

UNSW  
Law Society



UNSW Law Society Incorporated

# REGULATIONS

Effective as at 17 December 2023

**UNSW LAW SOCIETY INC.**  
RM 305, LEVEL 3 LAW BUILDING,  
UNIVERSITY OF NEW SOUTH WALES, SYDNEY NSW 2052.

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## Part 1 – Preliminary

- 1.1. The purpose of the UNSW Law Society Inc. Regulations (the **Regulations**) is to govern the functionality of the UNSW Law Society Inc. (**the Law Society**), and the Executive who run the Law Society.
- 1.2. The Regulations shall be read in conjunction with the UNSW Law Society Inc. Constitution (the **Constitution**). Where a provision of the Regulations is inconsistent with a provision of the Constitution, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
- 1.3. Where a provision of another policy is inconsistent with a provision of the Regulations, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.
- 1.4. The Regulations may be amended by a resolution passed by the Law Society Cabinet (**the Cabinet**).
- 1.5. Any major deviation from the Regulation may constitute grounds for the declaration of the position(s) of the Executive vacant, in accordance with the Constitution 11.1.3.6, 13.7-13.8.

## **Part 2 – The Executive**

### **Division 2.1 – Positions, Functions, and Powers of the Executive**

- 2.1. The Cabinet shall consist of positions as defined in the Constitution 9.1.
  - 2.1.1. Additional functions, powers and responsibilities for Cabinet members are outlined in Appendix 1.
- 2.2. The General Executive shall consist of positions as defined in Appendix 2.
  - 2.2.1. The functions, powers and responsibilities for General Executive members are set out in the Volunteer Agreements.

### **Division 2.2 – Conflicts of Interest**

- 2.3. A Cabinet member must abstain from any formal vote on resolutions relating to any matter where a substantial conflict of interest arises.
- 2.4. A member of the General Executive must not participate in any decision-making relating to any matter where a substantial conflict of interest arises.
- 2.5. A substantial conflict of interest arises where a Cabinet member or a member of the General Executive has:
  - 2.5.1. A pecuniary interest in the matter.
  - 2.5.2. A non-pecuniary interest which may substantially affect their ability to make an impartial decision which is in the best interests of the Law Society. This may include, but is not limited to, being a member of another student society's executive, in circumstances where sponsorship, activities or other matters are in conflict.
- 2.6. A substantial conflict of interest will not arise merely by a relationship of acquaintance or friendship.
- 2.7. If a Cabinet member has a substantial conflict of interest and refuses to abstain from voting on the relevant motion, any Cabinet member may raise a motion to disqualify that Cabinet member from voting on that particular motion by a special resolution.
- 2.8. For the purposes of this clause, a special resolution means a resolution passed by a three-quarter majority of Cabinet.

## Part 3 – Meetings

### Division 3.1 – Cabinet Meetings

- 3.1. The Law Society Cabinet will meet on a weekly basis during semester, unless the Secretary and the Co-Presidents otherwise decide.
- 3.2. Except as otherwise indicated, and subject to the Constitution 12.2, resolutions of Cabinet must be passed by a simple majority of the Cabinet members present.
- 3.3. A circulating motion may be raised by any member of Cabinet if an urgent issue arises and cannot be held over until the next Cabinet meeting.
  - 3.3.1. A circulating motion requires a unanimous vote in favour in order to succeed.
    - 3.3.1.1. The motion will be taken to have passed after all members of the Cabinet vote in favour, or after 24 hours have elapsed without a vote against the motion, whichever should come first.
  - 3.3.2. All Cabinet members must vote, by email, within 24 hours.
    - 3.3.2.1. Where a Cabinet member fails to vote within the timeframe stipulated in Regulation 3.3.2, they will be taken to be in favour of the motion.
    - 3.3.2.2. Cabinet members are not entitled to abstain unless there is a conflict of interest.
    - 3.3.2.3. Cabinet members are entitled to raise concerns on the motion at any time within the 24 hour timeframe. Any concerns raised do not constitute conclusive evidence of a vote in favour of or against the motion.
    - 3.3.2.4. Cabinet members may change their vote at any time within the 24 hour timeframe.
    - 3.3.2.5. Failure of a Cabinet member to vote in five successful circulating motions will subject the Cabinet member to an Internal Cabinet Review.
    - 3.3.2.6. Failure of a Cabinet member to vote in seven successful circulating motions will subject the Cabinet member to a Cabinet Review.

- 3.3.2.7. After the failure of a Cabinet member to vote in nine successful circulating motions, the Co-Presidents, with the support of a majority of Cabinet, may give notice of an EGM to take place as soon as possible within the required notice period. At this EGM, the Secretary shall move a motion to dismiss the Cabinet member in question.
- 3.3.3. The Cabinet member raising the circulating motion must provide sufficient information for the issue to be considered. Where a circulating motion involves a request for approval of additional expenditure, a budget breakdown must be included.
- 3.3.4. The Cabinet member raising the circulating motion must, within a reasonable timeframe, reply to questions and concerns from other Cabinet members.
- 3.4. Cabinet minutes must be published online and made available for access by the members of the Law Society within a reasonable time after they are approved at the subsequent Cabinet meeting.
- 3.5. Confidential matters pertaining to finances or any other sensitive matters as determined by the Secretary may be redacted before publication online.

### **Division 3.2 – Apologies and Absences for Cabinet Meetings**

- 3.6. Cabinet members who are unable to attend a scheduled Cabinet meeting shall submit an apology to the Secretary at least 48 hours prior to the commencement of a scheduled Cabinet meeting.
  - 3.6.1. The apology shall be accompanied by a reason for the absence.
  - 3.6.2. If the apology is accepted by the Secretary, the Cabinet member shall be recorded as having an accepted absence.
  - 3.6.3. If the Secretary is unable to attend a scheduled Cabinet meeting, the Secretary shall submit an apology to the Co-Presidents at least 48 hours prior to the commencement of a scheduled Cabinet meeting.
- 3.7. If a Cabinet member submits an apology less than 48 hours prior to the commencement of a scheduled Cabinet meeting, those present at the meeting will vote on whether to accept this apology.

- 3.7.1. If the apology is accepted by a majority, the Cabinet member will be recorded as having an accepted absence.
- 3.7.2. If the apology is not accepted, the Cabinet member will be recorded as absent.
- 3.8. A Cabinet member will be marked as absent if they:
  - 3.8.1. Do not attend a Cabinet meeting and do not submit an apology in accordance with the Regulations 3.6-3.7;
  - 3.8.2. Do not attend a Cabinet meeting and submit an apology that is not accepted by Cabinet in accordance with Regulations 3.7;
  - 3.8.3. Arrive at the meeting more than ten minutes after its scheduled commencement; or
  - 3.8.4. Phone in by telephone or Skype.

### **Division 3.3 – General Meetings**

- 3.9. The UNSW Law Society Cabinet and General Executive are obliged to attend all annual and extraordinary general meetings.
- 3.10. A member of the Law Society Cabinet or Executive who is unable to attend an annual or extraordinary general meeting shall submit an apology to the Secretary at least 24 hours prior to the meeting.
  - 3.10.1. The apology shall be accompanied by a reason for the absence.
  - 3.10.2. The Cabinet may, at the earliest Cabinet meeting after the general meeting, pass a motion to approve all the apologies. If the Cabinet decide not to approve the apologies, this will be regarded as an unaccepted absence.
  - 3.10.3. Where the Secretary is unable to attend an annual or extraordinary general meeting, the Secretary shall submit an apology to the Co-Presidents at least 24 hours prior to the meeting.

### **Division 3.4 – Proxies**

- 3.11. Proxy voting is permitted for annual or extraordinary general meetings in accordance with this Division but is not permitted for Cabinet meetings.



- 3.12. A member who is entitled to attend and cast a vote at an annual or extraordinary general meeting may:
  - 3.12.1. Appoint another member as proxy to attend and vote for them at that meeting.
  - 3.12.2. Cast a direct vote on the motions being raised at a meeting of members.
- 3.13. No person may act as a proxy for more than one member.
- 3.14. The form of proxy to be used shall be as near as possible to the form set out in Appendix 3, which must be completed and returned to the Secretary at least 24 hours prior to the general meeting to which the proxy appointment relates.

## **Part 4 – Elections**

### **Division 4.1 – Introductory**

- 4.1. The purpose of this Part is to govern the election process of the UNSW Law Society.
- 4.2. The elections shall be run in accordance with section 10 of the Constitution and any other relevant provisions.
- 4.3. For the purpose of this Part, a nominee means any person who has validly completed and submitted a UNSW Law Society Nomination Form, as set out in Appendix 4 and is thereby running for an elected position.

