. In addition to the specific duties imposed in the Duties of the Office Bearers of ECOMS document, the Office Bearers shall be responsible for giving effect to the Objects of the Society.
- 16.2. The ECOMS Committee may amend the “Duties of the Office Bearers of ECOMS” document as passed by a majority in an ordinary committee meeting.

17. FINANCE

- 17.1. The financial year of the Society shall be the period commencing on 1 July and ending on 30 June of the following year.
- 17.2. The Treasurer shall be responsible for the receipt of all moneys paid to the Society and shall issue receipts for those moneys in the name of the Society.

- 17.3. Any two members of the Executive may sign cheques and forms of authority for the payment of funds of the Society.
- 17.4. A payment may be made to a member out of the funds of the Society only if it is for the reimbursement of reasonable expenses properly incurred by the member on behalf of the Society and in the pursuit of the Objects of this Constitution.
- 17.5. The committee shall operate a contingency fund, for use only in emergencies. This fund shall require a two thirds majority of the full committee to withdraw funds. The committee shall strive to increase the balance of this account throughout the year.
- 17.6. Any committee benefits amounting to over \$1,000 shall be disclosed and accepted at the AGM.
- a) If failed to be accepted the funds shall be recovered from the executive.

18. REGISTER AND RECORDS

- 18.1. The Secretary is responsible for the requirements imposed on the Society under Section 53 of the Associations Incorporations Act 2015 (WA) to maintain the register of members and record in that register any change in the membership of the Society.
- 18.2. In addition to the matters referred to in Section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs.
- 18.3. A member who wishes to inspect the register of members must contact the Secretary to make the necessary arrangements.
- 18.4. If —
- a) A member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act; or
- b) A member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members, the committee may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Association.
- 18.5. Subject to Article 19.6, the Secretary shall be responsible for the custody of all books, documents, records and registers of the Society.
- 18.6. The Treasurer shall be responsible for the custody of all securities, books and documents of a financial nature and accounting records of the Society.

18.7. All Executive and Director positions will be required to complete a handover to the best of their abilities within one month of the completion of their tenure.

19. COMMON SEAL

19.1. The Society shall have a Common Seal on which its corporate name appears in legible characters.

19.2. Unless the Executive decides otherwise, the Secretary shall have custody of the Common Seal.

19.3. The Common Seal shall not be used without the express authority of the Executive.

19.4. The affixing of the Common Seal shall be witnessed by any two members of the Executive.

20. AMENDMENT OF THIS CONSTITUTION

20.1. Any five Ordinary Members may, at least five days before a General Meeting, submit to the Secretary a written request, signed by them, specifying their intention to propose a resolution to amend this Constitution and the particulars of that proposed resolution.

20.2. This Constitution may be amended as follows:

- a) A resolution to amend this Constitution shall be passed by the affirmative vote of at least seventy-five percent of the persons present and voting at a General Meeting, decided on a show of hands.
- b) Within one month of the passing of a resolution in accordance with Article 20.2.1, the Secretary shall lodge with the relevant statutory authority:
 - a) Notice of the resolution setting out particulars of the amendment to this Constitution; and
 - b) A certificate, signed by the officer presiding at the General Meeting, certifying that the resolution was duly passed and that the Constitution so amended conforms to the requirements of the Associations Incorporation Act 2015 (WA)

21. DISSOLUTION CLAUSE

21.1. Any property remaining upon the winding up or dissolution of the Society, after satisfaction of all its debts and liabilities, shall not be paid or distributed among the

Members but shall be given or transferred to another association incorporated under the Associations Incorporation Act 2015 (WA) which:

- a) Has similar objects;
- b) Is not carried out for the purposes of profit or gain to its individual members; and
- c) Shall be determined by resolution of the Society in General Meeting.

22. APPENDIX: HONORARY LIFE MEMBERS

The following people have, in general meeting, been granted honorary life membership to ECOMS:

- Jonathon Hudson (2012)
- Bradley Kerin (2012)
- Jacinta Kotula (2014)
- Milan Vaswani (2018)