

JULY 29, 2021

# EXPLANATORY MEMORANDUM

**SUBJECT:** Amendments to the MONSU Caulfield Incorporated Constitution

**PREAMBLE:** Previous MONSU Caulfield elections have been marred by a misuse of power. The Constitution has been used as a way of barring student involvement and minimising the power of the people it is built to represent. The 2021 Student Council refuses to let this continue any further. The amendments outlined below will guarantee that all enrolled, fee-paying students at Monash Caulfield will have the support, service and representation they deserve. This set of changes will affirm the work we have done to be the most inclusive MONSU Caulfield Student Council that has ever been. These amendments are critical to guarantee that students who have previously had their democratic rights stripped, will not have this happen to them again. This set of changes is critical for the future of our organisation, and for the students at Monash Caulfield.

PART A: NEW OFFICER POSITION		
CLAUSE/REF	CHANGES	EXPLANATION
C20.2	<p><u>Current</u> N/A</p> <p><u>Proposed</u> Insert C20.2(k), "People of Colour Officer", below C 20.2(j) and re-number proceeding sub-clauses accordingly.</p>	See report attached. This report has been accepted and moved by the MONSU Student Council.
PART B: VOTING RIGHTS		
C5.5(c)	<p><u>Current</u> "Members have the right to participate in MONSU Caulfield referendums and elections in accordance with Parts 4 and 8</p> <p><u>Proposed</u> REPEAL</p>	This amendment will allow all Caulfield students to have participatory rights in their student union, not just members, as is the duty of MONSU Caulfield. This clause will become redundant upon the acceptance of the proposed amendments below.
C11.1	<p><u>Current</u> <b>11.1</b> A question put to referendum only has effect as a binding decision if. a. at least 500 of members vote in the referendum; and; b. a majority of those members who vote, vote in favour</p> <p><u>Proposed</u> Replace the word "members" with "students" in C11.1(b), remove C11.1(a) and re-number accordingly. <b>11.1</b> A question put to referendum only has effect as a binding decision if a. majority of students who vote, vote in favour</p>	This amendment will remove exclusive rights of members and allow all students to vote in a referendum.

C12.2	<p><u>Current</u>  <b>12.2</b> Student Council must convene a referendum on the request in writing of at least 500 of members</p> <p><u>Proposed</u>  Replace the word "member" with "student"  <b>12.2</b> Student Council must convene a referendum on the request in writing of at least 500 students.</p>	This amendment will allow all students to request a referendum, rather than just members.
C14.3	<p><u>Current</u>  N/A</p> <p><u>Proposed</u>  Add C14.3 below C 14.2  <b>14.3</b> All students may vote in referendums</p>	This amendment will remove exclusivity of referendum voting, allowing all students to vote.
C24.4	<p><u>Current</u>  24.4 Members must at all times comply with the regulations as if they formed part of this constitution</p> <p><u>Proposed</u>  Replace the word "members" with "students"  <b>24.4</b> Students must at all times comply with the regulations as if they formed part of this constitution.</p>	This amendment will remove exclusivity from compliance, in accordance with other amendments.
C33.4	<p><u>Current</u>  <b>33.4</b> The Student Council, Officers, and members of MONSU Caulfield bodies directly elected by members must be elected at the annual elections</p> <p><u>Proposed</u>  Replace "elected by members" by "elected by students"  <b>33.4</b> The Student Council, Officers, and members of MONSU Caulfield bodies directly elected by students must be elected at the annual elections</p>	This amendment will remove exclusive rights of members to elect Student Council and will instead allow all students to participate in the election of their student union representatives.

Current

**C34. Eligibility to Stand and Vote**

**34.1** All members who have been enrolled and completed one full semester may stand in elections except for the positions of President and Vice President. Members who have been enrolled and completed two full semesters may stand for the positions of President and Vice President.

**34.2** Members who are enrolled in Semester 1 and Semester 2 in the year of office with the intention to complete a full year may stand

**34.3** All members may vote in elections

**34.4** C34.1, C34.2, C34.3 do not prevent the constitution or regulations from limiting the eligibility to stand and vote in particular elections to specified categories of students.

This amendment will remove the exclusive rights of members to stand and vote in the MONSU Caulfield elections and instead allow all students to participate in the elections.

This change will ensure the elections are accessible to all Caulfield students, not just members, thus greatly expanding and preserving democracy on our campus.

Proposed

Replace with the following:

**C34. Eligibility to Stand and Vote**

All students may stand in MONSU Caulfield elections except for:

- a. students who are full-time staff of MONSU Caulfield or the University; and
- b. officers who have ceased to be enrolled students of the University

**34.2** All students may vote in MONSU Caulfield elections

**34.3** C34.1 and C34.2 do not prevent this constitution or the regulations from limiting the eligibility to stand and vote in particular elections to a specified group or groups of students

Current

**C35. Eligibility to Hold Positions**

**35.1** A member may stand for, but not hold;

- a. more than one (1) officer position,
- b. more then (1) position on the same MONSU Caulfield body, or,
- c. Any MONSU Club executive position of President/chair, Vice President/Vice Chair, Treasurer or Secretary

This amendment will provide MONSU Club Executives with the opportunity to hold a position on MONSU Student Council.

Proposed

Replace with the following

**C35. Eligibility to Hold Positions**

**35.1** A student may stand for but not hold

- a. more than one (1) officer position; or,
- b. more than one (1) position on the same MONSU Caulfield body