### **Division 4.2 – Returning Officer**

- 4.4. The Returning Officer shall be a person who is unbiased and impartial. The process of selecting a Returning Officer is as follows:
  - 4.4.1. Any Cabinet member may nominate a person to be the Returning Officer.
  - 4.4.2. This person must not be a nominee or a member of the current Cabinet or General Executive.
  - 4.4.3. This nomination must be accepted by a majority of Cabinet.
  - 4.4.4. Once the nomination is accepted by Cabinet, the Co-Presidents shall publicise the appointment of the Returning Officer on the UNSW Law Society website and by any other appropriate means as soon as reasonably practicable.
  - 4.4.5. The public announcement must state that members have a right to object (**Objection**) to the appointment of the Returning Officer.

- 4.5. In the event of an Objection, the procedure is as follows
  - 4.5.1. The Objection must occur within 48 hours after the publication of the Returning Officer's appointment.
  - 4.5.2. The Objection must be made in writing to the Co-Presidents to their official email address.
  - 4.5.3. Receipt of the Objection must be communicated by the Co-Presidents to the objector as soon as reasonably practicable.
  - 4.5.4. The Co-Presidents, in consultation with the Cabinet, must make a decision within 24 hours of receiving the Objection and provide written reasons for their decision.
  - 4.5.5. If the Co-Presidents decide to remove the Returning Officer, the procedure outlined in the Regulations 4.4 must be followed within 48 hours of communicating removal of the Returning Officer to the objector.
- 4.6. The Returning Officer may select a team of Election Administrators to help him or her with the efficient and impartial running of the election.
  - 4.6.1. All Election Administrators must be unbiased and impartial.
  - 4.6.2. Election Administrators may be removed by an ordinary resolution of Cabinet.
- 4.7. The Returning Officer shall ensure that elections are conducted in a fair and un-biased manner. Any behaviour which is considered to be against the spirit of the elections or breaches of these Regulations may result in disciplinary action at the discretion of the Returning Officer.
- 4.8. Any candidate or member may submit a written complaint to the Returning Officer. This must include:
  - 4.8.1. The reasons for the complaint; and
  - 4.8.2. Any evidence of a breach of this Part.
- 4.9. Disciplinary action includes, but is not limited to:
  - 4.9.1. Disqualifying the candidate altogether; or
  - 4.9.2. Disqualifying the candidate from campaigning for a period of time at the discretion of the Returning Officer.

- 4.10. When considering disciplinary action, the Returning Officer shall consider all relevant factors, including but not limited to:
  - 4.10.1. Proportionality of the punishment to the breach of the Regulations;
  - 4.10.2. Damage done to the reputation of the candidate;
  - 4.10.3. The severity of the breach.
- 4.11. Any decision of the Returning Officer, in response to a complaint, must be communicated to the complainant and the relevant candidate as soon as reasonably practicable.
- 4.12. The Returning Officer's decision with regard to disciplinary action is final.

#### **Division 4.3 – Nominations**

- 4.13. The Returning Officer or the Co-Presidents may call for nominations (**the Call**).
- 4.14. The Call must be made a reasonable time prior to the closing date for nominations and in at least two of the following forms:
  - 4.14.1. Placed on the Law Society noticeboards on level 3 of the Law Building.
  - 4.14.2. Published on the Law Society website;
  - 4.14.3. Published in an official Law Society publication; or
  - 4.14.4. Published via an email blast sent to all members.
- 4.15. The Call must be accompanied by a nomination form. A nomination form shall include:
  - 4.15.1. A nominee statement of no more than 250 words (or a length decided by a majority of Cabinet);
  - 4.15.2. The nominee's name and student number;
  - 4.15.3. The signatures of two nominators who are eligible to vote at the election the nominee is standing for; and
  - 4.15.4. A statement evincing consent that the nominee has read and will comply with the Regulations.

4.16. Nominations must be submitted to the Returning Officer in the manner and within the timeframe specified on the nomination form.

4.16.1. Late nominations shall not be accepted unless there are exceptional circumstances.

4.16.2. The nominee statements must be published in at least two of the following forms:

4.16.2.1. published on the Law Society website;

4.16.2.2. published in an official Law Society publication; or

4.16.2.3. published via an email blast sent to all members.

as soon as reasonably practicable after the close of the nominations.

4.17. Members may nominate for a maximum of two positions. In the event that the member nominates for two positions, they must submit the order of preferences for the positions they are applying for.

4.17.1. The nominee is entitled to submit two candidate statements.

4.18. Nominees must comply with the Constitution 9.3-9.5, 10.1-10.2.

#### **Division 4.4 – Campaigning**

4.19. Nominees may only distribute approved campaign materials. Approved campaign materials are:

4.19.1. Any material approved by the Returning Officer;

4.19.2. Social media marketing on platforms including, but not limited to:

4.19.2.1. Facebook

4.19.2.2. Instagram

4.19.2.3. LinkedIn; and

4.19.2.4. WeChat;

4.19.3. Flyers

4.19.4. Posters.

- 4.20. No campaign materials may be distributed and no person may conduct a public campaign prior to the start of the campaign period.
- 4.20.1. The campaign period shall commence after the close of nominations, at a time decided by the Returning Officer, in consultation with the Co-Presidents.
- 4.20.2. The campaign period shall commence, at latest, 48 hours after the close of nominations.
- 4.20.3. The campaign period shall last for at least three days.
- 4.21. All campaign material must bear the name and student number of a nominee who is authorising and taking responsibility for such material.
- 4.22. Only members may campaign for election of a nominee in these elections.
- 4.23. The substance of a nominee's campaign must be within the spirit of these Regulations.
- 4.23.1. A nominee's campaign must not be intimidating, insulting or offensive.
- 4.23.2. Nominees, or any person acting on behalf of a nominee, shall not harass or spam any other student.
- 4.24. No campaigning shall take place within the exclusion zone as determined by the Returning Officer. The exclusion zone shall be announced prior to the start of the campaign period. Specific campaigning restrictions include, but are not limited to:
- 4.24.1. No person shall campaign in any UNSW classroom, study lab or library.
- 4.24.2. No person shall campaign at any event hosted or organised by the Law Society or by the Law Faculty.
- 4.24.3. No person shall request any member of the Law Faculty or other organisation to endorse or recommend a nominee.
- 4.24.4. No person shall use Law Society resources to campaign. This includes electronic (e.g. Law Society Facebook groups, Law Society website etc.) and physical resources (e.g. materials from the Law Society office).
- 4.24.5. No person shall campaign while holding himself or herself out to be acting in an official capacity as a Law Society Executive member. This does not prohibit nominees from referencing their Law Society experience while campaigning.

- 4.24.6. No person shall affix any campaign materials to any surface other than the open concrete pillars in the Law Building or the general notice boards on the ground floor of the Law Building.
- 4.24.7. A nominee, or a person acting on behalf of a nominee, must not affix more than three posters in the Law Building.
- 4.24.8. A nominee, or a person acting on behalf of a nominee, shall not intentionally witness the vote of a member and shall not campaign to a member once the nominee, or a person acting on behalf of the nominee, becomes aware that the member is in the process of voting.
- 4.25. No nominee or current member of Cabinet may publicly endorse, recommend or form an alliance with any other nominee(s) in any way.
- 4.25.1. To avoid doubt, this does not prohibit a current Cabinet member from endorsing or recommending himself or herself.

#### **Division 4.5 – Polling**

- 4.26. Polling must occur over at least two academic days, but not including Wednesday.
- 4.27. Polling must occur electronically on an online voting system.
- 4.28. Only members are entitled to vote.
- 4.29. Notice for the elections shall be at least seven academic days.
- 4.30. For each position:
- 4.30.1. Ballots are to be distributed on 1<sup>st</sup> preferences;
- 4.30.2. Quota is to be equal to the total number of votes divided by two, and then one further vote is added;
- 4.30.3. If after the first preference count a candidate is over quota, then that candidate is declared provisionally elected;
- 4.30.4. If no candidate is declared provisionally elected, then the candidate with the lowest number of votes is then removed and these ballots are re-distributed according to their 2<sup>nd</sup> preference if indicated, then these ballots are discarded for this position.

