

# CURTIN UNIVERSITY ACT 1966

## STATUTE NO. 4 – STUDENT GUILD

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# CURTIN UNIVERSITY ACT 1966

## STATUTE NO. 4 – STUDENT GUILD

This Statute is made by the Council of the University under the powers conferred on it by section 44 of the *Curtin University Act 1966*.

### Part 1 - Preliminary

#### 1. Short title

This is *Statute No. 4 – Student Guild*.

#### 2. Commencement

This Statute takes effect on the day after publication in the *Government Gazette*.

#### 3. Purpose

The purpose of this Statute is to establish a framework for the effective operation of the Guild.

#### 4. Terms used

In this Statute –

***absolute majority***, in relation to a meeting of the Guild Council, means a majority of all the members of the Guild Council for the time being holding office, regardless of the number attending the meeting of the Guild Council (and, for the avoidance of doubt, no casting vote is to be counted);

***Act*** means the *Curtin University Act 1966*;

***general meeting of the Guild*** means an annual general meeting of the Guild or a special general meeting of the Guild;

***Guild*** means the Student Guild established by section 44 of the Act upon the making of the original Statute No. 4 on 14 January 1969;

***Guild Council*** means the governing body of the Guild as described in section 9;

***Guild financial year*** means the year commencing on 1 January;

***Guild regulations*** means regulations made by the Guild under section 10;

***Guild by-laws*** means by-laws made by the Guild under the Guild regulations;

***Officer*** means a person who -

- (a) is a member of the Guild;

- (b) is a member of the Guild Council or holds any other Guild position as a result of being elected or appointed to that position in accordance with the Guild regulations; and
- (c) is not an employee of the Guild;

**President** means the president of the Guild;

**Previous Statute No. 4** means Statute No. 4 – Student Guild, published in the *Government Gazette* on 18 December 1981;

**rules** means rules made under this Statute;

**Secretary** means the secretary of the Guild;

**student society** means a club, society or association that

- (a) exists for enrolled students to further their interests; and
- (b) is registered with the Guild in accordance with the Guild regulations; and

**University Council** means the Council of the University under the Act.

## **Part 2 - Guild**

### **5. Functions**

- (1) The primary function of the Guild is set out in the Act.

*Note: section 44(3) of the Act states that –*

*‘The primary function of the Student Guild is to further the common interests of its members.’*

- (2) The other functions of the Guild are –
  - (a) to further the common interests of enrolled students;
  - (b) to facilitate communication among enrolled students in matters of common interest;
  - (c) to provide extra curricular activities for the general wellbeing of enrolled students and to manage, support and administer student societies;
  - (d) to represent enrolled students whenever necessary or desirable, and to provide the recognised means of communication between enrolled students and the University Council;
  - (e) to cooperate with any body or organisation having kindred aims; and

- (f) to provide, conduct or manage educational, cultural, sporting, welfare, accommodation, recreational or commercial facilities or activities intended for the benefit, directly or indirectly, of enrolled students.

## 6. Powers

- (1) The Guild has all the powers it needs to perform its functions under the Act and this Statute.
- (2) In exercising its power to borrow, the Guild must comply with any prudential borrowing requirements given to it by the University Council.
- (3) In this section, ***borrow*** means any or all of the following –
  - (a) borrow money;
  - (b) obtain credit;
  - (c) issue, acquire, hold or dispose of debt paper;
  - (d) create and issue capital instruments;
  - (e) arrange for financial accommodation to be extended to the Guild.

## 7. Membership

Membership of the Guild is prescribed in the Act.