- 4.30.5. This process continues until a candidate is declared provisionally elected for all positions.
- 4.31. If a candidate has been declared provisionally elected for more than one position, then of these positions which are not that candidate's 1<sup>st</sup> preference, they are to be recounted as follows:
- 4.31.1. The recount for each of these positions will begin by distributing on 1<sup>st</sup> preferences, and then the candidate with the highest number of votes is then removed and these ballots are re-distributed according to their 2<sup>nd</sup> indicated preference;
- 4.31.2. If no 2<sup>nd</sup> preference is indicated then these ballots are discarded for this position;
- 4.31.3. If a candidate is over quota, then the candidate is declared provisionally elected.
- 4.31.4. If no candidate is declared provisionally elected, then the candidate with the lowest number of votes is then removed and these ballots are re-distributed according to their 2<sup>nd</sup> indicated preference. If no second preference is indicated, these ballots are then discarded for this position.
- 4.31.5. This process continues until a candidate is declared provisionally elected for all these positions
- 4.32. If there is an absolute tie between more than one candidate for a position (i.e. after all preferences have been distributed all remaining candidates have the same number of votes), then the outgoing Cabinet will select, by at least a majority, who they think is the better candidate.
- 4.33. The following procedure must be followed by members who are voting:
- 4.33.1. For each position, the voter must mark the electronic paper in the manner specified online.
- 4.33.2. The voter may mark as many preferences as her or she wishes in numerical order.
- 4.34. Votes may be invalidated in the event of:
- 4.34.1. Failure to comply with the Regulations; and/or

- 4.34.2. Any use of marks that are not permitted by the online voting system.
- 4.35. Any complaints as to the administering of the election are to be directed to the Returning Officer in writing.
- 4.35.1. The Returning Officer shall render a decision, where applicable.
- 4.35.2. If the complainant is still unhappy with the Returning Officer's decision, they may make a complaint to Arc@UNSW.
- 4.36. If the Returning Officer declares the election to be invalid for a position or several positions, then these are to be filled at an Extraordinary General Meeting in accordance with section 11 of the Constitution.
- 4.37. The provisionally elected candidates will be announced as formally elected at the next Annual General Meeting.
- 4.38. In applying the provisions described in Constitution 10.3.6, the Returning Officer is to interpret the provisions in accordance with the example set out in Appendix 5 of the Regulations.

## **Part 5 – Cabinet Accountability Policy**

### **Division 5.1 – Purpose**

- 5.1. This policy covers the accountability of Cabinet members. It outlines their responsibilities towards the Law Society and UNSW Law.

### **Division 5.2 – Cabinet Expectations**

- 5.2. Cabinet members are elected to represent all UNSW Law students.
- 5.3. Cabinet members must:
- 5.3.1. Act professionally and in the best interests of UNSW Law students, disregarding personal interests or obligations outside the Law Society. This involves acting in good faith and for proper purpose;
- 5.3.2. Make ethical and responsible decisions by approaching the decision-making process objectively and fairly; unaffected by unreasonable external influences, persuasions or pressures;



- 5.3.3. Protect the Law Society's brand through following correct marketing procedures, including use of official templates and logos;
  - 5.3.4. Maintain a high standard of professional behaviour when representing the Law Society at events, particularly in the presence of Faculty members and sponsors;
  - 5.3.5. Hold other members of the Cabinet accountable to their role and responsibilities;
  - 5.3.6. Act prudently and transparently with regard to the finances of the Law Society;
  - 5.3.7. Avoid conflicts of interest (real and perceived) and report any conflicts of interest to Cabinet to ensure transparency;
  - 5.3.8. Act honestly with regard to information received in the role and not use any information received in their capacity as a Cabinet member improperly or in any way that may unfairly benefit themselves over other UNSW Law students;
  - 5.3.9. Treat all members of Cabinet, the General Executive and the wider society with respect and dignity;
  - 5.3.10. Respect the rights, roles and responsibilities of other Cabinet members and work with them to achieve the best outcome for the Law Society;
  - 5.3.11. Endeavour to resolve conflicts in a professional and dignified manner; and
  - 5.3.12. Refrain from disclosing confidential information.
- 5.4. Cabinet members are expected to check their emails regularly. Where reasonably practicable, Cabinet members must reply to emails within 24 hours.

#### **Division 5.3 – Cabinet Meeting Attendance**

- 5.5. Cabinet members must attend all Cabinet meetings that they are reasonably able to attend and be on time to meetings.
- 5.6. Cabinet members should actively participate in all Cabinet meetings, representing their Portfolio as a whole and reading reports, motions, the agenda and other meeting documents prior to the meeting.
- 5.7. Subject to Constitution 11.1.3.5, Cabinet members may be penalised for repeated absences from Cabinet meetings.

- 5.7.1. On the occasion of a third absence, the Cabinet member in question shall be subject to an Internal Cabinet Review.
- 5.7.2. On any occasion after a fifth absence, the Cabinet member in question may be subject to a Cabinet Review.
- 5.7.3. On the occasion of a seventh absence, the Co-Presidents, with the support of a majority of Cabinet, may give notice of an EGM to take place as soon as possible within the required notice period. At this EGM, the Secretary shall move a motion to dismiss the Cabinet member in question.

#### **Division 5.4 – Report Submission**

- 5.8. The Co-Presidents and Vice-Presidents must submit a report of their activities and their Portfolio's activities before each Cabinet meeting.
- 5.9. The Treasurer must submit an updated budget before each Cabinet meeting.
- 5.10. The Secretary is not required to submit a report.
- 5.11. Reports and updated budgets must be submitted to the Secretary no less than sixty hours prior to the meeting. For example, for a meeting that takes place at 8.00 am on Monday, reports must be submitted by 8.00 pm the previous Friday.
  - 5.11.1. A late report will be deemed to be a failure to submit a report.
  - 5.11.2. Where reasonably practicable, the Secretary must send all Cabinet meeting documents, including the compiled reports and agenda, at least twenty-four hours prior to a meeting.
- 5.12. Despite Regulation 5.11.1, the Secretary may accept a late report or otherwise excuse a Cabinet member from submitting a report if the Secretary is satisfied that there were exceptional circumstances preventing the Cabinet member from submitting a report on time.
- 5.13. If the Co-Presidents, a Vice-President, or the Treasurer fail to submit reports or updated budgets throughout the year, there may be penalties.
  - 5.13.1. On the occasion of a third failure to submit a report or updated budget, the Cabinet member in question shall be subject to an Internal Cabinet Review.
  - 5.13.2. On any occasion after a fifth failure to submit a report or updated budget, the Cabinet member in question may be subject to a Cabinet Review.

5.13.3. On the occasion of a seventh failure to submit a report or updated budget, the Co-Presidents, with the support of a majority of Cabinet, may give notice of an EGM to take place as soon as possible within the required notice period. At this EGM, the Secretary shall move a motion to dismiss the Cabinet member in question.

#### **Division 5.5 – Report Content**

- 5.14. Reports must contain a summary of the Portfolio's activities for the past week.
- 5.15. Reports must be submitted in accordance with the report template supplied by the Secretary.
- 5.16. Updated budgets should contain the most recent figures available to the Treasurer at the time of submission.
- 5.17. The Vice-President or Treasurer submitting the report or budget updated must make a reasonable effort to include sufficient detail so as to keep Cabinet informed of all the activities of their Portfolio. This includes, but is not limited to:
- 5.17.1. Any proposed new events;
  - 5.17.2. Any upcoming events;
  - 5.17.3. Details and feedback on events that have recently occurred;
  - 5.17.4. Any problems arising from such events;
  - 5.17.5. Any changes to anticipated events; and
  - 5.17.6. Details of any under-performing member of the General Executive.
- 5.18. At meetings, the Co-Presidents, the Treasurer, and each Vice-President shall provide an oral update of any activities that have taken place between the time of report submission and the meeting.

#### **Division 5.6 – Cabinet Review**

- 5.19. Cabinet Reviews shall occur at the next Cabinet meeting after the relevant conduct has occurred.
- 5.20. Minutes of Cabinet Reviews shall be taken by the Secretary. These must remain confidential unless the procedure in Regulations 5.7.3 or 5.13.3 is activated.

5.20.1. Where the Secretary is subject to a Cabinet Review, minutes of the Cabinet review shall be taken by the Treasurer.

5.21. The Cabinet Review shall examine:

5.21.1. The reasons for the Cabinet member in question's failure to attend meetings, or submit reports or updated budgets or vote;

5.21.2. Whether such conduct is likely to re-occur; and

5.21.3. Whether the Cabinet member in question is adequately fulfilling their duties in accordance with the Constitution, the Regulations and other relevant documents.

#### **Division 5.7 – Internal Cabinet Review**

5.22. Internal Cabinet Reviews shall be conducted by the Co-Presidents and minutes shall be taken by the Secretary.

5.22.1. Where the Secretary is subject to an Internal Cabinet Review, minutes shall be taken by the Treasurer.

5.22.2. Where the Presidents are subject to an Internal Cabinet Review, it shall be conducted by the Secretary and minutes shall be taken by the Treasurer.

5.23. An Internal Cabinet Review shall occur as soon as reasonably practicable after the relevant conduct at a time and location determined by the Co-Presidents.

5.24. The Internal Cabinet Review shall examine the same matters as a Cabinet Review as stipulated in Division 5.6.

## **Part 6 – General Executive Accountability Policy**

### **Division 6.1 – Purpose**

- 6.1. This policy covers the accountability of members of the General Executive. It outlines their responsibilities towards the Law Society and UNSW Law.