*Note: section 44(5)-(9) of the Act states –*

- (5) Any enrolled student is eligible to be a member of the Student Guild.*
- (6) Subject to subsection (7), a student becomes a member of the Student Guild upon enrolment, for the period of enrolment.*
- (7) A student may elect at the time of enrolment not to become a member of the Student Guild, and an enrolled student may resign at any time as a member of the Student Guild.*
- (7a) An enrolled student cannot hold an elective office of the Student Guild unless that enrolled student is a member of the Student Guild.*
- (8) No academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of that student not being a member of the Student Guild.*
- (9) The University shall not act in a way that may dissuade or discourage an enrolled student, or person seeking enrolment as a student, from being or becoming a member of the Student Guild’.*

**8. Officers**

- (1) An Officer is to be elected or appointed, and is subject to suspension or removal, in accordance with the rules and the Guild regulations.
- (2) An Officer must comply with the duties prescribed in the rules and the Guild regulations.

**Part 3 - Guild Council**

**9. Guild Council**

The Guild Council -

- (a) is the governing body of the Guild;
- (b) may do all such acts and things as it may think best calculated to promote the interests of the Guild; and
- (c) is to consist of the President, the Secretary and such other members as are prescribed in the Guild regulations.

**10. Guild regulations and Guild by-laws**

- (1) The Guild Council may in accordance with the rules make, amend and revoke Guild regulations prescribing all matters that are required or permitted to be prescribed by Guild regulations, or are necessary or convenient to be so prescribed, for the Guild to perform any of its functions under this Statute.
- (2) The Guild Council may make, amend and revoke Guild by-laws in accordance with the Guild regulations.

**11. Delegations**

- (1) The Guild Council may, by resolution passed by an absolute majority, delegate any of its functions except –
  - (a) this power of delegation;
  - (b) the power to make, amend or revoke Guild regulations or Guild by-laws; or
  - (c) such other matters as are prescribed in the Guild regulations,to a committee of the Guild Council, to an Officer or to a Guild employee.
- (2) The Guild Council may, by resolution passed by an absolute majority, revoke a delegation given under this section.

- (3) A resolution delegating a function may authorise the delegate to further delegate the delegated function to a committee of the Guild Council, to an Officer or to a Guild employee.
- (4) A subdelegation under this section must be in writing.
- (5) The *Interpretation Act 1984* sections 58 and 59 apply to and in relation to a subdelegation under this section in the same way that they apply to and in relation to a delegation given under this section.
- (6) The Guild Council must establish and maintain a register of all delegations made under section 11(1).

## **12. Guild Council members**

Each Guild Council member must comply with the duties, and with the disclosure and management of material personal interests, prescribed in the rules and the Guild regulations.

## **13. Annual budget, reports and planning**

- (1) Before 1 December each year, the Guild Council must prepare and adopt a budget for the Guild financial year.
- (2) The Guild Council must each Guild financial year produce to a general meeting of members of the Guild for adoption an audited balance sheet made up as at the last day of the previous Guild financial year, and an audited statement of income and expenditure for that year.
- (3) Before 30 April each year, the Guild Council must prepare, adopt and publish an annual report for the immediately preceding Guild financial year.
- (4) The Guild Council must prepare, adopt and publish a strategic plan that –
  - (a) covers at least the next 3 Guild financial years;
  - (b) sets out the condition, aspirations and objectives of the Guild for that period; and
  - (c) is reviewed at least annually.
- (5) The Guild Council must, before 1 December each year, prepare and adopt a risk management plan.
- (6) In this section, ***publish*** means publish on the Guild’s website or as otherwise determined, from time to time, by the University Council.

#### **14. Accounts**

- (1) The Guild Council must ensure that proper accounts and financial records are kept in accordance with Australian accounting standards and must do all things necessary to ensure that –
  - (a) all payments made by the Guild are correctly made and properly authorised; and
  - (b) adequate control is maintained over assets of the Guild and the incurring of liabilities of the Guild.
- (2) The Guild Council must provide to the University Council quarterly statements of income and expenditure of the Guild.
- (3) The Guild Council must arrange for annual financial statements of the Guild to be audited by an independent external auditor approved by the University Council.
- (4) The Guild Council must provide to the University Council a copy of each audited balance sheet and an annual statement of the Guild's income and expenditure.