### **Division 6.2 – Expectations**

- 6.2. Members of the General Executive shall:
- 6.2.1. Act professionally and in the best interests of UNSW Law students, disregarding personal interests or obligations outside the Law Society. This includes acting in good faith and for proper purpose.
  - 6.2.2. Fulfil their functions, as defined in the Regulations and the Volunteer Agreements, to the best of their ability.
  - 6.2.3. Act in accordance with directions given by Cabinet.
- 6.3. Members of the General Executive are expected to check their emails regularly. Where reasonably practicable, members of the General Executive must reply to emails within 24 hours.
- 6.4. Members of the General Executive must complete the Arc Gendered Violence Training module within a reasonable time after being appointed to the General Executive.

### **Division 6.3 – Underperforming Executive**

- 6.5. Cabinet may not exercise its power to declare a position vacant under Constitution 13.7.5.1 unless it does so in accordance with the requirements of this Division.
- 6.6. Cabinet members may only vote in favour of a motion to declare a position of the General Executive vacant under Constitution 13.7.5.1 if they are satisfied that:
- 6.6.1. Removal of the member of the General Executive is in the best interest of the Law Society; and
  - 6.6.2. Reasonable steps have been taken by the Cabinet member responsible for the member of the General Executive to notify the member of the General Executive of their under-performance.

- 6.7. Before a motion to declare a position of the General Executive vacant is moved, the Secretary must have performed all of the following steps:
- 6.7.1. At least 168 hours (7 days) before the motion is moved, sent an email to the member of the General Executive's personal email address which includes:
- 6.7.1.1. A statement that a member of Cabinet intends to move a motion to declare the member of the General Executive's position vacant and the date the motion will be moved;
  - 6.7.1.2. A document prepared by the Cabinet member responsible for the member of the General Executive to justify the motion;
  - 6.7.1.3. An extracted copy of this Division of the Regulations; and
  - 6.7.1.4. A statement that the member of the General Executive is entitled to make a written submission to Cabinet by way of email to the Secretary within 96 hours (4 days).
- 6.7.2. Upon receipt of a submission from the member of the General Executive, the Secretary must forward the reply to the Cabinet member responsible for the member of the General Executive. The Cabinet member may make a further submission in reply and request the Secretary send another email per Regulation 6.6.1.
- 6.7.3. At least 24 hours before the motion is moved, the Secretary must circulate a copy of the complete correspondence between the Secretary and member of the General Executive proposed for removal to all Cabinet members.
- 6.8. On request of a Cabinet member, the Secretary must perform the steps required under Regulation 6.6.
- 6.9. Nothing in this Division should be taken to prevent Cabinet from discussing the motion prior to voting with the limitation that:
- 6.9.1. The Cabinet member responsible for the member of the General Executive proposed for removal must leave the Cabinet room during discussions and may not vote on the motion; and
  - 6.9.2. No Cabinet member may raise any factual evidence or allegation that has not been put to the member of the General Executive proposed for removal.

- 6.10. To avoid doubt, this Division has no operation for the purposes of declaring a position of the General Executive vacant under any other provision of the Constitution.

## **Part 7 – Treasury Policy**

### **Division 7.1 – Preliminary**

- 7.1. The Treasurer shall keep an accurate record of the Law Society's finances throughout their term.

### **Division 7.2 – Expenditure**

- 7.2. All expenditure or obligation incurred within a financial year (1 December to 30 November) must be approved by Cabinet.

7.2.1. This includes entering into agreements which will create binding financial obligations for the Law Society.

7.2.2. If expenditure is undertaken by a member of the Executive in the Law Society's name, or an agreement is entered into which binds the Law Society to a future financial expenditure without prior approval then the Cabinet shall have full discretion to proceed with reimbursements for these un-approved costs.

### **Division 7.3 – Reimbursements**

- 7.3. All approved expenditure must either have an invoice or a receipt to receive reimbursement.

7.3.1. The Treasurer may approve reimbursements for approved expenses.

7.3.2. If a receipt is not provided, and the expenses are less than \$100, the Treasurer and the Co-Presidents may, at their discretion, approve the reimbursement.

7.3.3. If a receipt is not provided, and the expenses are more than \$100, the Cabinet may, at their discretion, approve the reimbursement.

- 7.4. The Treasurer shall, where reasonably practicable, process reimbursements within 14 days from when the reimbursement form is submitted.

- 7.5. Reimbursements must be claimed within 45 days of the date of expenditure.

- 7.6. The reimbursement process shall be determined by the Treasurer and made known to the Executive.

**Division 7.4 – Arc Grants**

- 7.7. The Vice-President responsible for an eligible event shall apply for an Arc Club Grant by providing the relevant information to the Secretary. The Vice-President responsible shall ensure that:

7.7.1. An Arc Attendance list is completed;

7.7.2. The Arc logo or the statement 'This student Club activity is proudly supported by Arc @ UNSW' is displayed on all marketing material and/or application forms.

7.7.3. A photo is taken at the event which displays the arc banner (or if it is not available, the arc logo on a large screen).

7.7.4. Receipts of expenditure are kept (if the Vice-President or a member of the General Executive is using the receipt to claim reimbursements from the Law Society, the Vice-President responsible shall ensure that a duplicate copy of the receipt is kept).

- 7.8. This obligation ceases when the Law Society reaches Arc @ UNSW's funding limit of \$4,000.

- 7.9. For the purpose of this Division, an eligible event means an event which is not sponsored and incurs any expenses.

7.9.1. Events where the primary purpose is to consume alcohol are not eligible events.

- 7.10. The Vice-President responsible for large-scale events which contribute towards the development of graduate attributes and which have a cultural, social, historical or reputational significance shall apply for a Student Development Committee Grant (**SDC Grant**). Examples of such events include, *inter alia*, the following:

7.10.1. International mootings or mediation competitions, particularly those with a human rights focus or from reputable international organisations.

7.10.2. Social justice events, such as documentaries and the Court of Conscience launch.



7.11. The Vice-President responsible shall submit the application to the Secretary.

7.11.1. As the Law Society can only submit one SDC Grant application, the Secretary shall, if there are multiple applications submitted by Vice-Presidents, decide which application to submit to Arc @ UNSW.

#### **Division 7.5 – Constitutional Grants**

7.12. All constitutional grants must be paid in accordance with the Constitution.

7.12.1. Recipients of constitutional grants must provide the Law Society with a proposed budget for how the money is to be spent.

7.12.2. Recipients of constitutional grants must be financially prudent and must not spend money unnecessarily.

7.12.3. Failure to comply with these requirements may constitute an exceptional circumstance for the purpose of the Constitution 41.1.

#### **Division 7.6 – Subsidies for Executive Members**

7.13. All members of the Executive must pay the cost of their admission to an event run by the Law Society if there are costs associated with admission, except as outlined in this Division.

7.14. There shall be subsidies for Law Camp, as follows:

7.14.1. The Vice-President (Activities) and the Events and Socials Director(s) organising Law Camp shall receive a subsidy of 100%.

7.14.2. The Co-Presidents shall each receive a subsidy of 100%.

7.14.3. Up to two (2) Cabinet members attending Law Camp may be nominated as 'Wellbeing Personnel' by the Vice-President (Activities) who are then to receive a subsidy of 50%.

7.14.4. Subsidies for Law Camp may be transferred to another Cabinet member or an executive within the Activities portfolio with the approval of both Co-Presidents and the Vice-President (Activities).

7.15. There shall be subsidies for Law Ball, as follows:

7.15.1. The Vice-President (Activities) and the Events Director(s) organising Law Ball shall receive a subsidy of 100%.

- 7.15.2. Faculty staff, including the Dean of the Law Faculty and one guest; the Head of the Law School and one guest shall receive a subsidy of 100%.
- 7.15.3. If the Law Society Band is providing entertainment, each member of the band will be required to pay the cost price of the event.
- 7.15.4. If the Law Society photographer is attending in their official capacity, they shall receive free entry to the event, including access to the bar tab, but excluding meals other than finger food.
- 7.16. There shall be subsidies for the JD Black Tie Dinner, as follows:
  - 7.16.1. The Vice-President (JD & PG) and the JD/PG Activities Director(s) organising the Dinner shall receive a subsidy of 100%.
- 7.17. Subsidies for other events shall be decided by Cabinet.
  - 7.17.1. Where budgetary constraints permit, the Vice-President of the relevant portfolio and the Director(s) organising the event should receive a 100% subsidy.

#### **Division 7.7 – Financial Reporting**

- 7.18. Vice-Presidents and the relevant Director(s) must provide a financial report of each event.
- 7.19. Reimbursements should not be processed until a financial report is submitted to the Treasurer.
- 7.20. Financial reports shall include:
  - 7.20.1. The budgeted expenditure for the event;
  - 7.20.2. The breakdown of actual expenditure for the event;
  - 7.20.3. An explanation of any differences between budgeted and actual figures; and
  - 7.20.4. Copies of any receipts.

## Part 8 – Grievance Policy

### Division 8.1 – Purpose

- 8.1. LawSoc encourages individuals to raise grievances where they arise in line with this Part. Most grievances should be raised directly with LawSoc and handled internally, and Cabinet should aim to deal with any complaints received in a prompt, sensitive, impartial, confidential and supportive way to seek a resolution and to prevent future conflict.
- 8.2. All parties should co-operate constructively in resolving matters. Complainants are encouraged to only use the formal procedure of LawSoc where the matter has not been resolved through an informal dialogue.

### Division 8.2 – Scope

- 8.3. This Part applies to current UNSW students and staff, and members of LawSoc.
- 8.4. This Part does not replace any existing Regulations which outline specific procedures to follow when certain conflicts or complaints arise (e.g. during elections).
- 8.5. This Part is designed to be a guide only and does not purport to prescribe the actions required to handle every complaint/grievance within the spectrum of potential conflict. Accordingly, Cabinet members are expected to use their discretion as to how particular grievances should be handled having regard to the circumstances, purpose and principles of this Part.
- 8.6. Additionally, grievances which should not be pursued by this procedure include:
  - 8.6.1. Disputes relating to matters beyond the control of LawSoc e.g. inappropriate behaviour of attendees at an event near an activity run by LawSoc or matters that would otherwise fall within the Misconduct Policy;
  - 8.6.2. Personal disputes where none of the parties involved are acting on behalf of LawSoc;
  - 8.6.3. Grievances and complaints relating to incidents that occurred more than three (3) months prior to the grievance being raised for which no reasonable excuse explaining the delay has been provided to the LawSoc or Arc @ UNSW
  - 8.6.4. In the case of longer-term or repetitive issues, at least once instance must have occurred within this period.

### Division 8.3 – Definitions

- 8.7. **Appeal:** Where an individual wishes to dispute or challenge a decision that has been made by LawSoc in relation to a grievance that has been raised through the formal procedure outlined in this Part.
- 8.8. **Complaint:** An objection or criticism that is raised about any incident relating to LawSoc. A complaint may not need to be responded to by way of formal resolution but should always be acknowledged.
- 8.9. **Complainant:** A person who makes a complaint or raises a grievance who has experienced, and been affected by, a grievance-worthy event. Where multiple Complainants share a complaint they make take action together and the matter will be dealt with as a single grievance.
- 8.10. **Grievance Officer:** Is the Cabinet member specified in the Constitution whose role is to receive and handle formal grievances (currently the Co-Presidents). If there is a conflict regarding the Grievance Officer and a particular complaint, the Secretary, or another Cabinet member, will assume the role of Grievance Officer.
- 8.11. **Grievance:** Any complaint, concern, dispute or problem to do with LawSoc, its activities and events and the behaviour of Cabinet member when performing their Cabinet duties can be a grievance. Grievances can arise due to LawSoc behaviours, acts, situations, omissions, or decisions, which complainant considers to be unfair or unjustified and requires addressing by LawSoc and is raised in accordance with this Part.
- 8.12. **Procedural Fairness:** A fair and proper procedure must be used when making a decision. The basic rules of procedural fairness require:
- 8.12.1. a person's right to be heard and to comment on allegations made against them;
  - 8.12.2. that an investigator make reasonable inquiry into matters in dispute;
  - 8.12.3. a lack of bias during the investigation; and
  - 8.12.4. the decision is supported by evidence/reasons.

## **Division 8.4 – Procedure**

8.13. The following procedural steps are a guideline of the actions which can be taken once a grievance has been identified. However, Cabinet should be mindful of the individual circumstances of each case and act appropriately in response to these.

### **Informal Grievance Resolution**

#### *Self-Resolution*

8.14. Where the individual complainant feels comfortable doing so, they should attempt to seek a resolution to the grievance themselves with the person/persons involved. The focus on self-resolution is to avoid escalation of grievances in the future, to produce a positive result for the maximum number of parties and to encourage a culture where honest and constructive dialogue is valued. LawSoc does not condone behaviour which is contrary to these objectives, and therefore will not tolerate individuals behaving in a confrontational, aggressive or abusive way in the pursuit of addressing a Club grievance.

8.15. Informal grievance mechanisms may also include:

8.16. Cabinet may attempt to resolve the grievance through informal discussions with the complainant and the respondent;

8.17. Internal mediation between parties; and

8.18. Cabinet raising awareness in relation to appropriate behaviour.

### **Formal Grievance Resolution**

8.19. Where an individual does not feel comfortable addressing a grievance with the person/persons involved directly, or where they have attempted to resolve the grievance themselves without success, they should report the grievance to the Grievance Officer. If the complainant does not feel comfortable reporting the grievance to the Grievance Officer because the grievance directly involves them, or if they are unsatisfied with their response in the first instance, the complainant should report the grievance to the Secretary.

8.20. Once a grievance has been raised with the Grievance Officer, the Grievance Officer will then determine how the grievance should be handled with regard to the steps set out below, or other appropriate measures which they think fit. This might include determining whether another more appropriate policy and procedure should

be followed (e.g. UNSW Student Code of Conduct and UNSW Complaints) and whether any investigation(s) need to be conducted.

8.21. Where appropriate the Grievance Officer will make a decision on the resolution of the grievance. Where approval from the Cabinet is required (e.g. agreement on changes to events or procedures), the Grievance Officer will make a recommendation to the Cabinet on how the grievance should be resolved. Where a decision is required from Cabinet, Cabinet should consider any conflicts of interest within the Cabinet and take steps to make an impartial decision (including receiving information from the Grievance Officer about any Cabinet member that may be directly involved in the grievance).

8.22. The Grievance officer will communicate the outcome to all those involved.

#### *Raising a Formal Grievance*

8.23. When formally reporting the grievance to the Grievance Officer, the complainant will need to do the following:

8.23.1. Set out their grievance in writing;

8.23.2. Include full details of the grievance such as names, dates reasons for the grievance; and

8.23.3. Detail the desired result of raising the grievance.

8.24. After reporting your grievance to the Grievance Officer, the Grievance Officer will follow the procedure below or one which is deemed relevant considering the circumstances.

#### *Initial Steps*

8.25. The Grievance Officer will follow up with the complainant within five (5) working days of the complaint being made, or as soon as practicable given the circumstances. Where practical this should be in person. The purpose of this follow-up includes:

8.25.1. Determining the extent of the grievance and the desired outcome;

8.25.2. Advising the complainant of this grievance policy and procedure (including requiring a grievance to be set out in writing if it has not already been submitted); and

8.25.3. The Grievance Officer ascertaining the necessary steps to be taken in order to deal with and resolve the grievance, including whether or not the Grievance Officer is the appropriate person to handle the grievance (taking into consideration their ability to remain impartial during any grievance procedure and their ability to successfully handle the grievance process). If the Grievance Officer feels that they are unable to handle the procedure, then they must refer the grievance to the Secretary.

*Investigation*

8.26. Where the Grievance Officer determines that the grievance requires further investigation, the following may occur:

8.26.1. Interviews of relevant parties may be conducted;

8.26.2. Individuals who are alleged to have caused the grievance will be notified of the allegations made against them;

8.26.3. The opportunity afforded to respond to any allegations put to the person accused of causing the grievance, or being responsible for the actions leading to a grievance being made and time to prepare the response; and

8.26.4. All relevant information, documentation and evidence to be considered by the Grievance Officer in order to make an accurate finding or recommendation as set out in clause 8.21.

8.27. If the outcomes of the investigation do not involve actions on any individual/s (but instead changes to how LawSoc functions, e.g. updates to policies and procedures only), individuals involved in a grievance do not necessarily need to be notified or involved in the investigation.

8.28. If the Grievance Officer reasonably believes that it would benefit investigation to delay notifying a person involved in the investigation they may do so.

8.29. Any investigation resulting in actions on individual/s must include giving these individual/s adequate notice, information and opportunity to respond before outcomes are decided.

*Procedural fairness*

8.30. Any person involved in an investigation will be afforded the following:

8.30.1. Adequate notice of any investigation or meeting (at least five (5) working days);

8.30.2. That meetings are held in a reasonable location (e.g. reasonably private and easily accessible)

8.30.3. Information about the allegations, the relevant facts and evidence;

8.30.4. Time to consider their response (at least five (5) working days);

8.30.5. An opportunity to respond to allegations;

8.30.6. A fair and reasonable inquiry into the matters in dispute;

8.30.7. An opportunity to have a support person present in any meeting where a request is made to the Grievance Officer; and

8.30.8. A right of appeal.

8.31. Offers of compromise as well as agreements reached during these grievance procedures should be individualised and will not constitute precedents with regard to similar grievances, and are without prejudice to positions taken in similar circumstances or more general issues

#### *Record keeping*

8.32. At all times, details of all conversations and dates are to be recorded (in writing), and these may be shared with Arc, UNSW or law enforcement as required. These records must be kept secure and confidential.

#### *Victimisation*

8.33. Where any actions taken resulting from the complaint, or the act of complaint itself breaches the UNSW Code, LawSoc may report individuals to UNSW. This particularly includes individuals who are found to have victimised or retaliated against a complainant who has raised a grievance under this Part, or any individual who is found to have made false, vexatious or unsubstantiated complaints against another person under this Part.