#### **15. Code of conduct**

The Guild Council must prepare, adopt and publish on the Guild website a code of conduct for Officers and employees of the Guild.

### **Part 4 - Other matters**

#### **16. General meetings and referenda**

A general meeting of the Guild and a referendum of Guild members must be conducted in accordance with the Guild regulations.

#### **17. Records**

- (1) A copy of this Statute and rules, and a copy of all Guild regulations and Guild by-laws, with any amendments must be recorded in a Guild Statute Book.
- (2) An entry in the Guild Statute Book of any Guild regulations and any amendment to a Guild regulation, signed by the Administrative Secretary of the University and the President, is to be prima facie evidence that the subject matter of the entry was duly approved by the University Council.
- (3) An entry in the Guild Statute Book of any Guild by-law or any amendment to a Guild by-law, signed by the President, is to be prima facie evidence that the subject matter of the entry was duly approved by the Guild Council.

**18. Common seal**

- (1) The common seal of the Guild must be in the following form –



- (2) The common seal must not be affixed to a document except by authority of a resolution of the Guild Council, or of the President in accordance with section 18(3).
- (3) Where a document required to have the common seal of the Guild relates to the matter that the President considers to be formal or of special urgency, the President may authorise the use of the common seal on that document and, if so, must report the circumstances to the Guild Council at the first opportunity.
- (4) The affixing of the common seal to a document must be done in the presence of, and attested by, the President (or the Secretary) and one other member of the Guild Council.
- (5) The Guild Council must –
- (a) provide for the safe custody of the common seal; and
  - (b) maintain a record of each document to which the common seal is affixed.

**19. Rules**

- (1) The University Council may make rules, not inconsistent with the Act or any statute –
- (a) to regulate, or provide for the regulation of, the Guild; or
  - (b) to carry out or give effect to this Statute.
- (2) Before making, amending or revoking any rules under this section, the University Council may consult with the Guild Council.

**20. Revocation and transitional provisions**

- (1) Previous Statute No. 4 is revoked.



- (2) All Guild regulations made under the authority of Previous Statute No. 4 are taken to be Guild regulations duly made under this Statute and (except where inconsistent with this Statute) are to continue in force until amended or revoked in accordance with this Statute.

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The Common Seal of CURTIN UNIVERSITY )  
was affixed on the 13th )  
day of April 2018 )  
by the authority of the Vice-Chancellor )

  
\_\_\_\_\_  
Vice-Chancellor



A/   
\_\_\_\_\_  
Administrative Secretary

## REVISION HISTORY

<b>Revision Ref. No</b>	<b>Approved/Rescinded</b>	<b>Date</b>	<b>Committee/Board</b>	<b>Resolution Number</b>	<b>Document Reference</b>
	Established	20/11/1968		I/C 191/68	
	Gazetted	14/01/1968			
	Amended	15/12/1976	Council	C 238/76	Resolution incorporated amendments to be made to the document, which had no reference number.
	Gazetted	25/02/1977			
	Amended	21/10/1981	Council	C 145/81	Document No. 4543/81
	Gazetted	18/12/1982			
	Amended	26/11/1986	Council	C 280/86	Via Amending Statute No 7 Document No 62/86 and Attachment 1 to Council Minutes
	Gazetted	19/12/1986			
	Amended	30/11/1988	Council	C 239/88	Via Amending Statute No 8 Document No 4571/88
	Gazetted	15/04/1989			
	Amended	27/11/2002	Council	C 131/02	Via Amending Statute No 11 Document No 88/02
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	Amended	15/02/2012	Council	C 14/12	Attachment 1 to Document No 00117/12
	Gazetted	22/05/2012			
	Replacement	21/03/2018	Council	C 49/18	Replacement of Statute 4
	Gazetted	26/06/2018			