### **Division 8.5 – Confidentiality and discretion**

8.34. LawSoc expects that all of those involved in any procedure under this Part maintain confidentiality of the identity of person(s) and the incident(s) alleged to have



occurred to warrant a grievance being lodged. Where incidents are required to be reported to Arc, UNSW or the police, the complainant will be informed and upon request the report will be de-identified unless identification is required by law.

8.35. If the Grievance Officer is of the reasonable opinion that it is not appropriate to notify the complainant before reporting to Arc, UNSW or the police, this notification can be withheld but the Grievance Officer must let the organisation/s receiving the report that this notification was not given to the complainant.

8.36. Any breaches of confidentiality will be taken seriously and may result in a complaint being lodged with UNSW.

#### **Division 8.6 – Withdrawal**

8.37. Any grievance raised within these procedures may be withdrawn by the member(s) making the grievance at any stage. Withdrawal will occur when the member(s) notify, in writing, the Grievance Officer or the person assuming the role of Grievance Officer.

#### **Division 8.7 – Appeal / Review of decisions**

8.38. If you are unhappy about the way the grievance has been handled, you can refer the matter to the Secretary for review. The appeal needs to be submitted within five (5) working days of receiving notification of the outcome of the formal grievance and must specify the reasons for the appeal (e.g. why the original decision was incorrect based on a lack of procedural fairness).

8.39. Once notified, the Secretary will convene a Cabinet meeting (taking into consideration any conflicts of interest) and together conduct a review of the procedure followed, the outcome issued and make LawSoc's final determination on the issue. Once this determination is made, the person who has made the appeal will be notified of the outcome.

## Part 9 – Misconduct Policy

### Division 9.1 – Principles

- 9.1. LawSoc members are expected to behave in a manner consistent with the UNSW Student Code of Conduct.
- 9.2. So far as reasonably practicable, LawSoc should endeavour to provide a safe and welcoming university experience for its members.
- 9.3. LawSoc should take action to minimise, prevent and/or address conduct which is harmful to any of its members.

### Division 9.2 – Purpose and scope

- 9.4. This Part aims to provide a mechanism through which LawSoc can support the safety of its members during LawSoc activities and events.
- 9.5. This Part applies to all LawSoc members and their conduct both during and outside of LawSoc activities and events.

### Division 9.3 – Definitions

- 9.6. **Serious Misconduct** means conduct defined as Serious misconduct matters under Appendix A: Definitions of the UNSW Student Misconduct Procedure.

### Division 9.4 – Procedure

- 9.7. Receiving a complaint:
  - 9.7.1. Any person (the **Complainant**) can inform LawSoc of the conduct of a member (the **Alleged**) which constitutes a complaint.
  - 9.7.2. Complaints must be made in writing to the Co-Presidents to their official email address.
  - 9.7.3. Where a complaint involves a Co-President, the Secretary will assume their role under this Part.
  - 9.7.4. Complaints can also be received from the UNSW Student Conduct and Integrity Unit (**SCIU**) or the Law Faculty.
- 9.8. Responding to a complaint:

- 9.8.1. Where the conduct constituting a complaint may be a breach of the UNSW Student Code of Conduct, the Complainant or the Co-Presidents may raise a complaint to the SCIU under this Part against the alleged.
- 9.8.2. Where the conduct constituting a complaint is of a criminal nature, the Co-Presidents may contact the relevant authorities as well as following the Procedures contained in this Part.
- 9.8.3. This Part does not limit the ability for LawSoc to seek external advice in relation to the complaint subject to Clause 6.1.
- 9.8.4. The Co-Presidents shall only take action under Clause 4.2:
  - 9.8.4.1. With the Complainant's consent; and
  - 9.8.4.2. Where it is highly likely that the Complainant will not raise the complaint themselves.
- 9.9. At no point shall Cabinet make any investigations into complaints under this Part.
- 9.10. Any complaint raised under Clause 4.1 may be withdrawn from consideration by LawSoc by giving notice to the Co-Presidents in writing to their official email address. To withdraw the complaint from the SCIU, the complainant must take separate action as required by the SCIU.

#### **Division 9.5 – Referring Complaints to the SCIU**

- 9.11. Before the SCIU has communicated the outcome of the complaint to LawSoc:
  - 9.11.1. LawSoc may not take action unless the Co-Presidents, with the support of at least 75% of Cabinet, believe interim action is necessary having regard to:
    - 9.11.1.1. The involvement by the Alleged posing a high risk of harm to the Complainant, or other LawSoc members;
    - 9.11.1.2. The circumstances necessitating action prior to the outcome of the SCIU's investigation; and
    - 9.11.1.3. The unavailability of other measures to avoid or significantly mitigate the risk of harm.
  - 9.11.2. Interim action may include modifying or prohibiting the Alleged's involvement in LawSoc activities or events.
- 9.12. Until the outcome of a complaint has been communicated to LawSoc by the SCIU:
  - 9.12.1. At no point should the Alleged be informed by LawSoc that a complaint has been raised against them, except where action has been taken under Clause 5.1.

- 9.12.2. The Co-Presidents shall redact the names of either the complainant or the alleged in Cabinet discussions.
- 9.13. If the SCIU declines to investigate the complaint, LawSoc cannot take further action under this Part.
- 9.14. After the final outcome of the complaint has been communicated to LawSoc by the SCIU:
- 9.14.1. Cabinet may pass a resolution to take any necessary action including but not limited to:
- 9.14.1.1. Terminating the Alleged's LawSoc membership in accordance with the Constitution;
- 9.14.1.2. Modifying or placing restrictions on the Alleged's involvement in LawSoc events or activities; or
- 9.14.1.3. Keeping a record in accordance with Division 10.6 of the Alleged's misconduct for consideration in future LawSoc involvement, including position applications.
- 9.14.2. Cabinet must then inform the Complainant of the outcome of the complaint and any action taken by Cabinet in response.

#### **Division 9.6 – Documentation**

- 9.15. Any complaint made under this Part will be held in strict confidentiality.
- 9.15.1. At no point shall LawSoc reveal the identity of the complainant without their consent.
- 9.15.2. Records of all discussions, meetings, communications, and other relevant information pertaining to this Part must be kept.
- 9.15.3. Records made under this Part must be stored securely and accessible only to those as required by this Part or by law.
- 9.15.4. Where Cabinet discusses any complaint raised under this Part and minutes are taken, the minutes of that discussion shall not be published.
- 9.16. A separate Register of Complaints must be maintained where Cabinet has passed a resolution in relation to the complaint.
- 9.16.1. The Register of Complaints must contain the following information about each complaint:
- 9.16.1.1. The name of the Alleged;
- 9.16.1.2. The date on which a resolution pertaining to the complaint was passed; and
- 9.16.1.3. The details of the resolution passed.

9.16.2. The Register of Complaints will be held in strict confidentiality and must be accessible to the Cabinet.

## **Part 10 - Membership**

### **Division 10.1 - Purpose**

10.1. This Part clarifies the requirements to be considered a member of the Law Society in order to ensure the Law Society knows who its members are and thus complies with its legal obligations as an incorporated association to maintain a register of members containing the name and email address of all members. Additionally, it will enable the Law Society to comply with Arc's requirements for affiliation, which require that constituent clubs actively sign up their members.

### **Division 10.2 - Registration of Membership**

- 10.2. In order for full membership of the Law Society to be given to eligible students under section 3 of the Constitution, they must first sign up and provide at a minimum their name, student ID and email address to the Law Society.
- 10.3. The Secretary will prescribe the means by which eligible students can sign up and provide the information required under Regulation 9.2 to the Law Society.

## **APPENDIX 1: ADDITIONAL FUNCTIONS, POWERS AND OBLIGATIONS OF CABINET MEMBERS**

1. The duties of the Co-Presidents further include, but are not limited to:
  - 1.1. Providing effective leadership and guidance for the Law Society;
  - 1.2. Calling an Extraordinary General Meeting if and when it is fit to do so;
  - 1.3. Ensuring the Constitution and the Regulations are up-to-date and reflective of the operations of the Law Society;
  - 1.4. Representing the interests of the law students to the University of New South Wales Faculty of Law;
  - 1.5. Representing the interests of the law students to the University of New South Wales Law Alumni Chapter;
  - 1.6. Representing the interests of members of the Law Society at the ALSA Councils and Conference;
  - 1.7. Fulfilling all obligations of an ALSA representative as prescribed by the ALSA Constitution and by-laws, except where it would be unreasonable or against the best interests of the Law Society to do so;
  - 1.8. Overseeing the creation and compliance of the Law Society budget in conjunction with the Treasurer and the relevant Vice-Presidents;
  - 1.9. Providing a detailed handover document to the incoming Co-Presidents at the end of the year; and
  - 1.10. Any other duties reasonably expected to be performed by the Co-Presidents.
2. The duties of the Secretary further include, but are not limited to:
  - 2.1. Providing effective leadership and guidance for the Law Society;
  - 2.2. Chairing meetings of the Law Society in circumstances where the Co-Presidents are absent or otherwise unable to chair meetings;
  - 2.3. Ensuring the Constitution and the Regulations are up-to-date and reflective of the operations of the Law Society;

- 2.4. Advising the Cabinet on matters to do with the Constitution and the Regulations;
  - 2.5. Promulgating appropriate guidelines, procedures and instructions for the internal governance and functioning of the Cabinet;
  - 2.6. Ensuring the notice requirements for annual or extraordinary general meetings comply with Arc requirements;
  - 2.7. Ensuring that all general meetings are registered with Arc @ UNSW Ltd in accordance with their requirements;
  - 2.8. Providing a detailed handover document to the incoming Secretary at the end of the year; and
  - 2.9. Any other duties reasonably expected to be performed by the Secretary.
3. The duties of the Treasurer further include, but are not limited to:
- 3.1. Consulting with the Law Society Cabinet and General Executive to create a budget;
  - 3.2. Ensuring compliance with the budget;
  - 3.3. Ensuring the annual budget is approved by the Cabinet, and that any modifications to the budget thereafter are approved by the Cabinet;
  - 3.4. Updating the budget during the year to reflect deviations from the projected cash inflows and outflows;
  - 3.5. Keeping records of all cash flows throughout the year;
  - 3.6. Reimbursing Law Society Executives for approved expenses;
  - 3.7. Ensuring compliance with the Treasury Policy in Part 7 of the Regulations;
  - 3.8. Ensuring all Australian Taxation Office requirements are met;
  - 3.9. Paying all liabilities owed to external parties where liabilities are approved and incurred pursuant to Law Society objectives;
  - 3.10. Providing a detailed handover document to the incoming Treasurer at the end of the year; and
  - 3.11. Any other duties reasonably expected to be performed by the Treasurer.

4. The duties of the Vice-President (Activities) further include, but are not limited to:
  - 4.1. Ensuring flagship events are run including, but not limited to, Law Camp and Law Ball;
  - 4.2. Providing a detailed handover document to the incoming Vice-President (Activities) at the end of the year; and
  - 4.3. Any other duties reasonably expected to be performed by the Vice-President (Activities).
5. The duties of the Vice-President (Administration) further include, but are not limited to:
  - 5.1. Ensuring all publications are produced a high quality;
  - 5.2. Ensuring the IT needs of the Executive are attended to;
  - 5.3. Providing a detailed handover document to the incoming Vice-President (Administration) at the end of the year; and
  - 5.4. Any other duties reasonably expected to be performed by the Vice-President (Administration).
6. The duties of the Vice-President (Education) further include, but are not limited to:
  - 6.1. Liaising closely with the University of New South Wales Faculty of Law and the Law Society Cabinet to organise and run educational events;
  - 6.2. Providing a detailed handover document to the incoming Vice-President (Education) at the end of the year; and
  - 6.3. Any other duties reasonably expected to be performed by the Vice-President (Education).
7. The duties of the Vice-President (International) further include, but are not limited to:
  - 7.1. Maintaining professional relationships with international sponsors and supporting organisations;
  - 7.2. Engaging with international students to gauge their needs as members of the Law Society;
  - 7.3. Developing new ideas and initiatives to ensure that the needs of international students are met;



- 7.4. Providing a detailed handover document to the incoming Vice-President (International) at the end of the year; and
  - 7.5. Any other duties reasonably expected to be performed by the Vice-President (International).
8. The duties of the Vice-President (Juris Doctor & Postgraduate) further include, but are not limited to:
- 8.1. Engaging with JD and PG students to gauge their needs as members of the Law Society;
  - 8.2. Developing new ideas and initiatives to ensure that the needs of JD and PG students are met;
  - 8.3. Providing a detailed handover document to the incoming Vice-President (Juris Doctor & Postgraduate) at the end of the year; and
  - 8.4. Any other duties reasonably expected to be performed by the Vice-President (Juris Doctor & Postgraduate).
9. The duties of the Vice-President (Mooting Competitions) further include, but are not limited to:
- 9.1. Providing a detailed handover document to the incoming Vice-President (Mooting Competitions) at the end of the year; and
  - 9.2. Any other duties reasonably expected to be performed by the Vice-President (Mooting Competitions).
10. The duties of the Vice-President (Private Law Careers) further include, but are not limited to:
- 10.1. Maintaining professional relationships with domestic sponsors and supporting organisations;
  - 10.2. Providing a detailed handover document to the incoming Vice-President (Private Law Careers) at the end of the year; and
  - 10.3. Any other duties reasonably expected to be performed by the Vice-President (Private Law Careers).

11. The duties of the Vice-President (Public Interest Careers) further include, but are not limited to:
  - 11.1. Maintaining professional relationships with domestic sponsors and supporting organisations;
  - 11.2. Providing a detailed handover document to the incoming Vice-President (Public Interest Careers) at the end of the year; and
  - 11.3. Any other duties reasonably expected to be performed by the Vice-President (Public Interest Careers).
  
12. The duties of the Vice-President (Skills Competitions) further include, but are not limited to:
  - 12.1. Providing a detailed handover document to the incoming Vice-President (Skills Competitions) at the end of the year; and
  - 12.2. Any other duties reasonably expected to be performed by the Vice-President (Skills Competitions).
  
13. The duties of the Vice-President (Social Justice) further include, but are not limited to:
  - 13.1. Developing new ideas and initiatives that address a diverse range of social justice issues;
  - 13.2. Providing a detailed handover document to the incoming Vice-President (Social Justice) at the end of the year; and
  - 13.3. Any other duties reasonably expected to be performed by the Vice-President (Social Justice).

## **APPENDIX 2: POSITIONS IN THE GENERAL EXECUTIVE**

The General Executive consists of the following positions:

1. **Presidents' Portfolio**
  - 1.1. Domestic Sponsorship Director (x 2)
  - 1.2. Outreach Sponsorship Director
2. **Secretariat**
  - 2.1. Governance and Compliance Officer
  - 2.2. Arc Relations Officer
3. **Treasury**
  - 3.1. Finance Officer (x 2)
4. **Activities Portfolio**
  - 4.1. Events Director (x 2)
  - 4.2. Socials Director
  - 4.3. Sports Director (x 2)
  - 4.4. Music Director (x 2)
  - 4.5. LawPLUS Director (x 2)
5. **Administration Portfolio**
  - 5.1. Marketing Coordinator
  - 5.2. Media Coordinator
  - 5.3. Publications Coordinator
  - 5.4. Marketing Director (x 7)
  - 5.5. Media (Film) Director (x 4)
  - 5.6. Media (Podcasting) Director (x 3)
  - 5.7. Media (Website/IT)(x 2)

- 5.8. Member Engagement Director (x 2)
- 5.9. Publications Design Director (x 8)
- 6. **Education Portfolio**
  - 6.1. Student Development Director (x 3)
  - 6.2. Student Mentoring Director
  - 6.3. Student Wellbeing Director (x 2)
- 7. **International Portfolio**
  - 7.1. International Careers Director (x 2)
  - 7.2. International Activities Director (x 2)
  - 7.3. International Student Development Director (x 2)
  - 7.4. International Media Director (x 2)
- 8. **JD & PG Portfolio**
  - 8.1. JD/PG Activities Director (x 2)
  - 8.2. JD/PG Mentoring Director (x 2)
  - 8.3. JD/PG Engagement & Careers Director (x 2)
- 9. **Mooting Competitions Portfolio**
  - 9.1. Mooting Training Directors (x 2)
  - 9.2. Intervarsity Mooting Director (x 2)
  - 9.3. Beginners Mooting Competition Director (x 2)
  - 9.4. Intermediate Mooting Competition Director (x 2)
  - 9.5. Senior Mooting Competition Director (x 2)
  - 9.6. Open Moot Director (x 2)
- 10. **Private Law Careers Portfolio**
  - 10.1. Private Law Careers Director (x 8)

**11. Public Interest Careers Portfolio**

11.1. Public Interest Careers Director (x 4)

11.2. Public Interest Careers Research Director (x 2)

**12. Skills Competitions Portfolio**

12.1. Specialist Skills Director – Internal Competitions (x 4)

12.2. Skills Director – External Competitions (x 2)

12.3. Client Interviewing Director (x 4)

12.4. Negotiations Director (x 6)

12.5. Witness Examination Director (x 4)

12.6. Mediation Director (x 4)

12.7. Competition Materials Development Director (x 2)

**13. Social Justice Portfolio**

13.1. Social Justice Director

13.2. Policy Submissions Director (x 4)

13.3. Court of Conscience Editor-in-Chief

13.4. First Nations Officer

13.5. Women's Officer

13.6. Queer Officer

13.7. Ethnocultural Officer

13.8. Environmental Officer

13.9. Equitable Access Officer

## APPENDIX 3: PROXY FORM

### UNSW LAW SOCIETY – PROXY FORM

I,

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being a member of the UNSW Law Society hereby appoint

---

as my proxy to vote for me on my behalf at the meeting of members on [date] at [time] and at any adjournment thereof in the manner indicated below, or in the absence of indication, as the proxy sees fit.

This form assume the appointment of one proxy

<b>Resolutions</b>	<b>For</b>	<b>Against</b>
Resolution 1	[ ]	[ ]
Resolution 2	[ ]	[ ]
Resolution 3	[ ]	[ ]

Please sign the proxy form below:

---

Signature of the Appointer

---

Signature of the Appointee

---

Date of Appointment

*This form must be returned via email to the Secretary ([secretary@unswlawsoc.org](mailto:secretary@unswlawsoc.org)) or via hard copy to the UNSW Law Society Office by [time and date being 24 hours before the EGM or AGM]*

**APPENDIX 4: NOMINATION FORM**

UNSW Law Society [Year]  
**Candidate Nomination Form**

*Nominations Close [Time and Date]*

<b>NOMINEE DETAILS</b>	
Name of Nominee:	
Student number:	
Position (1 <sup>st</sup> preference):	
Position (2 <sup>nd</sup> preference if applicable):	
Do you identify as a <b>non cis-male</b> ? Yes/No A cis male is someone who identifies with the male gender they were assigned at birth. For example, if you are female-identifying or a non-binary person you should select 'Yes'. Do you identify as an <b>Aboriginal or Torres Strait Islander</b> ? Yes/No Are you an <b>international student</b> ? Yes/No Are you a <b>postgraduate or Juris Doctor student</b> ? Yes/No	
Email address:	
Mobile number:	
Signature:	
Date:	
<b>CANDIDATE STATEMENT (NO MORE THAN 250 WORDS)</b>	

<b>DETAILS OF FIRST NOMINATOR</b>
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Name of First Nominator:	
Signature:	
Date:	
<b>DETAILS OF SECOND NOMINATOR</b>	
Name of Second Nominator:	
Signature:	
Date:	

**CONDITIONS OF NOMINATION (AS PER ELECTION REGULATIONS):**

- (a) Nominators must be eligible to vote in the [year] UNSW Law Society elections.
- (b) Nomination forms must be submitted by email in a Word document format to [returningofficer@unswlawsoc.org](mailto:returningofficer@unswlawsoc.org) by no later than **[time and date]**.
- (c) By submitting a nomination form, nominees agree to abide by the UNSW Law Society Constitution and Regulations.
- (d) Nominees must submit a fully completed nomination form including an electronic statement of no more than 250 words.
- (e) Nominees may also submit a photograph to [returningofficer@unswlawsoc.org](mailto:returningofficer@unswlawsoc.org)



## APPENDIX 5: EXAMPLE REDISTRIBUTION OF PREFERENCES UNDER 10.3.6 OF THE CONSTITUTION

Appendix 5 provides an example election, with instructions as to how the returning officer should apply the provisions in 10.3.6. This should be used to supplement the provisions in 10.3.6, and resolve any questions the Returning Officer may have about the process of affirmative action. For the purpose of this provision ‘CM’ is to be interpreted as a ‘cis-male’, and ‘NCM’ is to be interpreted as a ‘non-cis-male’.

Act	Admin	Edu	Int	JD/PG	Moot	PIC	PLC	Skills	SJ	Sec	Treas
CM: 71%	NCM: 75%	CM: 90% (uncontested)	CM (JD): 40%	CM: 85% (uncontested)	NCM 1: 45%	CM 1: 51%	NCM: 90% (uncontested)	NCM: 65%	CM: 45%	CM: 60%	CM 1: 40%
NCM: 29%	CM: 25%		NCM 1 (Int Stu): 31%		CM 1: 30%	CM 2: 25%		CM: 36%	CM 1: 40%	NCM: 40%	CM 2: 30%
			NCM 2: 29%		CM 2: 20%	CM 3: 14%			NCM: 15%		NCM1: 25%
					NCM 2: 5%	NCM: 10%					NCM 2: 5%

### STEP 1: Redistribute preferences as in a system without AA, and determine winners that would exist without AA

ACT: CM 71%, NCM 29% → CM wins

ADMIN: NCM 75%, CM 25% → NCM wins

EDU: CM uncontested → CM wins

INT: CM 40%, NCM 1: 31%, NCM 2: 29%.

Redistribute Preferences of NCM 2 to CM and NCM 1

CM 55%, NCM 1: 45% → CM wins

JD: CM uncontested → CM wins

MOOT: NCM 1: 45%, CM 1: 30%, CM 2: 20%, NCM 2: 5%

Redistribute preferences of NCM 2

NCM 1: 47%, CM 1: 32%, CM 2: 21%

Redistribute preferences of CM 2

NCM 1: 53%, CM 1: 47% → NCM 1 wins

PIC: CM 1: 51%, CM 2: 25%, CM 3: 14%, NCM: 10% → CM 1 wins

SKILLS: NCM: 65%, CM: 35% → NCM wins

SJ: CM 1: 45%, CM 2: 40%, NCM: 15%

Redistribute preferences of NCM

CM 2: 52%, CM 1: 48% → CM 2 wins

SEC: CM: 60%, NCM 40% → CM wins

TREAS: CM 1: 40%, CM 2: 30%, NCM1: 25%, NCM 2: 5%

Redistribute preferences of NCM 2

CM 1: 40%, CM 2: 35%, NCM 1: 25%

Redistribute preferences of NCM 1

CM 1: 53%, CM 2: 47% → CM 1 wins

STEP 2: In accordance with 10.3.6, determine if at least 50% of successful candidates are NCM identifying

**In this example**, there are 8 CM identifying candidates, 4 NCM identifying candidates elected. Therefore the process in 10.3.6 has to apply.

STEP 3: Identify the positions where the 'winning' candidate under the process of 10.3.1 and 10.3.2 was a CM candidate, and a NCM candidate also ran for the position (the 'AA Relevant Positions')

**In this example, these positions are:**

1. Activities
2. International
3. Public Interest Careers
4. Social Justice
5. Treasurer

STEP 4: In the AA relevant positions, redistribute preferences (if necessary) to determine the split between the highest CM and NCM candidate

ACT: The final two candidates in STEP 1 above were a CM and NCM, so the final round of preference distribution remains the same.

CM 71%, NCM 29%

*Note:* As the NCM did not receive more than 30% of the final votes in the portfolio, they would not replace the CM candidate, even if the 50% requirement of NCM candidates was not satisfied (in accordance with 3.10.6.3).

INT: The final two candidates in STEP 1 above were a CM and NCM, so the final round of preference distribution remains the same.

CM 54% (JD), NCM 1: 46% (international student)

PIC: The winning candidate was a CM, and preferences did not need to be distributed to find that winning candidate. As there was only one NCM in the race, eliminate CM 2 and CM 3 and distribute their preferences among CM 1 and NCM.

CM 1: 53%, NCM 2: 47%

SJ: The last two candidates were both CM, so the CM who placed second in the final round of preferences is removed from the race, and his preferences are redistributed

The final round of preference distribution in STEP 1 was: CM 2: 52%, CM 1: 48%

Therefore, eliminate CM 1 from the *original distribution of preferences* (ie, at the stage CM 1: 45%, CM 2: 40%, NCM: 15%) and redistribute his preferences. (This is an application of 3.10.6.1, read in conjunction with 3.10.6.2, which indicates that preferences are to be redistributed).

CM 2: 59%, NCM: 41%

TREAS: The last two candidates were both CM, so the CM who placed second in the final round of preferences is removed from the race, and his preferences are redistributed.

Redistribute preferences of NCM

The final round of preference distribution in STEP 1 was: CM 1: 53%, CM 2: 47%.

The last NCM to be eliminated was NCM 1.

Return to the last time preferences were redistributed that includes NCM 1 (ie, after NCM 2's preferences have been distributed, where CM 1: 40%, CM 2: 35%, NCM 1: 25%). Eliminate CM 2, and redistribute his preferences.

CM 1: 55%, NCM 1: 45%

STEP 5: Replace the CM candidates with the *lowest percentage* of votes with NCM candidates running against them in AA Relevant Positions until 50% of total candidates are NCM

In this case, 2 NCM candidates are required to ensure the requirements of 3.10.6 are met.

The NCM candidates in Public Interest Careers and International have the highest percentage of votes. They are the candidates elected for the relevant portfolios.

(Note: In International, CM was a JD student, and NCM 1 was an international student. According to 3.10.6.5, a NCM international student can replace a JD student. If NCM 1 was not an Aboriginal, Torres Strait Islander, JD, postgraduate or international student, NCM 1 could not replace CM for the International portfolio, and the CM from the International portfolio election would be elected whilst the NCM from Treasury would instead replace the CM from Treasury)